

FIRST REGULAR SESSION

HOUSE BILL NO. 1041

99TH GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVE MCDANIEL.

2148H.011

D. ADAM CRUMBLISS, Chief Clerk

AN ACT

To repeal section 115.427, RSMo, and to enact in lieu thereof one new section relating to voter identification requirements, 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Section A. Section 115.427, RSMo, is repealed and one new section enacted in lieu thereof, to be known as section 115.427, to read as follows:

115.427. 1. Persons seeking to vote in a public election shall establish their identity and eligibility to vote at the polling place 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

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.

18 Veteran Affairs to a member or former member of the Missouri National Guard or the United
19 States Armed Forces and that is not expired or does not have an expiration date.

20 **2. Beginning August 28, 2018, if the department of revenue is authorized by law to**
21 **issue driver's or nondriver's licenses that comply with the federal REAL ID Act of 2005,**
22 **then such identification shall be used under subsection 1 of this section for establishing**
23 **personal identity and eligibility to vote. This requirement shall apply without regard to**
24 **whether the department of revenue or another agency of this state is authorized to issue**
25 **a driver's license or nondriver's license that is not in compliance with the REAL ID Act**
26 **of 2005.**

27 **3. (1)** An individual who appears at a polling place without a form of personal
28 identification described in subsection 1 of this section and who is otherwise qualified to vote at
29 that polling place may execute a statement, under penalty of perjury, averring that the individual
30 is the person listed in the precinct register; averring that the individual does not possess a form
31 of personal identification described in subsection 1 of this section; acknowledging that the
32 individual is eligible to receive a Missouri nondriver's license free of charge if desiring it in order
33 to vote; and acknowledging that the individual is required to present a form of personal
34 identification, as described in subsection 1 of this section, in order to vote. Such statement shall
35 be executed and sworn to before the election official receiving the statement. Upon executing
36 such statement, the individual may cast a regular ballot, provided such individual presents one
37 of the following forms of identification:

38 (a) Identification issued by the state of Missouri, an agency of the state, or a local
39 election authority of the state;

40 (b) Identification issued by the United States government or agency thereof;

41 (c) Identification issued by an institution of higher education, including a university,
42 college, vocational and technical school, located within the state of Missouri;

43 (d) A copy of a current utility bill, bank statement, government check, paycheck, or other
44 government document that contains the name and address of the individual;

45 (e) Other identification approved by the secretary of state under rules promulgated
46 pursuant to this section.

47 (2) For any individual who appears at a polling place without a form of personal
48 identification described in subsection 1 of this section and who is otherwise qualified to vote at
49 that polling place, the election authority may take a picture of such individual and keep it as part
50 of that individual's voter registration file at the election authority.

51 (3) Any individual who chooses not to execute the statement described in subdivision
52 (1) of this subsection may cast a provisional ballot. Such provisional ballot shall be counted,
53 provided that it meets the requirements of subsection 4 of this section.

54 (4) For the purposes of this section, the term "election official" shall include any person
55 working under the authority of the election authority.

56 ~~[3-]~~ 4. The statement to be used for voting under subdivision (1) of subsection 2 of this
57 section shall be substantially in the following form:

58

59 "State of

60

61 County of

62

63 I do solemnly swear (or affirm) that my name is; that I reside at
64; that I am the person listed in the precinct register under this name
65 and at this address; and that, under penalty of perjury, I do not possess a form of personal
66 identification approved for voting. As a person who does not possess a form of personal
67 identification approved for voting, I acknowledge that I am eligible to receive free of charge a
68 Missouri nondriver's license at any fee office if desiring it in order to vote. I furthermore
69 acknowledge that I am required to present a form of personal identification, as prescribed by law,
70 in order to vote.

