

SECOND REGULAR SESSION

[PERFECTED]

HOUSE COMMITTEE SUBSTITUTE FOR

HOUSE BILL NO. 1966

95TH GENERAL ASSEMBLY

4527L.08P

D. ADAM CRUMBLISS, Chief Clerk

AN ACT

To repeal sections 115.278, 115.279, 115.281, 115.287, 115.291, 115.292, and 115.427, RSMo, and to enact in lieu thereof nine new sections relating to elections, with a contingent effective date.

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

Section A. Sections 115.278, 115.279, 115.281, 115.287, 115.291, 115.292, and
2 115.427, RSMo, are repealed and nine new sections enacted in lieu thereof, to be known as
3 sections 115.156, 115.276, 115.278, 115.279, 115.281, 115.287, 115.291, 115.292, and 115.427,
4 to read as follows:

**115.156. 1. The secretary of state shall establish procedures for absent uniformed
2 services voters and overseas voters to request, by mail or electronically, that voter
3 registration applications be sent to the voter, and to request that such voter registration
4 applications be sent by mail or electronically in the preferred method of transmission
5 designated by the voter. The secretary of state shall designate not less than one means of
6 electronic communication for use by absent uniformed services voters and overseas voters
7 to request voter registration applications and to send such voter registration applications.**

**8 2. No election authority shall refuse to accept and process any otherwise valid voter
9 registration application submitted by an absent uniformed services voter or an overseas
10 voter solely on the basis of restrictions on paper type.**

**115.276. 1. Each local election authority shall establish one advance voting center
2 in each state senatorial district in the state, or if a state senatorial district contains more
3 than one county, in each county located in such senatorial district. Only as provided in this
4 section, any registered voter of this state may vote by advance ballot in person in any**

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.

5 election in which presidential and vice presidential electors or the offices of United States
6 senator, governor, lieutenant governor, secretary of state, state auditor, state treasurer, or
7 attorney general are on the ballot at an advance voting center in the senatorial district in
8 which the voter is registered during the advance voting period established in this section.

9 2. The advance voting period shall begin on the second Saturday immediately
10 preceding an election and end on the Wednesday immediately preceding an election,
11 excluding Sundays. All local election authorities shall conduct advance voting at each
12 advance voting center established by the local election authority between nine o'clock in
13 the morning and five o'clock in the evening on weekdays and for a four-hour period
14 between nine o'clock in the morning and five o'clock in the evening on Saturdays during
15 the advance voting period.

16 3. The secretary of state and each local election authority shall provide adequate
17 public notice of the advance voting centers and periods, including but not limited to,
18 posting such information at each local election authority's office and on the website of each
19 local election authority that maintains a web site, and by such other methods as the
20 secretary of state and the local election authority may select. Except as otherwise provided
21 in this section, all provisions relating to appointment of election judges and polling places
22 established by state law shall apply to any advance voting center established under this
23 section.

24 4. Absentee ballots printed and distributed under this chapter shall be used during
25 the advance voting period. No statement of the voter's reason for voting an absentee ballot
26 shall be required for voters using an absentee ballot under this subsection as such
27 statements are required for absentee ballots. All procedures for casting and counting an
28 absentee ballot under this chapter shall apply to advance voting under this section, except
29 as such procedures are changed as provided in this section.

30 5. All costs associated with the implementation of advance voting under this section
31 shall be reimbursed from the general revenue of this state by an appropriation for that
32 purpose. If there is no appropriation of state funds, an election authority shall not conduct
33 advance voting.

115.278. The secretary of state shall establish procedures for absent uniformed
2 services voters and overseas voters to request, by mail or electronically, that absentee ballot
3 applications be sent to the voter, and to request that such absentee ballot applications be
4 sent by mail or electronically in the preferred method of transmission designated by the
5 voter. The secretary of state shall designate not less than one means of electronic
6 communication for use by absent uniformed services voters and overseas voters to request

7 **absentee ballot applications, to send such absentee ballot applications, and to provide**
8 **related voting, balloting, and election information to such voters.**

115.279. 1. Application for an absentee ballot may be made by the applicant in person,
2 or by mail, or for the applicant, in person, by his or her guardian or a relative within the second
3 degree by consanguinity or affinity. The election authority shall accept applications by facsimile
4 transmission within the limits of its telecommunications capacity.

