

SECOND REGULAR SESSION
HOUSE COMMITTEE SUBSTITUTE FOR

HOUSE JOINT RESOLUTION NO. 89

96TH GENERAL ASSEMBLY

6234L.04C

D. ADAM CRUMBLISS, Chief Clerk

JOINT RESOLUTION

Submitting to the qualified voters of Missouri, an amendment to article VIII of the Constitution of Missouri, and adopting four new sections relating to elections.

Be it resolved by the House of Representatives, the Senate concurring therein:

That at the next general election to be held in the state of Missouri, on Tuesday next
2 following the first Monday in November, 2012, or at a special election to be called by the
3 governor for that purpose, there is hereby submitted to the qualified voters of this state, for
4 adoption or rejection, the following amendment to article VIII of the Constitution of the state of
5 Missouri:

Section A. Article VIII, Constitution of Missouri, is amended by adding four new
2 sections, to be known as sections 8, 9, 10, and 11, to read as follows:

**Section 8. Qualified electors of the state may be enabled by general law to vote in
2 person in advance of election day at all elections by the people according to the following
3 terms:**

4 **1. Advance voting may be permitted from the third Saturday before the election
5 until the first Tuesday before the election excluding Sundays.**

6 **2. Advance voting may be conducted at such locations as are determined by general
7 law to be necessary or desirable to balance reasonable access to advance voting,
8 accountability, integrity, and security of the election, efficiency in the administration of the
9 election, and appropriate and responsible uses of public funds and other resources. The
10 number of advance voting sites may vary depending on expected voter turnout for an
11 election. A general law that requires election authorities to establish a certain number of
12 advance voting sites based solely on the number of registered voters in an election
13 jurisdiction conflicts with this subsection and is not valid.**

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.

14 **3. If a voter identification requirement is provided by general law for in-person**
15 **voting on election day, persons who desire to vote in advance of election day shall also**
16 **comply with that identification requirement.**

17 **4. The name and other identifying information of persons who vote in advance of**
18 **the election shall be treated confidentially by election officials and lists of persons who have**
19 **voted in advance shall not be disclosed to members of the public by election officials during**
20 **the advance voting period, except as necessary for the administration of the election, for**
21 **law enforcement, or to comply with a court order requiring disclosure for good cause**
22 **shown. Election officials may disclose lists with the names or other identifying information**
23 **for persons who have voted in advance of the election to the public after the advance voting**
24 **period has closed. This section does not prohibit election officials, election judges,**
25 **challengers, watchers, or any other member of the public from observing or participating**
26 **in the election process. This section does not alter or effect any change in the provisions**
27 **of section 3 of this article relating to nondisclosure of how any voter voted and the**
28 **exceptions thereto.**

29 **5. This section shall not apply to absentee voting laws authorized by section 7 of this**
30 **article.**

31 **6. Any law that conflicts with this section shall not be valid or enforceable.**

32 **7. This section is not self-executing. Implementing general laws shall be required**
33 **before any person may vote in advance of an election. In order to allow election authorities**
34 **sufficient time to prepare for advance voting if authorized by general law, advance voting**
35 **shall not be effective for any election held on or before January 1, 2014.**

Section 9. A person seeking to vote in person in public elections may be required
2 **by general law to identify himself or herself and verify his or her qualifications as a citizen**
3 **of the United States of America and a resident of the state of Missouri by providing election**
4 **officials with a form of identification, which may include requiring valid government-**
5 **issued photo identification. Exceptions to the identification requirement may also be**
6 **provided for by general law.**

Section 10. Different requirements for absentee voting when the voter does not
2 **appear before the election authority may be established by general law as may be necessary**
3 **or desirable in order to accommodate the different purposes and administration**
4 **requirements of this method of voting.**

Section 11. If any portion, clause, or phrase of sections 8, 9, and 10 of this article
2 **is, for any reason, held to be invalid or unconstitutional by a court of competent**
3 **jurisdiction, the remaining portions, clauses, and phrases shall be invalid and of no further**
4 **force or effect.**

Section B. The official ballot title for section A of this act shall read as follows:

2 "Shall the Missouri Constitution be amended to create standards for enacting general laws
3 that authorize advance voting, require the use of government-issued photo identification in order
4 to vote, and govern voting procedures based on whether an individual is voting in person or by
5 absentee ballot?".

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