AN ACT

To repeal sections 115.357, 115.427, and 115.642, RSMo, and to enact in lieu thereof three new sections relating to elections.

Be it enacted by the General Assembly of the state of Missouri, as follows:

Section A. Sections 115.357, 115.427, and 115.642, RSMo, are repealed and three new sections enacted in lieu thereof, to be known as sections 115.357, 115.427, and 115.642, to read as follows:

115.357. 1. Except as provided in subsections 3 and 4 of this section, each candidate for federal, state or county office shall, before filing his or her declaration of candidacy, pay to the treasurer of the state or county committee of the political party upon whose ticket he or she seeks nomination a certain sum of money as follows:

   (1) To the treasurer of the state central committee, two hundred dollars if he or she is a candidate for statewide office or for United States senator, one hundred dollars if he or she is a candidate for representative in Congress, circuit judge or state senator, and fifty dollars if he or she is a candidate for state representative;

   (2) To the treasurer of the county central committee, fifty dollars if he or she is a candidate for county office.

2. The required sum may be submitted by the candidate to the official accepting his or her declaration of candidacy, except that a candidate required to file his or her declaration of candidacy with the secretary of state shall pay the required sum directly to the treasurer of the appropriate party committee. All sums so submitted to the official accepting the candidate's declaration of candidacy shall be forwarded promptly by the official to the treasurer of the appropriate party committee.

EXPLANATION — Matter enclosed in bold-faced brackets [thus] in the above bill is not enacted and is intended to be omitted from the law. Matter in bold-face type in the above bill is proposed language.
3. Any person who cannot pay the fee required to file as a candidate may have the fee waived by filing a declaration of inability to pay and a petition with his declaration of candidacy. Each such declaration shall be in substantially the following form:

DECLARATION OF INABILITY TO PAY FILING FEE

I, ______, do hereby swear that I am financially unable to pay the fee of ______ (amount of fee) to file as a candidate for nomination to the office of ______ at the primary election to be held on the ______ day of ______, 20______.

______________________________  Subscribed and sworn
Signature of candidate to before me this

______ day of

______, 20______.

______________________________
Residence address  Signature of election
official or officer
authorized to administer oaths

If the candidate's declaration of candidacy is to be filed in person, the declaration of inability to pay shall be subscribed and sworn to by the candidate before the election official who witnesses the candidate's declaration of candidacy. If his declaration of candidacy is to be filed by certified mail pursuant to subsection 2 of section 115.355, the declaration of inability to pay shall be subscribed and sworn to by the candidate before the notary or other officer who witnesses the candidate's declaration of candidacy. With his declaration of inability to pay, the candidate shall submit a petition endorsing his candidacy. Except for the number of signatures required, each such petition shall, insofar as practicable, be in the form provided in sections 115.321 and 115.325. If the person filing declaration of indigence is to be a candidate for statewide office, his petition shall be signed by the number of registered voters in the state equal to at least one-half of one percent of the total number of votes cast in the state for the office at the last election in which a candidate ran for the office. If the person filing a declaration of indigence is to be a candidate for any other office, the petition shall be signed by the number of registered voters in the district or political subdivision which is equal to at least one percent of the total number of votes cast for the office at the last election in which a candidate ran for the office. The candidate's declaration of inability to pay and the petition shall be filed at the same time and in the same manner as his declaration of candidacy is filed. The petition shall be checked and its sufficiency determined in the same manner as new party and independent candidate petitions.
4. No filing fee shall be required of any person who proposes to be an independent candidate, the candidate of a new party or a candidate for presidential elector.

5. Except as provided in subsections 3 and 4 of this section, no candidate's name shall be printed on any official ballot until the required fee has been paid.