5 2. Each application shall be made to the election authority of the jurisdiction in which
6 the person is or would be registered. Each application shall be in writing and shall state the
7 applicant's name, address at which he or she is or would be registered, his or her reason for
8 voting an absentee ballot [and] , the address to which the ballot is to be mailed, if mailing is
9 requested, **and for absent uniformed services and overseas applicants, the applicant's email**
10 **address if electronic transmission is requested.** Each application to vote in a primary election
11 shall also state which ballot the applicant wishes to receive. If any application fails to designate
12 a ballot, the election authority shall, within three working days after receiving the application,
13 notify the applicant by mail that it will be unable to deliver an absentee ballot until the applicant
14 designates which political party ballot he or she wishes to receive. If the applicant does not
15 respond to the request for political party designation, the election authority is authorized to
16 provide the voter with that part of the ballot for which no political party designation is required.

17 3. **Except as provided in subsection 3 of section 115.281,** all applications for absentee
18 ballots received prior to the sixth Tuesday before an election shall be stored at the office of the
19 election authority until such time as the applications are processed in accordance with section
20 115.281. No application for an absentee ballot received in the office of the election authority by
21 mail, by facsimile transmission or by a guardian or relative after 5:00 p.m. on the Wednesday
22 immediately prior to the election shall be accepted by any election authority. No application for
23 an absentee ballot submitted by the applicant in person after 5:00 p.m. on the day before the
24 election shall be accepted by any election authority, except as provided in subsections 6, 8 and
25 9 of this section.

26 4. Each application for an absentee ballot shall be signed by the applicant or, if the
27 application is made by a guardian or relative pursuant to this section, the application shall be
28 signed by the guardian or relative, who shall note on the application his or her relationship to the
29 applicant. If an applicant, guardian or relative is blind, unable to read or write the English
30 language or physically incapable of signing the application, he or she shall sign by mark,
31 witnessed by the signature of an election official or person of his or her own choosing. Any
32 person who knowingly makes, delivers or mails a fraudulent absentee ballot application shall be
33 guilty of a class one election offense.

34 5. (1) Notwithstanding any law to the contrary, any resident of the state of Missouri who
 35 resides outside the boundaries of the United States or who is on active duty with the armed forces
 36 of the United States or members of their immediate family living with them may request an
 37 absentee ballot for both the primary and subsequent general election with one application. [In
 38 addition, the election authority shall provide to each absent uniformed services voter and each
 39 overseas voter who submits an absentee ballot request an absentee ballot through the next two
 40 regularly scheduled general elections for federal office.]

41 (2) The election authority shall provide each absent uniformed services voter and each
 42 overseas voter who submits a voter registration application or an absentee ballot request, if the
 43 election authority rejects the application or request, with the reasons for the rejection.

44 (3) Notwithstanding any other law to the contrary, if a standard oath regarding material
 45 misstatements of fact is adopted for uniformed and overseas voters pursuant to the Help America
 46 Vote Act of 2002, the election authority shall accept such oath for voter registration, absentee
 47 ballot, or other election-related materials.

48 (4) Not later than sixty days after the date of each regularly scheduled general election
 49 for federal office, each election authority which administered the election shall submit to the
 50 secretary of state in a format prescribed by the secretary a report on the combined number of
 51 absentee ballots transmitted to, and returned by, absent uniformed services voters and overseas
 52 voters for the election. The secretary shall submit to the Election Assistance Commission a
 53 combined report of such information not later than ninety days after the date of each regularly
 54 scheduled general election for federal office and in a standardized format developed by the
 55 commission pursuant to the Help America Vote Act of 2002. The secretary shall make the report
 56 available to the general public.

57 (5) As used in this section, the terms "absent uniformed services voter" and "overseas
 58 voter" shall have the meaning prescribed in 42 U.S.C. 1973ff-6.

59 6. An application for an absentee ballot by a new resident, as defined in section 115.275,
 60 shall be submitted in person by the applicant in the office of the election authority in the election
 61 jurisdiction in which such applicant resides. The application shall be received by the election
 62 authority no later than 7:00 p.m. on the day of the election. Such application shall be in the form
 63 of an affidavit, executed in duplicate in the presence of the election authority or any authorized
 64 officer of the election authority, and in substantially the following form:

65 "STATE OF.....
 66 COUNTY OF....., ss.

