

FIRST REGULAR SESSION

[PERFECTED]

HOUSE COMMITTEE SUBSTITUTE FOR

# HOUSE BILL NO. 334

101ST GENERAL ASSEMBLY

1191H.02P

DANA RADEMAN MILLER, Chief Clerk

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## AN ACT

To repeal section 115.427, RSMo, and to enact in lieu thereof one new section relating to elections.

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*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Section A. Section 115.427, RSMo, is repealed and one new section enacted in lieu thereof, to be known as section 115.427, to read as follows: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 **or, if voting absentee in person under section 115.257, at the office of the election authority or other authorized location designated by the election authority** by presenting a form of personal **photo** 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

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 (4) Any identification containing a photograph of the individual which is issued by the  
19 Missouri National Guard, the United States Armed Forces, or the United States Department of  
20 Veteran Affairs to a member or former member of the Missouri National Guard or the United  
21 States Armed Forces and that is not expired or does not have an expiration date.

22 2. (1) An individual who appears at a polling place without a form of personal  
23 identification described in subsection 1 of this section and who is otherwise qualified to vote at  
24 that polling place ~~[may execute a statement, under penalty of perjury, averring that the individual~~  
25 ~~is the person listed in the precinct register; averring that the individual does not possess a form~~  
26 ~~of personal identification described in subsection 1 of this section; acknowledging that the~~  
27 ~~individual is eligible to receive a Missouri nondriver's license free of charge if desiring it in order~~  
28 ~~to vote; and acknowledging that the individual is required to present a form of personal~~  
29 ~~identification, as described in subsection 1 of this section, in order to vote. Such statement shall~~  
30 ~~be executed and sworn to before the election official receiving the statement. Upon executing~~  
31 ~~such statement, the individual may cast a regular ballot, provided such individual presents one~~  
32 ~~of the following forms of identification:~~

33 ~~—— (a) Identification issued by the state of Missouri, an agency of the state, or a local~~  
34 ~~election authority of the state;~~

35 ~~—— (b) Identification issued by the United States government or agency thereof;~~

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

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

40 ~~—— (e) Other identification approved by the secretary of state under rules promulgated~~  
41 ~~pursuant to this section.~~

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

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

49 ~~—— (4) For the purposes of this section, the term "election official" shall include any person~~  
50 ~~working under the authority of the election authority.~~

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

53

54 "State of \_\_\_\_\_

55 County of \_\_\_\_\_

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

63 I understand that knowingly providing false information is a violation of law and subjects me to  
64 possible criminal prosecution. \_\_\_\_\_

65 \_\_\_\_\_

66 Signature of voter \_\_\_\_\_

67 Subscribed and affirmed before me this \_\_\_\_\_ day of \_\_\_\_\_, 20 \_\_\_\_\_

68 \_\_\_\_\_

69 Signature of election official" \_\_\_\_\_

70

71 \_\_\_\_\_4. A voter] shall be allowed to cast a provisional ballot [~~under section 115.430 even if~~  
72 ~~the election judges cannot establish the voter's identity under this section]. The election judges~~  
73 shall make a notation on the provisional ballot envelope to indicate that the voter's identity was  
74 not verified.

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

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

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

84

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

88 **(1) I return to this polling place today between 6:00 a.m. and 7:00**  
89 **p.m. and provide one of the following forms of identification:**

- 90 (a) Nonexpired Missouri driver's license;
- 91 (b) Nonexpired or nonexpiring Missouri nondriver's license;
- 92 (c) A document that satisfies all of the following requirements:
- 93 (i) The document contains my name, in substantially the same form
- 94 as the most recent signature on my voter registration record;
- 95 (ii) The document contains my photograph;
- 96 (iii) The document contains an expiration date and is not expired, or
- 97 if expired, the document expired after the date of the most recent general
- 98 election; and
- 99 (iv) The document was issued by the United States or the state of
- 100 Missouri; or
- 101 (d) Identification containing my photograph issued to me by the
- 102 Missouri National Guard, the United States Armed Forces, or the United
- 103 States Department of Veteran Affairs as a member or former member of the
- 104 Missouri National Guard or the United States Armed Forces that is not
- 105 expired or does not have an expiration date; or
- 106 (2) The election authority verifies my identity by comparing my
- 107 signature on this envelope to the signature on file with the election authority
- 108 and determines that I was eligible to cast a ballot at this polling place; and
- 109 (3) This provisional ballot otherwise qualifies to be counted under the
- 110 laws of the state of Missouri.