115.427. 1. Persons seeking to vote in a public election shall establish their identity and eligibility to vote at the polling place, or, if voting absentee in person under section 115.257, at the office of the election authority, by presenting a form of personal identification to election officials. No form of personal identification other than the forms listed in this section shall be accepted to establish a voter's qualifications to vote. Forms of personal identification that satisfy the requirements of this section are any one of the following:

   (1) Nonexpired Missouri driver's license;
   (2) Nonexpired or nonexpiring Missouri nondriver's license;
   (3) A document that satisfies all of the following requirements:
       (a) The document contains the name of the individual to whom the document was issued, and the name substantially conforms to the most recent signature in the individual's voter registration record;
       (b) The document shows a photograph of the individual;
       (c) The document includes an expiration date, and the document is not expired, or, if expired, the document expired after the date of the most recent general election; and
       (d) The document was issued by the United States or the state of Missouri; or
   (4) Any identification containing a photograph of the individual which is issued by the Missouri National Guard, the United States Armed Forces, or the United States Department of Veteran Affairs to a member or former member of the Missouri National Guard or the United States Armed Forces and that is not expired or does not have an expiration date.

2. (1) An individual who appears at a polling place without a form of personal identification described in subsection 1 of this section and who is otherwise qualified to vote at that polling place may execute a statement, under penalty of perjury, averring that the individual is the person listed in the precinct register, averring that the individual does not possess a form of personal identification described in subsection 1 of this section; acknowledging that the individual is eligible to receive a Missouri nondriver's license free of charge if desiring it in order to vote; and acknowledging that the individual is required to present a form of personal identification, as described in subsection 1 of this section, in order to vote. Such statement shall be executed and sworn to before the election official receiving the statement. Upon executing such statement, the individual may cast a regular ballot, provided such individual presents one of the following forms of identification:
(a) Identification issued by the state of Missouri, an agency of the state, or a local
election authority of the state;
(b) Identification issued by the United States government or agency thereof;
(c) Identification issued by an institution of higher education, including a university;
(e) A copy of a current utility bill, bank statement, government check, paycheck, or other
government document that contains the name and address of the individual;
(e) Other identification approved by the secretary of state under rules promulgated
pursuant to this section:
(2) For any individual who appears at a polling place without a form of personal
identification described in subsection 1 of this section and who is otherwise qualified to vote at
that polling place, the election authority may take a picture of such individual and keep it as part
of that individual's voter registration file at the election authority:
(3) Any individual who chooses not to execute the statement described in subdivision
(1) of this subsection may cast a provisional ballot. Such provisional ballot shall be counted;
provided that it meets the requirements of subsection 4 of this section:
(4) For the purposes of this section, the term "election official" shall include any person
working under the authority of the election authority:
3. The statement to be used for voting under subdivision (1) of subsection 2 of this
section shall be substantially in the following form:
"State of ______
County of ______
I do solemnly swear (or affirm) that my name is ______; that I reside at ______; that I
am the person listed in the precinct register under this name and at this address; and that;
under penalty of perjury, I do not possess a form of personal identification approved for
voting. As a person who does not possess a form of personal identification approved for
voting, I acknowledge that I am eligible to receive free of charge a Missouri nondriver's
license at any fee office if desiring it in order to vote. I furthermore acknowledge that
I am required to present a form of personal identification, as prescribed by law, in order
to vote.________
I understand that knowingly providing false information is a violation of law and subjects
me to possible criminal prosecution.________
Signature of voter________
Subscribed and affirmed before me this day of ______, 20_______
4. A voter shall be allowed to cast a provisional ballot under section 115.430 even if the election judges cannot establish the voter's identity under this section. The election judges shall make a notation on the provisional ballot envelope to indicate that the voter's identity was not verified.

(2) No person shall be entitled to receive a provisional ballot until such person has completed a provisional ballot affidavit on the provisional ballot envelope. All provisional ballots shall be marked with a conspicuous stamp or mark that makes them distinguishable from other ballots.

(3) The provisional ballot envelope shall be completed by the voter for use in determining the voter's eligibility to cast a ballot.