67 I,....., do solemnly swear that:

68 (1) Before becoming a resident of this state, I resided at
69 (residence address) in (town, township,
70 village or city) of County in the state of

71 (2) I moved to this state after the last day to register to vote in such general presidential
72 election and I am now residing in the county of, state of Missouri;

73 (3) I believe I am entitled pursuant to the laws of this state to vote in the presidential
74 election to be held November, (year);

75 (4) I hereby make application for a presidential and vice presidential ballot. I have not
76 voted and shall not vote other than by this ballot at such election.

77 Signed

78 (Applicant)

79

80 (Residence Address)

81 Subscribed and sworn to before me this day of

82,

83 Signed

84 (Title and name of officer authorized to administer oaths)"

85 7. The election authority in whose office an application is filed pursuant to subsection
86 6 of this section shall immediately send a duplicate of such application to the appropriate official
87 of the state in which the new resident applicant last resided and shall file the original of such
88 application in its office.

89 8. An application for an absentee ballot by an intrastate new resident, as defined in
90 section 115.275, shall be made in person by the applicant in the office of the election authority
91 in the election jurisdiction in which such applicant resides. The application shall be received by
92 the election authority no later than 7:00 p.m. on the day of the election. Such application shall
93 be in the form of an affidavit, executed in duplicate in the presence of the election authority or
94 an authorized officer of the election authority, and in substantially the following form:

95 "STATE OF

96 COUNTY OF, ss.

97 I,, do solemnly swear that:

98 (1) Before becoming a resident of this election jurisdiction, I resided at
99 (residence address) in (town, township,
100 village or city) of county in the state of

101 (2) I moved to this election jurisdiction after the last day to register to vote in such
102 election;

103 (3) I believe I am entitled pursuant to the laws of this state to vote in the election to be
104 held (date);

105 (4) I hereby make application for an absentee ballot for candidates and issues on which
106 I am entitled to vote pursuant to the laws of this state. I have not voted and shall not vote other
107 than by this ballot at such election.

108 Signed

109 (Applicant)

110

111 (Residence Address)

112 Subscribed and sworn to before me this day of,

113 Signed

114 (Title and name of officer authorized to administer oaths)"

115 9. An application for an absentee ballot by an interstate former resident, as defined in
116 section 115.275, shall be received in the office of the election authority where the applicant was
117 formerly registered by 5:00 p.m. on the Wednesday immediately prior to the election, unless the
118 application is made in person by the applicant in the office of the election authority, in which
119 case such application shall be made no later than 7:00 p.m. on the day of the election.

115.281. 1. **Except as provided in subsection 3 of this section**, not later than the sixth
2 Tuesday prior to each election, or within fourteen days after candidates' names or questions are
3 certified pursuant to section 115.125, the election authority shall cause to have printed and made
4 available a sufficient quantity of absentee ballots, ballot envelopes and mailing envelopes. As
5 soon as possible after the proper officer calls a special state or county election, the election
6 authority shall cause to have printed and made available a sufficient quantity of absentee ballots,
7 ballot envelopes and mailing envelopes.

8 2. All absentee ballots for an election shall be in the same form as the official ballots for
9 the election, except that in lieu of the words "Official Ballot" at the top of the ballot, the words
10 "Official Absentee Ballot" shall appear.

11 **3. Not later than forty-five days before each general, primary, and special election**
12 **for federal office, the election authority shall cause to have printed and made available a**
13 **sufficient quantity of absentee ballots, ballot envelopes, and mailing envelopes for absent**
14 **uniformed services voters and overseas voters.**

115.287. 1. Upon receipt of a signed application for an absentee ballot and if satisfied
2 the applicant is entitled to vote by absentee ballot, the election authority shall, within three
3 working days after receiving the application, or if absentee ballots are not available at the time
4 the application is received, within five working days after they become available, deliver to the
5 voter an absentee ballot, ballot envelope and such instructions as are necessary for the applicant

6 to vote. Delivery shall be made to the voter personally in the office of the election authority or
7 by bipartisan teams appointed by the election authority, or by first class, registered, or certified
8 mail at the discretion of the election authority, **or in the case of absent uniformed services**
9 **voters and overseas voters, by electronic transmission if electronic transmission is**
10 **requested by the voter.** Where the election authority is a county clerk, the members of
11 bipartisan teams representing the political party other than that of county clerk shall be selected
12 from a list of persons submitted to the county clerk by the county chairman of that party. If no
13 list is provided by the time that absentee ballots are to be made available, the county clerk may
14 select a person or persons from lists provided in accordance with section 115.087. If the election
15 authority is not satisfied that any applicant is entitled to vote by absentee ballot, it shall not
16 deliver an absentee ballot to the applicant. Within three working days of receiving such an
17 application, the election authority shall notify the applicant and state the reason he or she is not
18 entitled to vote by absentee ballot. The applicant may appeal the decision of the election
19 authority to the circuit court in the manner provided in section 115.223.

