

FIRST REGULAR SESSION
[TRULY AGREED TO AND FINALLY PASSED]
HOUSE COMMITTEE SUBSTITUTE NO. 2 FOR

SENATE BILL NO. 3

96TH GENERAL ASSEMBLY

2011

0283L.07T

AN ACT

To repeal section 115.427, RSMo, and to enact in lieu thereof two new sections relating to elections, with a contingent effective date.

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

Section A. Section 115.427, RSMo, is repealed and two new sections
2 enacted in lieu thereof, to be known as sections 115.276 and 115.427, to read as
3 follows:

115.276. 1. Each local election authority shall establish one
2 advance voting center in each county in the state, or at least one
3 advance voting center for every one hundred thousand people in
4 population reasonably distributed throughout such county. Only as
5 provided in this section, any registered voter of this state may vote by
6 advance ballot in person in any election in which presidential and vice
7 presidential electors or the offices of United States senator, governor,
8 lieutenant governor, secretary of state, state auditor, state treasurer,
9 or attorney general are on the ballot at an advance voting center in the
10 senatorial district in which the voter is registered during the advance
11 voting period established in this section.

12 2. The advance voting period shall begin on the third Saturday
13 immediately preceding an election and end on the Tuesday immediately
14 preceding an election, excluding Sundays. All local election authorities
15 shall conduct advance voting at each advance voting center established
16 by the local election authority between eight o'clock in the morning
17 and five o'clock in the evening on weekdays and for a four-hour period
18 between eight o'clock in the morning and four o'clock in the evening on

EXPLANATION—Matter enclosed in bold-faced brackets [thus] in this bill is not enacted and is intended to be omitted in the law.

19 Saturdays during the advance voting period.

20 3. The secretary of state and each local election authority shall
21 provide adequate public notice of the advance voting centers and
22 periods, including but not limited to, publication under section 115.127,
23 posting such information at each local election authority's office and
24 on the website of each local election authority that maintains a website,
25 and by such other methods as the secretary of state and the local
26 election authority may select. Except as otherwise provided in this
27 section, all provisions relating to appointment of election judges and
28 polling places established by state law shall apply to any advance
29 voting center established under this section.

30 4. Ballots printed and distributed under this chapter shall be
31 used during the advance voting period. All procedures for casting and
32 counting ballots under this chapter shall apply to advance voting under
33 this section, except as such procedures are changed as provided in this
34 section. The counting of votes may be done by any automatic
35 tabulating equipment or electronic data processing equipment.

36 5. All costs associated with the implementation of advance voting
37 under this section shall be reimbursed from the general revenue of this
38 state by an appropriation for that purpose. If there is no appropriation
39 and distribution of state funds, an election authority shall not conduct
40 advance voting.

115.427. 1. [Before receiving a ballot, voters] **Persons seeking to vote**
2 **in a public election** shall establish their identity and eligibility to vote at the
3 polling place by presenting a form of personal identification to **election**
4 **officials**. ["Personal identification" shall mean only] **No form of personal**
5 **identification other than the forms listed in this section shall be**
6 **accepted to establish a voter's qualifications to vote. Forms of personal**
7 **identification that satisfy the requirements of this section are any one**
8 of the following:

9 (1) Nonexpired Missouri driver's license [showing the name and a
10 photograph or digital image of the individual]; [or]

11 (2) Nonexpired or nonexpiring Missouri nondriver's license [showing the
12 name and a photographic or digital image of the individual]; [or]

13 (3) A document that satisfies all of the following requirements:

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

17 (b) The document shows a [photographic or digital image] **photograph**

18 of the individual;

19 (c) The document includes an expiration date, and the document is not
20 expired, or if expired, **the document** expired [not before] **after** the date of the
21 most recent general election; and

22 (d) The document was issued by the United States or the state of
23 Missouri; or

24 (4) Any identification containing a [photographic or digital image]
25 **photograph** of the individual which is issued by the Missouri national guard,
26 the United States armed forces, or the United States Department of Veteran
27 Affairs to a member or former member of the Missouri national guard or the
28 United States armed forces and that does not have an expiration date.