111

112

<b>Signature of Voter</b>	<b>Date</b>

114

115

<b>Signatures of Election Officials</b>	

117

118 **Once voted, the provisional ballot shall be sealed in the provisional ballot envelope and**  
119 **placed in a separate secured container by the election judge.**

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

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

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

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

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

135 ~~6.]~~ (1) Notwithstanding the provisions of section 136.055 and section 302.181 to the  
136 contrary, the state and all fee offices shall provide one nondriver's license at no cost to any  
137 otherwise qualified voter who does not already possess such identification and who desires the  
138 identification ~~[in order to vote]~~ **for voting.**

139 (2) This state and its agencies shall provide one copy of each of the following, free of  
140 charge, if needed by an individual seeking to obtain a form of personal identification described  
141 in subsection 1 of this section ~~[in order to vote]~~ **for voting:**

142 (a) A birth certificate;

143 (b) A marriage license or certificate;

144 (c) A divorce decree;

145 (d) A certificate of decree of adoption;

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

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

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

150

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

157 (3) ~~All costs associated with the implementation of this section shall be reimbursed from~~  
158 ~~the general revenue of this state by an appropriation for that purpose. If there is not a sufficient~~

159 ~~appropriation of state funds, then the personal identification requirements of subsection 1 of this~~  
 160 ~~section shall not be enforced.~~

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

171 ~~[7.] 6.~~ The director of the department of revenue shall, by January first of each year,  
 172 prepare and deliver to each member of the general assembly a report documenting the number  
 173 of individuals who have requested and received a nondriver's license photo identification for the  
 174 purposes of voting under this section. The report shall also include the number of persons  
 175 requesting a nondriver's license for purposes of voting under this section, but not receiving such  
 176 license, and the reason for the denial of the nondriver's license.

177 ~~[8.] 7.~~ The precinct register shall serve as the voter identification certificate. The  
 178 following form shall be printed at the top of each page of the precinct register:

179 VOTER'S IDENTIFICATION CERTIFICATE

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

182 PRECINCT

183 WARD OR TOWNSHIP \_\_\_\_\_

184 GENERAL (SPECIAL, PRIMARY) ELECTION Held \_\_\_\_\_, 20\_\_\_\_ Date

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

187 ~~[9.] 8.~~ The secretary of state shall promulgate rules to effectuate the provisions of this  
 188 section.

189 ~~[10.] 9.~~ Any rule or portion of a rule, as that term is defined in section 536.010, that is  
 190 created under the authority delegated in this section shall become effective only if it complies  
 191 with and is subject to all of the provisions of chapter 536 and, if applicable, section 536.028.  
 192 This section and chapter 536 are nonseverable and if any of the powers vested with the general  
 193 assembly pursuant to chapter 536 to review, to delay the effective date or to disapprove and

194 annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and  
195 any rule proposed or adopted after August 28, 2002, shall be invalid and void.

196 ~~[11.]~~ **10.** If any voter is unable to sign his name at the appropriate place on the certificate  
197 or computer printout, an election judge shall print the name and address of the voter in the  
198 appropriate place on the precinct register, the voter shall make his mark in lieu of signature, and  
199 the voter's mark shall be witnessed by the signature of an election judge.

200 ~~[12.]~~ **11.** This section shall become effective only upon the passage and approval by the  
201 voters of a constitutional amendment submitted to them by the general assembly regarding the  
202 authorization of photo identification requirements for elections by general law. If such  
203 constitutional amendment is approved by the voters, this section shall become effective June 1,  
204 2017.

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