20 2. If, after 5:00 p.m. on the Wednesday before an election, any voter from the jurisdiction
21 has become hospitalized, becomes confined due to illness or injury, or is confined in an adult
22 boarding facility, intermediate care facility, residential care facility, or skilled nursing facility,
23 as defined in section 198.006, RSMo, in the county in which the jurisdiction is located or in the
24 jurisdiction or an adjacent election authority within the same county, the election authority shall
25 appoint a team to deliver, witness the signing of and return the voter's application and deliver,
26 witness the voting of and return the voter's absentee ballot. In counties with a charter form of
27 government and in cities not within a county, and in each city which has over three hundred
28 thousand inhabitants, and is situated in more than one county, if the election authority receives
29 ten or more applications for absentee ballots from the same address it may appoint a team to
30 deliver and witness the voting and return of absentee ballots by voters residing at that address,
31 except when such addresses are for an apartment building or other structure wherein individual
32 living units are located, each of which has its own separate cooking facilities. Each team
33 appointed pursuant to this subsection shall consist of two registered voters, one from each major
34 political party. Both members of any team appointed pursuant to this subsection shall be present
35 during the delivery, signing or voting and return of any application or absentee ballot signed or
36 voted pursuant to this subsection.

37 3. On the mailing and ballot envelopes for each applicant in federal service, the election
38 authority shall stamp prominently in black the words "FEDERAL BALLOT, STATE OF
39 MISSOURI" and "U.S. Postage Paid, 39 U.S.C. 3406".

40 4. No information which encourages a vote for or against a candidate or issue shall be
41 provided to any voter with an absentee ballot.

115.291. 1. Upon receiving an absentee ballot **in person or by mail**, the voter shall
2 mark the ballot in secret, place the ballot in the ballot envelope, seal the envelope and fill out the
3 statement on the ballot envelope. The affidavit of each person voting an absentee ballot shall
4 be subscribed and sworn to before the election official receiving the ballot, a notary public or
5 other officer authorized by law to administer oaths, unless the voter is voting absentee due to
6 incapacity or confinement due to the provisions of section 115.284, illness or physical disability,
7 **or the voter is an absent uniformed services voter or an overseas voter**. If the voter is blind,
8 unable to read or write the English language, or physically incapable of voting the ballot, the
9 voter may be assisted by a person of the voter's own choosing. Any person assisting a voter who
10 is not entitled to such assistance, and any person who assists a voter and in any manner coerces
11 or initiates a request or a suggestion that the voter vote for or against or refrain from voting on
12 any question, ticket or candidate, shall be guilty of a class one election offense. If, upon
13 counting, challenge or election contest, it is ascertained that any absentee ballot was voted with
14 unlawful assistance, the ballot shall be rejected.

15 2. **Except as provided in subsection 4 of this section**, each absentee ballot shall be
16 returned to the election authority in the ballot envelope and shall only be returned by the voter
17 in person, or in person by a relative of the voter who is within the second degree of consanguinity
18 or affinity, by mail or registered carrier or by a team of deputy election authorities; except that
19 persons in federal service, when sent from a location determined by the secretary of state to be
20 inaccessible on election day, shall be allowed to return their absentee ballots cast by use of
21 facsimile transmission or under a program approved by the Department of Defense for electronic
22 transmission of election materials.

23 3. In cases of an emergency declared by the President of the United States or the
24 governor of this state where the conduct of an election may be affected, the secretary of state may
25 provide for the delivery and return of absentee ballots by use of a facsimile transmission device
26 or system. Any rule promulgated pursuant to this subsection shall apply to a class or classes of
27 voters as provided for by the secretary of state.

