

HCS SS#2 SCS SB 1014 & 730 -- ELECTION ADMINISTRATION

SPONSOR: Scott (Stevenson)

COMMITTEE ACTION: Voted "do pass" by the Committee on Elections by a vote of 6 to 5.

This substitute establishes the Missouri Voter Protection Act which changes the laws regarding elections.

For any election after November 1, 2008, voters must establish their identity prior to voting by providing a nonexpired Missouri driver's license, a Missouri nondriver's license, certain specified documents, or photographic identification issued by the Missouri National Guard, the United States armed forces, or the United States Veterans' Administration. This requirement is waived for the physically disabled; those with religious beliefs prohibiting possession of photographic identification; and all persons born on or before January 1, 1941, who may vote by provisional ballot after having their signature verified. Persons who do not have the required identification may vote a provisional ballot, but it will only be counted if they later return to the polling place and provide the required identification during election hours.

Nondriver's licenses will be provided free of charge to any eligible voter who lacks other means of identification. The Director of the Department of Revenue will provide a report to the General Assembly regarding the number of nondriver's licenses issued for voting purposes and any reason for the denial of a license request.

For elections held on or before November 1, 2008, all eligible voters may vote a provisional ballot if they fail to meet the requirements for documentation or photographic identification that are required to cast a regular ballot if they sign an affidavit and are identified by two election judges or provide any state-issued identification, voter identification cards, identification issued by the United States, educational institution identification, non-Missouri driver's license, or other specified types of bills and documents. The provisional ballots will be confirmed by signature matching.

Absentee ballots will not be mailed to voters who register by mail until they have voted in person or provided the newly required documentation or photographic identification required.

Election authorities are required to create a list of legally registered voters using the process specified in Section 115.158, RSMo. Precinct binders based on identification by election

judges will no longer be sufficient for voter identification lists. Voter notification cards with all of the new requirements will be mailed to registered voters. Election judges will not have jurisdiction to extend voting past the deadline established by law.

The criteria for holding elections after a natural or man-made disaster are specified, and the courts will be given authority to reschedule and oversee these elections.

The process and requirements for individuals registering more than 10 persons with the Secretary of State as voter registration solicitors are specified. Solicitors cannot be paid by the quantity of voters registered or the number of applications submitted, but the substitute does not prohibit an hourly compensation.

Detailed criteria for counting different types of ballots are implemented to help resolve disputes over how election authorities should judge ballots. The ability to vote a straight party ticket is abolished. Each individual candidate must be voted for by the requisite type of action depending on the type of ballot being used. The distance limit from a polling place for the purpose of electioneering is increased from 25 feet to 50 feet.

Two new class one election offenses are created. They are:

- (1) Acts of violence, destruction of property worth \$500 or more, or threats of violence with the intent of interfering with the right to vote; and
- (2) Knowingly providing false information about election procedures for the purpose of preventing voting.

Election authorities are required to provide polling places with at least one and one-third times the number of ballots that were cast at the polling place during an election held two years prior to the current election. For general elections, the authority must provide at least one and one-third times the number of ballots cast at the polling place during an election held four years prior to the current election. Currently, election authorities must provide polling places with 55 ballots for each 50 and a fraction of 50 registered voters.

Minor children will be allowed to accompany their parents, grandparents, or guardians to the voting booth. The ability to vote an advance ballot is abolished by repeal of Section 115.126, RSMo; and voters will no longer be able to challenge the removal of their names from registration lists in circuit court because

the substitute repeals Section 115.223, RSMo.

The substitute also allows anyone who believes a violation of the federal Help America Vote Act has occurred to file a complaint with the Office of the Secretary of State and specifies the procedures for the investigation and remedy of any violations.

The substitute contains an emergency clause.

FISCAL NOTE: Estimated Cost on General Revenue Fund of Less than \$4,099,120 in FY 2007, Less than \$2,278,634 in FY 2008, and Less than \$980,119 in FY 2009. No impact on Other State Funds in FY 2007, FY 2008, and FY 2009.

PROPOSERS: Supporters say that the bill is necessary to prevent voter fraud. The idea of requiring photographic identification has widespread public support. Other states have adopted similar measures which have worked well.

Testifying for the bill were Senator Scott; American Center for Voting Rights; and Ed Martin.

OPPOSERS: Those who oppose the bill say that it will disenfranchise thousands of Missouri voters and have a negative impact on the poor and elderly. The right to vote is fundamental, and requiring photographic identification is economically analogous to a poll tax because it requires the expenditure of funds for identification prior to voting. Some believe that it is unconstitutional because of its disparate impact on the African American community and will result in long delays in election results.

Testifying against the bill were Representative Sanders; David Bonner for Representative Johnson (61); Secretary of State; B.T. Rice, New Harrison Christian Church; Michelle Krajewski, Center for Independent Living, Kansas City; Missouri National Association for the Advancement of Colored People; Associated Students of the University of Missouri; and Theresa Rolfe.

OTHERS: Others testifying on the bill say that the election system is very complex and that there is considerable difficulty in recruiting election judges and poll workers. The provisional ballot requirements may not conform to the federal Help America Vote Act. The change in voter notification requirements may constitute an unfunded mandate.

Others testifying on the bill were the Missouri Association of County Clerks; and several individual county clerks.

Jason Glahn, Legislative Analyst