

FIRST REGULAR SESSION

HOUSE BILL NO. 1320

103RD GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVE FOGLE.

1458H.01I

JOSEPH ENGLER, Chief Clerk

AN ACT

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

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Section A. Section 115.427, RSMo, is repealed and one new section enacted in lieu thereof, to be known as section 115.427, to read as follows: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 115.277, 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 photo identification other than the forms listed in this section shall be accepted to establish a voter's qualifications to vote. Forms of personal photo 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 nonexpired student identification card issued by a Missouri high school, as defined in section 160.011, or an accredited institution of higher education within the state of Missouri;**

(4) 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;

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

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

21 ~~[(4)]~~ (5) Any identification containing a photograph of the individual which is issued
22 by the Missouri National Guard, the United States Armed Forces, including the Space Force,
23 or the United States Department of Veteran Affairs to a member or former member of the
24 Missouri National Guard or the United States Armed Forces, including the Space Force, and
25 that is not expired or does not have an expiration date.

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

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

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

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

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

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

45 a. Nonexpired Missouri driver's license;

46 b. Nonexpired or nonexpiring Missouri nondriver's license;

47 c. A document that satisfies all of the following requirements:

48 (i) The document contains my name, in substantially the same form as
49 the most recent signature on my voter registration record;

50 (ii) The document contains my photograph;

51 (iii) The document contains an expiration date and is not expired, or if
52 expired, the document expired after the date of the most recent general
53 election; and

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

d. Identification containing my photograph issued to me by the Missouri National Guard, the United States Armed Forces, including Space Force, or the United States Department of Veteran Affairs as a member or former member of the Missouri National Guard or the United States Armed Forces that is not expired or does not have an expiration date; or

e. Nonexpired student identification card issued by a Missouri high school, as defined in section 160.011, or an accredited institution of higher education within the state of Missouri; or

(b) The election authority verifies my identity by comparing my signature on this envelope to the signature on file with the election authority and determines that I was eligible to cast a ballot at this polling place; and

(2) This provisional ballot otherwise qualifies to be counted under the laws of the State of Missouri.

Signature of Voter

Date

Signature of Election Officials

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

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

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

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

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

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

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
92 the identification for voting.

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 photo identification
95 described 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
103 State proving citizenship.

104

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

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

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

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

124

VOTER'S IDENTIFICATION CERTIFICATE

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

127 PRECINCT

128 WARD OR TOWNSHIP _____

129 GENERAL (SPECIAL, PRIMARY) ELECTION

130 Held _____, 20____

131 Date

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

135 9. The secretary of state shall promulgate rules to effectuate the provisions of this
136 section.

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

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

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