28 4. **No election authority shall refuse to accept and process any otherwise valid**
29 **marked absentee ballot submitted in any manner by an absent uniformed services voter**
30 **or overseas voter solely on the basis of restrictions on envelope type.**

31 5. **As provided in the Military and Overseas Voter Empowerment Act, the secretary**
32 **of state shall, in coordination with local election authorities, develop a free access system**
33 **by which an absent uniformed services voter or overseas voter may determine whether the**
34 **voter's absentee ballot has been received by the appropriate election authority.**

115.292. 1. Notwithstanding any other provision of this chapter, a qualified absentee
2 voter, as described in subsection 3 of this section, may apply for a special write-in absentee ballot

3 within eighty days of a special, primary, or general election for federal office. Such a ballot shall
4 be for voting for all offices being contested at such election.

5 2. A qualified absentee voter applying for a special write-in absentee ballot pursuant to
6 this section shall apply to the local election authority of the area which contains his last residence
7 in this state for such ballot. The application for a special write-in absentee ballot may be made
8 on the federal postcard application form, by letter, or on a form provided by the local election
9 authority.

10 3. [In order to qualify for a special write-in absentee ballot, the voter shall state that he
11 is unable to vote by any other means due to requirements of military service or due to living in
12 isolated or extremely remote areas of the world. This statement may be made by federal postcard
13 application, by letter, or on a form prepared by the local election authority.

14 4.] Upon receipt of the application, the election authority shall issue a special write-in
15 absentee ballot. Such ballot shall permit the voter to cast a ballot by writing in a party preference
16 for each office, the names of specific candidates, or the names of persons whom the voter
17 prefers.

18 [5.] 4. The election authority shall issue a regular absentee ballot as soon as such ballots
19 are available. If both the regular absentee ballot and the special write-in absentee ballot are
20 returned, the regular absentee ballot shall be counted and the special write-in absentee ballot
21 shall be voided.

22 **5. The special write-in absentee ballot provided for in this section shall be used**
23 **instead of the federal write-in absentee ballot in general, special, and primary elections for**
24 **federal office as authorized in Title 42, U.S.C. Section 1973ff-2(e), as amended.**

115.427. 1. [Before receiving a ballot, voters] **Persons seeking to vote in a public**
2 **election** shall establish their identity and eligibility to vote at the polling place by presenting a
3 form of personal identification **to election officials**. ["Personal identification" shall mean only]
4 **No form of personal identification other than the forms listed in this section shall be**
5 **accepted to establish a voter's qualifications to vote. Forms of personal identification that**
6 **satisfy the requirements of this section are any** one of the following:

7 (1) Nonexpired Missouri driver's license [showing the name and a photograph or digital
8 image of the individual]; [or]

9 (2) Nonexpired or nonexpiring Missouri nondriver's license [showing the name and a
10 photographic or digital image of the individual]; [or]

11 (3) **Any identification containing a photograph of the individual that is issued by**
12 **the Missouri National Guard, the United States armed forces, or the United States**
13 **Department of Veterans Affairs to a member or former member of the Missouri National**
14 **Guard or the United States armed forces and that does not have an expiration date;**

15 (4) A document that satisfies all of the following requirements:

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

19 (b) The document shows a [photographic or digital image] **photograph** of the
20 individual;

21 (c) The document includes an expiration date, and the document is not expired, or if
22 expired, **the document** expired [not before] **after** the date of the most recent general election;
23 and

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

25 (4) Any identification containing a [photographic or digital image] **photograph** of the
26 individual which is issued by the Missouri National Guard, the United States armed forces, or
27 the United States Department of Veteran Affairs to a member or former member of the Missouri
28 National Guard or the United States armed forces and that does not have an expiration date.

29 2. [The] **All election authority costs associated with the implementation of the photo**
30 **identification requirements of this section shall be reimbursed from the general revenue**
31 **of this state by an appropriation for that purpose. If there is no appropriation of state**
32 **funds, then election authorities shall not enforce the photo identification requirements of**
33 **this section.**

34 **3. Each** election authority shall post a clear and conspicuous notice at each polling place
35 informing each voter who appears at the polling place without a form of personal identification
36 that satisfies the requirements of [subsection 1 of] this section that the voter may return to the
37 polling place with a proper form of personal identification and vote a regular ballot after election
38 judges have verified the voter's identity and eligibility under [subsection 1 of] this section. In
39 addition to such posting, the election judges **at each polling place** may also inform such voters
40 by written or oral communication of such information posted in the notice. Voters who return
41 to the polling place during the uniform polling hours established by section 115.407 with a
42 current and valid form of personal identification shall be given priority in any voting lines.

