

FIRST REGULAR SESSION
[PERFECTED]
HOUSE COMMITTEE SUBSTITUTE FOR
HOUSE BILL NO. 269
100TH GENERAL ASSEMBLY

0852H.02P

DANA RADEMAN MILLER, Chief Clerk

AN ACT

To repeal sections 115.357, 115.427, and 115.642, RSMo, and to enact in lieu thereof three new sections relating to the secretary of state.

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Section A. Sections 115.357, 115.427, and 115.642, RSMo, are repealed and three new sections enacted in lieu thereof, to be known as sections 115.357, 115.427, and 115.642, to read as follows: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

17 3. Any person who cannot pay the fee required to file as a candidate may have the fee
18 waived by filing a declaration of inability to pay and a petition with his declaration of candidacy.
19 Each such declaration shall be in substantially the following form:

20 DECLARATION OF INABILITY TO PAY FILING FEE

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

24 Subscribed and sworn

25 Signature of candidate to before me this

26 _____ day of
27 _____, 20____.

28

29 Residence address Signature of election

30 official or officer

31 authorized to

32 administer oaths

33

34 If the candidate's declaration of candidacy is to be filed in person, the declaration of inability to
35 pay shall be subscribed and sworn to by the candidate before the election official who witnesses
36 the candidate's declaration of candidacy. If his declaration of candidacy is to be filed by certified
37 mail pursuant to subsection 2 of section 115.355, the declaration of inability to pay shall be
38 subscribed and sworn to by the candidate before the notary or other officer who witnesses the
39 candidate's declaration of candidacy. With his declaration of inability to pay, the candidate shall
40 submit a petition endorsing his candidacy. Except for the number of signatures required, each
41 such petition shall, insofar as practicable, be in the form provided in sections 115.321 and
42 115.325. If the person filing declaration of indigence is to be a candidate for statewide office, his
43 petition shall be signed by the number of registered voters in the state equal to at least one-half
44 of one percent of the total number of votes cast in the state for the office at the last election in
45 which a candidate ran for the office. If the person filing a declaration of indigence is to be a
46 candidate for any other office, the petition shall be signed by the number of registered voters in
47 the district or political subdivision which is equal to at least one percent of the total number of
48 votes cast for the office at the last election in which a candidate ran for the office. The
49 candidate's declaration of inability to pay and the petition shall be filed at the same time and in
50 the same manner as his declaration of candidacy is filed. The petition shall be checked and its
51 sufficiency determined in the same manner as new party and independent candidate petitions.

52 4. No filing fee shall be required of any person who proposes to be an independent
53 candidate, the candidate of a new party or a candidate for presidential elector.

54 5. Except as provided in subsections 3 and 4 of this section, no candidate's name shall
55 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
2 eligibility to vote at the polling place by presenting a form of personal identification to election
3 officials. No form of personal identification other than the forms listed in this section shall be
4 accepted to establish a voter's qualifications to vote. Forms of personal identification that satisfy
5 the requirements of this section are any one of the following:

6 (1) Nonexpired Missouri driver's license;

7 (2) Nonexpired or nonexpiring Missouri nondriver's license;

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

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

12 (b) The document shows a photograph of the individual;

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

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

16 (4) Any identification containing a photograph of the individual which is issued by the
17 Missouri National Guard, the United States Armed Forces, or the United States Department of
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. (1) An individual who appears at a polling place without a form of personal
21 identification described in subsection 1 of this section and who is otherwise qualified to vote at
22 that polling place may execute a statement, under penalty of perjury, averring that the individual
23 is the person listed in the precinct register; averring that the individual does not possess a form
24 of personal identification described in subsection 1 of this section; acknowledging that the
25 individual is eligible to receive a Missouri nondriver's license free of charge if desiring it in
26 order to vote; and acknowledging that the individual is required to present a form of personal
27 identification, as described in subsection 1 of this section, in order to vote. Such statement shall
28 be executed and sworn to before the election official receiving the statement. Upon executing
29 such statement, the individual may cast a regular ballot, provided such individual presents one
30 of the following forms of identification:

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

- 33 (b) Identification issued by the United States government or agency thereof;
34 (c) Identification issued by an institution of higher education, including a university,
35 college, vocational and technical school, located within the state of Missouri;
36 (d) A copy of a current utility bill, bank statement, government check, paycheck, or other
37 government document that contains the name and address of the individual;
38 (e) Other identification approved by the secretary of state under rules promulgated
39 pursuant to this section.