3. The provisional ballot envelope shall provide a place for the voter's name, address, date of birth, and last four digits of his or her Social Security number, followed by a certificate in substantially the following form:

I do solemnly swear that I am the person identified above and the information provided is correct. I understand that my vote will not be counted unless:

(1) I return to this polling place today between 6:00 a.m. and 7:00 p.m. and provide one of the following forms of identification:
   (a) Nonexpired Missouri driver's license;
   (b) Nonexpired or nonexpiring Missouri nondriver's license;
   (c) A document that satisfies all of the following requirements:
      (i) The document contains my name, in substantially the same form as the most recent signature on my voter registration record;
      (ii) The document contains my photograph;
      (iii) The document contains an expiration date and the document is not expired, or if expired, the document expired after the date of the most recent general election; and
      (iv) The document was issued by the United States or the state of Missouri;
   or
   (d) Identification containing my photograph issued to me by the Missouri National Guard, the United States Armed Forces, or the United States Department of Veteran Affairs as a member or former member of the Missouri National Guard.
or the United States Armed Forces and that is not expired or does not have an expiration date; or

(2) The election authority verifies my identity by comparing my signature on this envelope to the signature on file with the election authority and determines that I was eligible to cast a ballot at this polling place; and

(3) This provisional ballot otherwise qualifies to be counted under the laws of the state of Missouri.

____________________ _______
Signature of Voter Date

____________________ ___________________
Signatures of Election Officials

Once voted, the provisional ballot shall be sealed in the provisional ballot envelope and deposited in the ballot box.

4. The provisional ballot cast by such voter shall not be counted unless:

(1) (a) The voter returns to the polling place during the uniform polling hours established by section 115.407 and provides a form of personal identification that allows the election judges to verify the voter's identity as provided in subsection 1 of this section; or

(b) The election authority verifies the identity of the individual by comparing that individual's signature to the signature on file with the election authority and determines that the individual was eligible to cast a ballot at the polling place where the ballot was cast; and

(2) The provisional ballot otherwise qualifies to be counted under section 115.430.

5. The secretary of state shall provide advance notice of the personal identification requirements of subsection 1 of this section in a manner calculated to inform the public generally of the requirement for forms of personal identification as provided in this section. Such advance notice shall include, at a minimum, the use of advertisements and public service announcements in print, broadcast television, radio, and cable television media, as well as the posting of information on the opening pages of the official state internet websites of the secretary of state and governor.

6. (1) Notwithstanding the provisions of section 136.055 and section 302.181 to the contrary, the state and all fee offices shall provide one non-driver's license at no cost to any otherwise qualified voter who does not already possess such identification and who desires the identification [in order to vote] for voting.
(2) This state and its agencies shall provide one copy of each of the following, free of charge, if needed by an individual seeking to obtain a form of personal identification described in subsection 1 of this section [in order to vote] for voting:

(a) A birth certificate;
(b) A marriage license or certificate;
(c) A divorce decree;
(d) A certificate of decree of adoption;
(e) A court order changing the person's name;
(f) A Social Security card reflecting an updated name; and
(g) Naturalization papers or other documents from the United States Department of State proving citizenship.

Any individual seeking one of the above documents in order to obtain a form of personal identification described in subsection 1 of this section [in order to vote] for voting may request the secretary of state to facilitate the acquisition of such documents. The secretary of state shall pay any fee or fees charged by another state or its agencies, or any court of competent jurisdiction in this state or any other state, or the federal government or its agencies, in order to obtain any of the above documents from such state or the federal government.

(3) [All costs associated with the implementation of this section shall be reimbursed from the general revenue of this state by an appropriation for that purpose. If there is not a sufficient appropriation of state funds, then the personal identification requirements of subsection 1 of this section shall not be enforced.]

(4) Any applicant who requests a nondriver's license for [the purpose of voting] shall not be required to pay a fee [if the applicant executes a statement, under penalty of perjury, averring that the applicant does not have any other form of personal identification that meets the requirements of this section]. The state of Missouri shall pay the legally required fees for any such applicant. [The director of the department of revenue shall design a statement to be used for this purpose. The total cost associated with nondriver's license photo identification under this subsection shall be borne by the state of Missouri from funds appropriated to the department of revenue for that specific purpose.] The department of revenue and a local election authority may enter into a contract that allows the local election authority to assist the department in issuing nondriver's license photo identifications.