43 [3.] **4.** An individual who appears at a polling place without **a form of personal**
44 identification [in the form] described in [subsection 1 of] this section and who is otherwise
45 qualified to vote at that polling place may execute an affidavit averring that the voter is the
46 person listed in the precinct register [and that the voter] , does not possess a form of **personal**
47 identification specified in this section, and is unable to obtain a current and valid form of
48 personal identification because of:

49 (1) A physical or mental disability or handicap of the voter, if the voter is otherwise
50 competent to vote under Missouri law; [or]

51 (2) **The inability to pay for a birth certificate or other supporting documentation**
52 **that is necessary to obtain the identification required to vote under this section;**

53 (3) A sincerely held religious belief against the forms of personal identification described
54 in [subsection 1 of] this section; or

55 [(3)] (4) The voter being born on or before January 1, 1941.

56

57 Upon executing such affidavit, the individual may cast a provisional ballot. Such provisional
58 ballot shall be counted, provided the election authority verifies the identity of the individual by
59 comparing that individual's signature to the signature on file with the election authority and
60 determines that the individual was eligible to cast a ballot at the polling place where the ballot
61 was cast.

62 [4.] 5. The affidavit to be used for voting under subsection 3 of this section shall be
63 substantially in the following form:

64

65 "State of

66 County of

67 I do solemnly swear (or affirm) that my name is; that I reside at
68; and that I am the person listed in the precinct register under this name
69 and at this address. I further swear (or affirm) that I am unable to obtain a current and valid form
70 of personal identification because of:

71

72 A physical or mental disability or handicap; [or]

73 **An inability to pay for a birth certificate or other supporting documentation necessary**
74 **to obtain the identification required to vote under this section;**

75 A sincerely held religious belief; or

76 My being born on or before January 1, 1941.

77

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

80

81 Signature of voter

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

83

84 Signature of election official"

85 [5.] 6. A voter shall be allowed to cast a provisional ballot under section 115.430 even
86 if the election judges cannot establish the voter's identity under [subsection 1 of] this section.

87 The election judges shall make a notation on the provisional ballot envelope to indicate that the
88 voter's identity was not verified. The provisional ballot cast by such voter shall not be counted
89 unless:

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

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

94 [6.] 7. The secretary of state shall provide advance notice of the personal identification
95 requirements of [subsection 1 of] this section in a manner calculated to inform the public
96 generally of the requirement for [photographic] **forms of** personal identification as provided in
97 this section. Such advance notice shall include, at a minimum, the use of advertisements and
98 public service announcements in print, broadcast television, radio, and cable television media,
99 as well as the posting of information on the opening pages of the official state Internet websites
100 of the secretary of state and governor.

101 [7.] 8. The provisions of section 136.055[, RSMo,] and section 302.181[, RSMo,]
102 notwithstanding, **the state shall provide at least one such form of the personal identification**
103 **required to vote at no cost to any otherwise qualified voter who does not already possess**
104 **such identification and who desires the identification in order to vote.** Any applicant who
105 requests a nondriver's license with a photograph or digital image for the purpose of voting shall
106 not be required to pay a fee if the applicant executes an affidavit averring that the applicant does
107 not have any other form of [photographic] personal identification that meets the requirements
108 of [subsection 1 of] this section. The state of Missouri shall pay the legally required fees for any
109 such applicant. The director shall design an affidavit to be used for this purpose. [However, any
110 disabled or elderly person otherwise competent to vote shall be issued a nondriver's license photo
111 identification through a mobile processing system operated by the Missouri department of
112 revenue upon request if the individual is physically unable to otherwise obtain a nondriver's
113 license photo identification. The department of revenue shall make nondriver's license photo
114 identifications available through its mobile processing system only at facilities licensed under
115 chapter 198, RSMo, and other public places accessible to and frequented by disabled and elderly
116 persons. The department shall provide advance notice of the times and places when the mobile
117 processing system will be available. At least nine mobile units housed under the office of
118 administration shall remain available for dispatch upon the request of the department of revenue
119 to fulfill the requirements of this section.] The total cost associated with nondriver's license
120 photo identification under this subsection shall be borne by the state of Missouri from funds
121 appropriated to the department of revenue for that specific purpose. The department of revenue

122 and a local election authority may enter into a contract that allows the local election authority to
123 assist the department in issuing nondriver's license photo identifications.