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

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

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

49 3. The statement to be used for voting under subdivision (1) of subsection 2 of this
50 section shall be substantially in the following form:

51 "State of _____

52 County of _____

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

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

62

63 _____

64

65 Signature of voter

66 Subscribed and affirmed before me this _____ day of _____, 20____

67

68 _____

69

70 Signature of election official"

71 4. A voter shall be allowed to cast a provisional ballot under section 115.430 even if the
72 election judges cannot establish the voter's identity under this section. The election judges shall
73 make a notation on the provisional ballot envelope to indicate that the voter's identity was not
74 verified. The provisional ballot cast by such voter shall not be counted unless:

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

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

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

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

89 6. (1) Notwithstanding the provisions of section 136.055 and section 302.181 to the
90 contrary, the state and all fee offices shall provide one nondriver's license at no cost to any
91 otherwise qualified voter who does not already possess such identification and who desires the
92 identification in order to vote.

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

96 (a) A birth certificate;

97 (b) A marriage license or certificate;

98 (c) A divorce decree;

99 (d) A certificate of decree of adoption;

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

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

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

104

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

111 (3) All costs associated with ~~[the implementation]~~ **subsection 6** of this section shall be
112 reimbursed from the general revenue of this state by an appropriation for that purpose. If there
113 is not a sufficient appropriation of state funds **to comply with subsection 6 of this section**, then
114 the personal identification requirements of subsection 1 of this section shall not be enforced.

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

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

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

133 VOTER'S IDENTIFICATION CERTIFICATE

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

136 PRECINCT

137 WARD OR TOWNSHIP _____

138 GENERAL (SPECIAL, PRIMARY) ELECTION

139 Held _____, 20____

140 Date

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

143 9. The secretary of state shall promulgate rules to effectuate the provisions of this
144 section.

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

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

156 12. This section shall become effective only upon the passage and approval by the voters
157 of a constitutional amendment submitted to them by the general assembly regarding the
158 authorization of photo identification requirements for elections by general law. If such
159 constitutional amendment is approved by the voters, this section shall become effective June 1,
160 2017.

115.642. 1. Any person may file a complaint with the secretary of state stating the name
2 of any person who has violated any of the provisions of sections 115.629 to 115.646 and stating
3 the facts of the alleged offense, sworn to, under penalty of perjury.

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

14 3. Notwithstanding the provisions of section 27.060, 56.060, or 56.430 to the contrary,
15 when requested by the prosecuting attorney or circuit attorney, the secretary of state or his or her

16 authorized representatives may aid any prosecuting attorney or circuit attorney in the
17 commencement and prosecution of election offenses as provided in sections 115.629 to 115.646.

18 4. The secretary of state may investigate any suspected violation of any of the provisions
19 of sections 115.629 to 115.646.

20 **(1) In order to conduct an investigation under this section, the secretary of state or**
21 **his or her authorized representatives shall have the power to assemble records and**
22 **documents, by subpoena or otherwise. The subpoena power granted by this section shall**
23 **be exercised only at the specific written direction of the secretary of state or his or her chief**
24 **deputy. Notwithstanding the provisions of section 115.493 to the contrary, the subpoena**
25 **authority in this subsection shall include all records set forth in section 115.493.**

26 **(2) If any person refuses to comply with a subpoena, the secretary of state shall seek**
27 **to enforce the subpoena before a court of competent jurisdiction to require the production**
28 **of books, papers, correspondence, memoranda, contracts, agreements, and other records.**
29 **The court may issue an order requiring the person to produce records relating to the**
30 **matter under investigation and may hold the person in contempt for failure to comply with**
31 **the order.**

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