

FIRST REGULAR SESSION

HOUSE JOINT RESOLUTION NO. 35

95TH GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVE COX.

2169L.02I

D. ADAM CRUMBLISS, Chief Clerk

JOINT RESOLUTION

Submitting to the qualified voters of Missouri, an amendment to article VIII of the Constitution of Missouri, and adopting one new section relating to elections.

Be it resolved by the House of Representatives, the Senate concurring therein:

That at the next general election to be held in the state of Missouri, on Tuesday next following the first Monday in November, 2010, or at a special election to be called by the governor for that purpose, there is hereby submitted to the qualified voters of this state, for adoption or rejection, the following amendment to article VIII of the Constitution of the state of Missouri:

Section A. Article VIII, Constitution of Missouri, is amended by adding one new section, to be known as section 9, to read as follows:

Section 9. 1. Persons seeking to vote in a public election shall establish their qualifications as a United States citizen lawfully residing in this state by providing a form of photographic personal identification to election officials.

2. The secretary of state shall provide advance notice of the personal identification requirements 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 web sites of the secretary of state and governor.

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.

11 **3. No form of personal identification other than the forms listed in this subsection**
12 **shall be accepted to establish a voter's qualifications to vote. Forms of personal**
13 **identification that satisfy the requirements of this section are any one of the following:**

14 **(1) Nonexpired Missouri driver's license showing the name and a photograph or**
15 **a digital image of the individual;**

16 **(2) Nonexpired or nonexpiring Missouri nondriver's license showing the name and**
17 **a photograph or a digital image of the individual;**

18 **(3) Any identification containing a photograph or a digital image of the individual**
19 **that is issued by the Missouri National Guard, the United States armed forces, or the**
20 **United States Department of Veterans Affairs to a member or former member of the**
21 **Missouri National Guard or the United States armed forces and that does not have an**
22 **expiration date; or**

23 **(4) A document that satisfies all of the following requirements:**

24 **(a) The document contains the name of the individual to whom the document was**
25 **issued, and the name substantially conforms to the most recent signature in the individual's**
26 **voter registration record;**

27 **(b) The document shows a photograph or a digital image of the individual;**

28 **(c) The document includes an expiration date, and the document is not expired, or**
29 **if expired, the document expired after the date of the most recent general election; and**

30 **(d) The document was issued by the United States or the state of Missouri.**

31 **4. Each election authority shall post a clear and conspicuous notice at each polling**
32 **place informing each voter who appears at the polling place without a form of personal**
33 **identification that satisfies the requirements of this section that the voter may return to the**
34 **polling place with a proper form of personal identification and vote a regular ballot after**
35 **election judges have verified the voter's identity and eligibility under this section. In**
36 **addition to such posting, the election judges at each polling place may also inform such**
37 **voters by written or oral communication of such information posted in the notice. Voters**
38 **who return to the polling place during the uniform polling hours established by law with**
39 **a current and valid form of personal identification shall be given priority in any voting**
40 **lines.**

41 **5. An individual who appears at a polling place without a form of personal**
42 **identification described in this section and who is otherwise qualified to vote at that polling**
43 **place may execute an affidavit as provided by law averring that the voter is the person**
44 **listed in the precinct register, does not possess a form of personal identification specified**
45 **in this section, and is unable to obtain a current and valid form of personal identification**
46 **because of:**

47 (1) A physical or mental disability or handicap of the voter, if the voter is otherwise
48 competent to vote under Missouri law;

49 (2) A sincerely held religious belief against the forms of personal identification
50 described in this section; or

51 (3) The voter being born on or before January 1, 1941.

52

53 Upon executing such affidavit, the individual may cast a provisional ballot. Such
54 provisional ballot shall be counted, provided the election authority verifies the identity of
55 the individual by comparing that individual's signature to the signature on file with the
56 election authority and determines that the individual was eligible to cast a ballot at the
57 polling place where the ballot was cast.

58 6. A voter shall be allowed to cast a provisional ballot as provided by law even if
59 the election judges cannot establish the voter's identity under this section. The election
60 judges shall make a notation on the provisional ballot envelope to indicate that the voter's
61 identity was not verified. The provisional ballot cast by such voter shall not be counted
62 unless:

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

66 (2) The provisional ballot otherwise qualifies to be counted as provided by law.

67 7. The state shall provide at least one such form of the personal identification
68 required to vote at no cost to any otherwise qualified citizen who does not already possess
69 such identification and who desires the identification in order to vote. Any applicant who
70 requests a nondriver's license with a photograph or a digital image for the purpose of
71 voting shall not be required to pay a fee if the applicant executes an affidavit averring that
72 the applicant does not have any other form of personal identification that meets the
73 requirements of this section. The state of Missouri shall pay the legally required fees for
74 any such applicant. The director shall design an affidavit to be used for this purpose. The
75 total cost associated with nondriver's license photo identification under this subsection
76 shall be borne by the state of Missouri from funds appropriated to the department of
77 revenue for that specific purpose. The department of revenue and a local election
78 authority may enter into a contract that allows the local election authority to assist the
79 department in issuing nondriver's license photo identifications.

80 8. The director of the department of revenue shall, by January first of each year,
81 prepare and deliver to each member of the general assembly a report documenting the
82 number of individuals who have requested and received a nondriver's license photo

83 **identification for the purposes of voting under this section. The report shall also include**
84 **the number of persons requesting a nondriver's license for purposes of voting under this**
85 **section, but not receiving such license, and the reason for the denial of the nondriver's**
86 **license.**

Section B. The official ballot title for section A of this act shall read as follows:

2 "Shall the Missouri Constitution be amended to enhance the efficiency and security of
3 elections by requiring the state to pay for any documentation required to vote and requiring
4 photographic identification in order to vote?".

✓