

FIRST REGULAR SESSION

HOUSE BILL NO. 300

103RD GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVE SMITH (46).

0964H.011

DANA RADEMAN MILLER, Chief Clerk

AN ACT

To repeal sections 115.277 and 115.427, RSMo, and to enact in lieu thereof two new sections relating to voter identification.

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

Section A. Sections 115.277 and 115.427, RSMo, are repealed and two new sections
2 enacted in lieu thereof, to be known as sections 115.277 and 115.427, to read as follows:

115.277. 1. A registered voter of this state may cast an absentee ballot in person at a
2 location designated by the election authority for all candidates and issues for which such voter
3 is eligible to vote at the polling place if such voter expects to be prevented from going to the
4 polls to vote on election day due to one of the reasons listed in subsection 3 of this section. A
5 registered voter casting a ballot under the provisions of this subsection shall provide a form of
6 personal [~~photo~~] identification that is consistent with subsection 1 of section 115.427.
7 Beginning on the second Tuesday prior to an election, a reason listed under subsection 3 of
8 this section shall not be required, provided that, the provisions of section 1.140 to the contrary
9 notwithstanding, this sentence and section 115.427 shall be nonseverable, and if any
10 provision of section 115.427 is for any reason held to be invalid, such decision shall
11 invalidate this sentence.

12 2. Except as provided in subsections 4, 5, and 6 of this section, a registered voter of
13 this state may cast an absentee ballot not in person at a location designated by the election
14 authority for all candidates and issues for which such voter would be eligible to vote at the
15 polling place if such voter expects to be prevented from going to the polls to vote on election
16 day due to one of the reasons listed in subsection 3 of this section. An absentee ballot that is
17 not requested and completed in person at the office of the election authority with a form 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 personal [~~photo~~] identification that is consistent with subsection 1 of section 115.427 shall
19 have the statement on the ballot envelope notarized as required under section 115.283, except
20 that absentee ballots requested under subdivisions (2) and (5) of subsection 3 of this section
21 shall not require notarization. This subsection shall apply only in the case of absentee ballots
22 that are not cast in person.

23 3. A voter may request an absentee ballot for any of the following reasons:

24 (1) Absence on election day from the jurisdiction of the election authority in which
25 such voter is registered to vote;

26 (2) Incapacity or confinement due to illness or physical disability on election day,
27 including a person who is primarily responsible for the physical care of a person who is
28 incapacitated or confined due to illness or disability and resides at the same address;

29 (3) Religious belief or practice;

30 (4) Employment as:

31 (a) An election authority, as a member of an election authority, or by an election
32 authority at a location other than such voter's polling place;

33 (b) A first responder;

34 (c) A health care worker; or

35 (d) A member of law enforcement;

36 (5) Incarceration, provided all qualifications for voting are retained;

37 (6) Certified participation in the address confidentiality program established under
38 sections 589.660 to 589.681 because of safety concerns.

39 4. Any covered voter who is eligible to register and vote in this state may vote in any
40 election for federal office, statewide office, state legislative office, or statewide ballot
41 initiatives by submitting a federal postcard application to apply to vote by absentee ballot or
42 by submitting a federal postcard application at the polling place even though the person is not
43 registered. A federal postcard application submitted by a covered voter pursuant to this
44 subsection shall also serve as a voter registration application under section 115.908 and the
45 election authority shall, if satisfied that the applicant is entitled to register, place the voter's
46 name on the voter registration file. Each covered voter may vote by absentee ballot or, upon
47 submitting an affidavit that the person is qualified to vote in the election, may vote at the
48 person's polling place.

49 5. Any interstate former resident may vote by absentee ballot for presidential and vice
50 presidential electors.

51 6. Any new resident may vote by absentee ballot for presidential and vice presidential
52 electors after registering to vote in such resident's new jurisdiction of residence.

115.427. 1. Persons seeking to vote in a public election shall establish their identity
2 and eligibility to vote at the polling place or, if voting absentee in person under section

3 115.277, at the office of the election authority or other authorized location designated by the
4 election authority by presenting a form of personal ~~[photo]~~ identification to election officials.
5 No form of personal ~~[photo]~~ identification other than the forms listed in this section shall be
6 accepted to establish a voter's qualifications to vote. Forms of personal ~~[photo]~~ identification
7 that satisfy the requirements of this section are any one of the following:

8 (1) Nonexpired Missouri driver's license;

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

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

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

14 ~~(b) [The document shows a photograph of the individual];~~

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

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

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

23 2. (1) An individual who appears at a polling place without a form of personal
24 identification described in subsection 1 of this section and who is otherwise qualified to vote
25 at that polling place shall be allowed to cast a provisional ballot. The election judges shall
26 make a notation on the provisional ballot envelope to indicate that the voter's identity was not
27 verified.