[7-] 6. The director of the department of revenue shall, by January first of each year, prepare and deliver to each member of the general assembly a report documenting the number of individuals who have requested and received a nondriver's license photo identification for the purposes of voting under this section. The report shall also include the number of persons
requesting a nondriver's license for purposes of voting under this section, but not receiving such license, and the reason for the denial of the nondriver's license.

[8.] 7. The precinct register shall serve as the voter identification certificate. The following form shall be printed at the top of each page of the precinct register:

VOTER'S IDENTIFICATION CERTIFICATE

Warning: It is against the law for anyone to vote, or attempt to vote, without having a lawful right to vote.

PRECINCT
WARD OR TOWNSHIP ______

GENERAL (SPECIAL, PRIMARY) ELECTION
Held ______, 20_____
Date

I hereby certify that I am qualified to vote at this election by signing my name and verifying my address by signing my initials next to my address.

[9.] 8. The secretary of state shall promulgate rules to effectuate the provisions of this section.

[10.] 9. Any rule or portion of a rule, as that term is defined in section 536.010, that is created under the authority delegated in this section shall become effective only if it complies with and is subject to all of the provisions of chapter 536 and, if applicable, section 536.028. This section and chapter 536 are nonseverable and if any of the powers vested with the general assembly pursuant to chapter 536 to review, to delay the effective date or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after August 28, 2002, shall be invalid and void.

[11.] 10. If any voter is unable to sign his name at the appropriate place on the certificate or computer printout, an election judge shall print the name and address of the voter in the appropriate place on the precinct register, the voter shall make his mark in lieu of signature, and the voter's mark shall be witnessed by the signature of an election judge.

[12.] 11. This section shall become effective only upon the passage and approval by the voters of a constitutional amendment submitted to them by the general assembly regarding the authorization of photo identification requirements for elections by general law. If such constitutional amendment is approved by the voters, this section shall become effective June 1, 2017.
115.642. 1. Any person may file a complaint with the secretary of state stating the name of any person who has violated any of the provisions of sections 115.629 to 115.646 and stating the facts of the alleged offense, sworn to, under penalty of perjury.

2. Within thirty days of receiving a complaint, the secretary of state shall notify the person filing the complaint whether or not the secretary has dismissed the complaint or will commence an investigation. The secretary of state shall dismiss frivolous complaints. For purposes of this subsection, "frivolous complaint" shall mean an allegation clearly lacking any basis in fact or law. Any person who makes a frivolous complaint pursuant to this section shall be liable for actual and compensatory damages to the alleged violator for holding the alleged violator before the public in a false light. If reasonable grounds appear that the alleged offense was committed, the secretary of state may issue a probable cause statement. If the secretary of state issues a probable cause statement, he or she may refer the offense to the appropriate prosecuting attorney.

3. Notwithstanding the provisions of section 27.060, 56.060, or 56.430 to the contrary, when requested by the prosecuting attorney or circuit attorney, the secretary of state or his or her authorized representatives may aid any prosecuting attorney or circuit attorney in the commencement and prosecution of election offenses as provided in sections 115.629 to 115.646.

4. (1) The secretary of state may investigate any suspected violation of any of the provisions of sections 115.629 to 115.646.

(2) (a) The secretary of state or an authorized representative of the secretary of state shall have the power to require the production of books, papers, correspondence, memoranda, contracts, agreements, and other records by subpoena or otherwise when necessary to conduct an investigation under this section. Such powers shall be exercised only at the specific written direction of the secretary of state or his or her chief deputy;

(b) If any person refuses to comply with a subpoena issued under this subsection, the secretary of state may seek to enforce the subpoena before a court of competent jurisdiction to require the production of books, papers, correspondence, memoranda, contracts, agreements, and other records. The court may issue an order requiring the person to produce records relating to the matter under investigation or in question. Any person who fails to comply with the order may be held in contempt of court;

(c) The provisions of this subdivision shall expire on August 28, 2025.