124 [8.] 9. The director of the department of revenue shall, by January first of each year,
125 prepare and deliver to each member of the general assembly a report documenting the number
126 of individuals who have requested and received a nondriver's license photo identification for the
127 purposes of voting under this section. The report shall also include the number of persons
128 requesting a nondriver's license for purposes of voting under this section, but not receiving such
129 license, and the reason for the denial of the nondriver's license.

130 [9.] 10. The precinct register shall serve as the voter identification certificate. The
131 following form shall be printed at the top of each page of the precinct register:

132 VOTER'S IDENTIFICATION CERTIFICATE

133

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

136 PRECINCT

137 WARD OR TOWNSHIP

138 GENERAL (SPECIAL, PRIMARY) ELECTION

139 Held, 20....

140 Date

141

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

144 [10.] 11. The secretary of state shall promulgate rules to effectuate the provisions of this
145 section.

146 [11.] 12. Any rule or portion of a rule, as that term is defined in section 536.010, RSMo,
147 that is created under the authority delegated in this section shall become effective only if it
148 complies with and is subject to all of the provisions of chapter 536, RSMo, and, if applicable,
149 section 536.028, RSMo. This section and chapter 536, RSMo, are nonseverable and if any of
150 the powers vested with the general assembly pursuant to chapter 536, RSMo, to review, to delay
151 the effective date or to disapprove and annul a rule are subsequently held unconstitutional, then
152 the grant of rulemaking authority and any rule proposed or adopted after August 28, 2002, shall
153 be invalid and void.

154 [12.] 13. If any voter is unable to sign his name at the appropriate place on the certificate
155 or computer printout, an election judge shall print the name and address of the voter in the
156 appropriate place on the precinct register, the voter shall make his mark in lieu of signature, and
157 the voter's mark shall be witnessed by the signature of an election judge.

158 [13. For any election held on or before November 1, 2008, an individual who appears
159 at a polling place without identification in the form described in subsection 1 of this section, and
160 who is otherwise qualified to vote at that polling place, may cast a provisional ballot after:

161 (1) Executing an affidavit which is also signed by two supervising election judges, one
162 from each major political party, who attest that they have personal knowledge of the identity of
163 the voter, provided that the two supervising election judges who sign an affidavit under this
164 subdivision shall not be involved or participate in the verification of the voter's eligibility by the
165 election authority after the provisional ballot is cast; or

166 (2) (a) Executing an affidavit affirming his or her identity; and

167 (b) Presenting a form of identification from the following list:

168 a. Identification issued by the state of Missouri, an agency of the state, or a local election
169 authority of the state;

170 b. Identification issued by the United States government or agency thereof;

171 c. Identification issued by an institution of higher education, including a university,
172 college, vocational and technical school, located within the state of Missouri;

173 d. A copy of a current utility bill, bank statement, government check, paycheck, or other
174 government document that contains the name and address of the voter; or

175 e. Driver's license or state identification card issued by another state. Such provisional
176 ballot shall be entitled to be counted, provided the election authority verifies the identity of the
177 individual by comparing that individual's signature to the current signature on file with the
178 election authority and determines that the individual was otherwise eligible to cast a ballot at the
179 polling place where the ballot was cast.

180 14. The affidavit to be used for voting under subsection 13 of this section shall be
181 substantially in the following form:

182
183 "State of

184 County of

185 I do solemnly swear (or affirm) that my name is; that I reside at
186; and that I am the person listed in the precinct register under this name
187 and at this address.

188
189 I understand that knowingly providing false information is a violation of law and subjects me to
190 possible criminal prosecution.

191

192 Signature of voter

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

194

195 Signature of Election Official".

196 15. The provisions of subsections 1 to 5 and 8 to 14 of this section shall become
197 effective August 28, 2006, and this subsection shall expire September 1, 2006.]

Section B. Section A of this act shall become effective only upon the passage and
2 approval by the voters of a constitutional amendment submitted to them by the general assembly
3 regarding the authorization of advance voting, photo identification, and voter registration
4 requirements by general law.

Section C. Notwithstanding any provision of section 1.140 to the contrary, the provisions
2 of section A of this act shall be nonseverable, and if any provision of section A of this act is held
3 to be invalid for any reason, such decision shall invalidate all of the remaining provisions of
4 section A of this act.

✓