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

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

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

37 I do solemnly swear that I am the person identified above and the
38 information provided is correct. I understand that my vote will not be
39 counted unless:

40 (1) (a) I return to this polling place today between 6:00 a.m. and 7:00
 41 p.m. and provide one of the following forms of identification:
 42 a. Nonexpired Missouri driver's license;
 43 b. Nonexpired or nonexpiring Missouri nondriver's license;
 44 c. A document that satisfies all of the following requirements:
 45 (i) The document contains my name, in substantially the same form as
 46 the most recent signature on my voter registration record;
 47 (ii) ~~[The document contains my photograph;]~~
 48 ~~[(iii)]~~ The document contains an expiration date and is not expired, or
 49 if expired, the document expired after the date of the most recent
 50 general election; and
 51 ~~[(iv)]~~ (iii) The document was issued by the United States or the state of
 52 Missouri; or
 53 d. Identification ~~[containing my photograph]~~ issued to me by the
 54 Missouri National Guard, the United States Armed Forces, including
 55 Space Force, or the United States Department of Veteran Affairs as a
 56 member or former member of the Missouri National Guard or the
 57 United States Armed Forces that is not expired or does not have an
 58 expiration date; or
 59 (b) The election authority verifies my identity by comparing my
 60 signature on this envelope to the signature on file with the election
 61 authority and determines that I was eligible to cast a ballot at this
 62 polling place; and
 63 (2) This provisional ballot otherwise qualifies to be counted under the
 64 laws of the State of Missouri.

65 _____
 66 Signature of Voter Date
 67 _____
 68 Signature of Election Officials
 69

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

72 4. The provisional ballot cast by such voter shall not be counted unless:
 73 (1) (a) The voter returns to the polling place during the uniform polling hours
 74 established by section 115.407 and provides a form of personal identification that allows the
 75 election judges to verify the voter's identity as provided in subsection 1 of this section; or

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

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

80 5. The secretary of state shall provide notice of the personal [~~photo~~] identification
81 requirements described in subsection 1 of this section on the official state internet website of
82 the secretary of state.

83 6. (1) Notwithstanding the provisions of section 136.055 and section 302.181 to the
84 contrary, the state and all fee offices shall provide one nondriver's license at no cost to any
85 otherwise qualified voter who does not already possess such identification and who desires
86 the identification for voting.

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

90 (a) A birth certificate;

91 (b) A marriage license or certificate;

92 (c) A divorce decree;

93 (d) A certificate of decree of adoption;

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

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

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

98

99 Any individual seeking one of the above documents in order to obtain a form of personal
100 [~~photo~~] identification described in subsection 1 of this section for voting may request the
101 secretary of state to facilitate the acquisition of such documents. The secretary of state shall
102 pay any fee or fees charged by another state or its agencies, or any court of competent
103 jurisdiction in this state or any other state, or the federal government or its agencies, in order
104 to obtain any of the above documents from such state or the federal government.

105 (3) Any applicant who requests a nondriver's license for voting shall not be required
106 to pay a fee. The state of Missouri shall pay the legally required fees for any such applicant.
107 The department of revenue and a local election authority may enter into a contract that allows
108 the local election authority to assist the department in issuing nondriver's license photo
109 identifications.

110 7. The director of the department of revenue shall, by January first of each year,
111 prepare and deliver to each member of the general assembly a report documenting the number
112 of individuals who have requested and received a nondriver's license photo identification for

113 the purposes of voting under this section. The report shall also include the number of persons
114 requesting a nondriver's license for purposes of voting under this section, but not receiving
115 such license, and the reason for the denial of the nondriver's license.

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

118 VOTER'S IDENTIFICATION CERTIFICATE

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

121 PRECINCT

122 WARD OR TOWNSHIP _____

123 GENERAL (SPECIAL, PRIMARY) ELECTION

124 Held _____, 20_____

125 Date

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

129 9. The secretary of state shall promulgate rules to effectuate the provisions of this
130 section.

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

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

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