

HCS HB 329 -- ELECTIONS

SPONSOR: Dugger (Diehl)

COMMITTEE ACTION: Voted "do pass" by the Committee on Elections by a vote of 7 to 3.

This substitute changes the laws regarding elections. In its main provisions, the substitute:

(1) Requires each local election authority to establish one advance voting center in each senatorial district in the state or at least one center in each county in a senatorial district if there is more than one county in a senatorial district. Any registered voter may vote by advance ballot in person at any election for a federal or statewide office. Advance voting will begin on the second Saturday prior to the election until the Wednesday immediately preceding the election, excluding Sundays, using absentee ballots and those procedures. No statement of the person's reason for voting an absentee ballot will be required as is currently required to vote by absentee ballot. All current procedures for casting and counting absentee ballots and the appointment of election judges and polling places will apply to advance voting. The Secretary of State and each local election authority must provide adequate public notice of the advance voting centers and voting times including a posting at each local election authority's respective office and on the web site of each authority that maintains a web site. All costs associated with advance voting centers must be reimbursed by the state. If there is no appropriation, an election authority must not conduct advance voting;

(2) Specifies that a person seeking to vote in a public election must establish his or her qualifications as a United States citizen lawfully residing in this state by presenting a form of personal identification containing a photograph of the individual to election officials. All costs incurred by an election authority to implement the photo identification requirements must be reimbursed by the state. If there is no appropriation, the election authority must not enforce the photo identification requirement;

(3) Allows an individual to vote by casting a provisional ballot after signing an affidavit if he or she does not possess a required form of personal identification because of the inability to pay for a birth certificate or other documentation necessary to obtain the identification;

(4) Requires the state to provide at no cost at least one form of personal identification required to vote to a qualified

individual who does not already possess the required identification and desires the identification in order to vote; and

(5) Repeals the provision requiring a disabled or elderly person to be able to obtain a nondriver's license photo identification through a mobile processing system operated by the Department of Revenue.

If any portion of the substitute is held invalid for any reason, the entire substitute will be invalidated.

The substitute will become effective upon voter approval of a constitutional amendment that authorizes the General Assembly to require the photo identification, advance voting, and voter registration requirements by law.

FISCAL NOTE: Estimated Net Effect on General Revenue Fund of an income of \$0 in FY 2012, an income of \$0 or Unknown to a cost of Unknown greater than \$5,448,411 in FY 2013, and an income of \$0 or Unknown to a cost of Unknown greater than \$2,464,443 in FY 2014. Estimated Net Income on Other State Funds of \$0 in FY 2012, \$0 or Unknown in FY 2013, and \$0 or Unknown in FY 2014.

PROPOSERS: Supporters say that the bill will allow greater election accountability and make it easier to vote. The bill's implementation is subject to voter approval of HJR 14. A photographic identification requirement should prevail over any contrary constitutional provision because it will indicate the voters' wishes. The bill ensures that every person wanting to vote will not be prevented from doing so because the state will pay the cost for the required photographic identification if the person doesn't already have one.

Testifying for the bill were Representative Diehl; and Sharron Barnes.

OPPOSERS: Those who oppose the bill say it is unconstitutional, will inhibit the right to vote, doesn't go far enough in preventing voter fraud, might overly burden county clerks, and will be costly.

Testifying against the bill were Denise Lieberman, Washington University; Burt Newman, Esquire; Kathleen Weinschneck; Thomas Bloom; Mary Hussman, Missouri NAACP; League of Women Voters of Missouri; Office of the Secretary of State; American Civil Liberties Union - Eastern Missouri; various county clerks; and Mitch Hubbard.

OTHERS: Others testifying on the bill say that the compensation

of county clerks must be assured and that there may need to be significant staff increases to accommodate advance voting. Photographic identification may be very useful in preventing voter fraud. Small counties may have great difficulty accommodating advance voting in courthouses because of scheduling problems.

Testifying on the bill were Missouri Association of County Clerks and Election Authorities; and Peggy Kenney, Holt County Clerk.