29 2. [The] **All election authority costs associated with the**
30 **implementation of the photo identification requirements of this section**
31 **shall be reimbursed from the general revenue of this state by an**
32 **appropriation for that purpose. If there is no appropriation and**
33 **distribution of state funds, then election authorities shall not enforce**
34 **the photo identification requirements of this section.**

35 3. **Each** election authority shall post a clear and conspicuous notice at
36 each polling place informing each voter who appears at the polling place without
37 a form of personal identification that satisfies the requirements of [subsection 1
38 of] this section that the voter may return to the polling place with a proper form
39 of personal identification and vote a regular ballot after election judges have
40 verified the voter's identity and eligibility under [subsection 1 of] this section. In
41 addition to such posting, the election judges **at each polling place** may also
42 inform such voters by written or oral communication of such information posted
43 in the notice. Voters who return to the polling place during the uniform polling
44 hours established by section 115.407 with a current and valid form of personal
45 identification shall be given priority in any voting lines.

46 [3.] 4. An individual who appears at a polling place without **a form of**
47 **personal** identification [in the form] described in [subsection 1 of] this section
48 and who is otherwise qualified to vote at that polling place may execute an
49 affidavit averring that the voter is the person listed in the precinct register [and
50 that the voter], does not possess a form of **personal** identification specified in
51 this section, and is unable to obtain a current and valid form of personal
52 identification because of:

53 (1) A physical or mental disability or handicap of the voter, if the voter
54 is otherwise competent to vote under Missouri law; [or]

55 (2) **The inability to pay for a birth certificate or other supporting**
56 **documentation that is necessary to obtain the identification required**

57 **to vote under this section;**

58 **(3)** A sincerely held religious belief against the forms of personal
59 identification described in [subsection 1 of] this section; or

60 **[(3)] (4)** The voter being born on or before January 1, 1941.

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

66 **[4.] 5.** The affidavit to be used for voting under subsection 3 of this
67 section shall be substantially in the following form:

68 "State of

69 County of

70 I do solemnly swear (or affirm) that my name is;
71 that I reside at; and that I am the person listed in the
72 precinct register under this name and at this address. I further swear (or affirm)
73 that I am unable to obtain a current and valid form of personal identification
74 because of:

75 ☐ A physical or mental disability or handicap;[or]

76 ☐ **An inability to pay for a birth certificate or other supporting**
77 **documentation necessary to obtain the identification required to vote**
78 **under this section;**

79 ☐ A sincerely held religious belief; [or]

80 ☐ My being born on or before January 1, 1941.

81 I understand that knowingly providing false information is a violation of law and
82 subjects me to possible criminal prosecution.

83

84 Signature of voter

85 Subscribed and affirmed before me this day of, 20....

86

87 Signature of election official"

88 **[5.] 6.** A voter shall be allowed to cast a provisional ballot under section
89 115.430 even if the election judges cannot establish the voter's identity under
90 [subsection 1 of] this section. The election judges shall make a notation on the
91 provisional ballot envelope to indicate that the voter's identity was not
92 verified. The provisional ballot cast by such voter shall not be counted unless:

93 (1) The voter returns to the [polling place during the uniform polling
94 hours established by section 115.407] **election authority within three days**

95 **after the election** and provides a form of personal identification that allows the
96 election [judges] **authority** to verify the voter's identity as provided in
97 [subsection 1 of] this section; and

98 (2) The provisional ballot otherwise qualifies to be counted under section
99 115.430.

100 [6.] 7. The secretary of state shall provide advance notice of the personal
101 identification requirements of [subsection 1 of] this section in a manner
102 calculated to inform the public generally of the requirement for [photographic]
103 **forms of** personal identification as provided in this section. Such advance notice
104 shall include, at a minimum, the use of advertisements and public service
105 announcements in print, broadcast television, radio, and cable television media,
106 as well as the posting of information on the opening pages of the official state
107 Internet websites of the secretary of state and governor.

108 [7.] 8. The provisions of section 136.055 and section 302.181
109 notwithstanding, **the state and all fee offices shall provide at least one**
110 **such form of the personal identification required to vote at no cost to**
111 **any otherwise qualified voter who does not already possess such**
112 **identification and who desires the identification in order to vote.** Any
113 applicant who requests a nondriver's license with a photograph or digital image
114 for the purpose of voting shall not be required to pay a fee if the applicant
115 executes an affidavit averring that the applicant does not have any other form of
116 [photographic] personal identification that meets the requirements of [subsection
117 1 of] this section. The state of Missouri shall pay the legally required fees for any
118 such applicant. The director shall design an affidavit to be used for this
119 purpose. [However, any disabled or elderly person otherwise competent to vote
120 shall be issued a nondriver's license photo identification through a mobile
121 processing system operated by the Missouri department of revenue upon request
122 if the individual is physically unable to otherwise obtain a nondriver's license
123 photo identification. The department of revenue shall make nondriver's license
124 photo identifications available through its mobile processing system only at
125 facilities licensed under chapter 198 and other public places accessible to and
126 frequented by disabled and elderly persons. The department shall provide
127 advance notice of the times and places when the mobile processing system will be
128 available. At least nine mobile units housed under the office of administration
129 shall remain available for dispatch upon the request of the department of revenue
130 to fulfill the requirements of this section.] The total cost associated with
131 nondriver's license photo identification under this subsection shall be borne by
132 the state of Missouri from funds appropriated to the department of revenue for
133 that specific purpose. The department of revenue and a local election authority