71

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

74

75

76

77 Signature of voter

78

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

80

81

82

83 Signature of election official"

84 ~~[4-]~~ 5. A voter shall be allowed to cast a provisional ballot under section 115.430 even
85 if the election judges cannot establish the voter's identity under this section. The election judges
86 shall make a notation on the provisional ballot envelope to indicate that the voter's identity was
87 not verified. The provisional ballot cast by such voter shall not be counted unless:

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

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

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

95 ~~[5-]~~ 6. The secretary of state shall provide advance notice of the personal identification
96 requirements of subsection 1 of this section in a manner calculated to inform the public generally
97 of the requirement for forms of personal identification as provided in this section. Such advance
98 notice shall include, at a minimum, the use of advertisements and public service announcements
99 in print, broadcast television, radio, and cable television media, as well as the posting of
100 information on the opening pages of the official state internet websites of the secretary of state
101 and governor.

102 ~~[6-]~~ 7. (1) Notwithstanding the provisions of section 136.055 and section 302.181 to the
103 contrary, the state and all fee offices shall provide one nondriver's license at no cost to any
104 otherwise qualified voter who does not already possess such identification and who desires the
105 identification in order to vote.

106 (2) This state and its agencies shall provide one copy of each of the following, free of
107 charge, if needed by an individual seeking to obtain a form of personal identification described
108 in subsection 1 of this section in order to vote:

109 (a) A birth certificate;

110 (b) A marriage license or certificate;

111 (c) A divorce decree;

112 (d) A certificate of decree of adoption;

113 (e) A court order changing the person's name;

114 (f) A Social Security card reflecting an updated name; and

115 (g) Naturalization papers or other documents from the United States Department of State
116 proving citizenship.

117

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

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

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

138 ~~[7-]~~ 8. The director of the department of revenue shall, by January first of each year,
139 prepare and deliver to each member of the general assembly a report documenting the number
140 of individuals who have requested and received a nondriver's license photo identification for the
141 purposes of voting under this section. The report shall also include the number of persons
142 requesting a nondriver's license for purposes of voting under this section, but not receiving such
143 license, and the reason for the denial of the nondriver's license.

144 ~~[8-]~~ 9. The precinct register shall serve as the voter identification certificate. The
145 following form shall be printed at the top of each page of the precinct register:

146

VOTER'S IDENTIFICATION CERTIFICATE

148

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

151

152 PRECINCT

153

154 WARD OR TOWNSHIP

155

GENERAL (SPECIAL, PRIMARY) ELECTION

156

Held, 20....

157

Date

158

159

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

162 ~~[9-]~~ **10.** The secretary of state shall promulgate rules to effectuate the provisions of this
163 section.

164 ~~[10-]~~ **11.** Any rule or portion of a rule, as that term is defined in section 536.010, that is
165 created under the authority delegated in this section shall become effective only if it complies
166 with and is subject to all of the provisions of chapter 536 and, if applicable, section 536.028.
167 This section and chapter 536 are nonseverable and if any of the powers vested with the general
168 assembly pursuant to chapter 536 to review, to delay the effective date or to disapprove and
169 annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and
170 any rule proposed or adopted after August 28, 2002, shall be invalid and void.

171 ~~[11-]~~ **12.** If any voter is unable to sign his name at the appropriate place on the certificate
172 or computer printout, an election judge shall print the name and address of the voter in the
173 appropriate place on the precinct register, the voter shall make his mark in lieu of signature, and
174 the voter's mark shall be witnessed by the signature of an election judge.

175 ~~[12-]~~ **13.** This section shall become effective only upon the passage and approval by the
176 voters of a constitutional amendment submitted to them by the general assembly regarding the
177 authorization of photo identification requirements for elections by general law. If such
178 constitutional amendment is approved by the voters, this section shall become effective June 1,
179 2017.

Section B. The repeal and reenactment of section 115.080 of section A of this act shall
2 be effective upon the passage and approval of legislation authorizing the Missouri department
3 of revenue to issue driver's and nondriver's licenses that are in compliance with the federal
4 REAL ID Act of 2005.

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