134 may enter into a contract that allows the local election authority to assist the
135 department in issuing nondriver's license photo identifications.

136 **[8.] 9.** The director of the department of revenue shall, by January first
137 of each year, prepare and deliver to each member of the general assembly a report
138 documenting the number of individuals who have requested and received a
139 nondriver's license photo identification for the purposes of voting under this
140 section. The report shall also include the number of persons requesting a
141 nondriver's license for purposes of voting under this section, but not receiving
142 such license, and the reason for the denial of the nondriver's license.

143 **[9.] 10.** The precinct register shall serve as the voter identification
144 certificate. The following form shall be printed at the top of each page of the
145 precinct register: VOTER'S IDENTIFICATION CERTIFICATE Warning: It is
146 against the law for anyone to vote, or attempt to vote, without having a lawful
147 right to vote.

148 PRECINCT

149 WARD OR TOWNSHIP

150 GENERAL (SPECIAL, PRIMARY) ELECTION

151 Held, 20.....

152 Date

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

155 **[10.] 11.** The secretary of state shall promulgate rules to effectuate the
156 provisions of this section.

157 **[11.] 12.** Any rule or portion of a rule, as that term is defined in section
158 536.010, that is created under the authority delegated in this section shall
159 become effective only if it complies with and is subject to all of the provisions of
160 chapter 536 and, if applicable, section 536.028. This section and chapter 536 are
161 nonseverable and if any of the powers vested with the general assembly pursuant
162 to chapter 536 to review, to delay the effective date or to disapprove and annul
163 a rule are subsequently held unconstitutional, then the grant of rulemaking
164 authority and any rule proposed or adopted after August 28, 2002, shall be
165 invalid and void.

166 **[12.] 13.** If any voter is unable to sign his name at the appropriate place
167 on the certificate or computer printout, an election judge shall print the name and
168 address of the voter in the appropriate place on the precinct register, the voter
169 shall make his mark in lieu of signature, and the voter's mark shall be witnessed
170 by the signature of an election judge.

171 **[13.]** For any election held on or before November 1, 2008, an individual
172 who appears at a polling place without identification in the form described in

subsection 1 of this section, and who is otherwise qualified to vote at that polling place, may cast a provisional ballot after:

(1) Executing an affidavit which is also signed by two supervising election judges, one from each major political party, who attest that they have personal knowledge of the identity of the voter, provided that the two supervising election judges who sign an affidavit under this subdivision shall not be involved or participate in the verification of the voter's eligibility by the election authority after the provisional ballot is cast; or

(2) (a) Executing an affidavit affirming his or her identity; and

(b) Presenting a form of identification from the following list:

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, college, vocational and technical school, located within the state of Missouri;

d. A copy of a current utility bill, bank statement, government check, paycheck, or other government document that contains the name and address of the voter; or

e. Driver's license or state identification card issued by another state. Such provisional ballot shall be entitled to be counted, provided the election authority verifies the identity of the individual by comparing that individual's signature to the current signature on file with the election authority and determines that the individual was otherwise eligible to cast a ballot at the polling place where the ballot was cast.

14. The affidavit to be used for voting under subsection 13 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; and that I am the person listed in the precinct register under this name and at this address.

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....
.....

Signature of Election Official".

212 15. The provisions of subsections 1 to 5 and 8 to 14 of this section shall
213 become effective August 28, 2006, and this subsection shall expire September 1,
214 2006.]

 Section B. Section A of this act shall become effective only upon the
2 passage and approval by the voters of a constitutional amendment submitted to
3 them by the general assembly regarding the authorization of advance voting and
4 photo identification requirements for elections by general law.

 Section C. Notwithstanding any provision of section 1.140 to the contrary,
2 the provisions of sections A and B of this act shall be nonseverable, and if any
3 provision of section A of this act is held to be invalid for any reason, such decision
4 shall invalidate all of the remaining provisions of sections A and B of this act.

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