SENATE SUBSTITUTE

FOR

SENATE COMMITTEE SUBSTITUTE

FOR

HOUSE BILL NO. 1631

AN ACT

To repeal section 115.427, RSMo, and to enact in lieu thereof one new section relating to elections, with a contingent effective date.

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Section A. Section 115.427, RSMo, is repealed and one new section enacted in lieu thereof, to be known as section 115.427, to read as follows: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. [Before receiving a ballot, voters] Persons seeking to vote in a public election shall establish their identity and eligibility to vote at the polling place by presenting a form of personal identification to election officials. ["Personal identification" shall mean only] No form of personal identification other than the forms listed in this section shall be accepted to establish a voter's qualifications to vote. Forms of personal identification that satisfy the requirements of this section are any one of the following:

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

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

(3) 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 [photographic or digital image] photograph of the individual;

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

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

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

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

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

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

(2) A sincerely held religious belief against the forms of personal identification described in subsection 1 of this section; or

(3) The voter being born on or before January 1, 1941], averring that the individual does not possess a form of personal identification described in subsection 1 of this section; acknowledging that the individual is eligible to receive a Missouri nondriver's license free of charge if desiring it in
order to vote; and acknowledging that the individual is required
to present a form of personal identification, as described in
subsection 1 of this section, in order to vote. Such statement
shall be executed and sworn to before the election official
receiving the statement. Upon executing such affidavit
statement, the individual may cast a provisional regular
ballot, provided such individual presents one of the following
forms of identification:

(a) Identification issued by the state of Missouri, an
agency of the state, or a local election authority of the state;
(b) Identification issued by the United States government
or agency thereof;
(c) Identification issued by an institution of higher
education, including a university, college, vocational and
technical school, located within the state of Missouri;
(d) A copy of a current utility bill, bank statement,
government check, paycheck, or other government document that
contains the name and address of the individual;
(e) Other identification approved by the secretary of state
under rules promulgated pursuant to this section. [Such
provisional ballot shall be counted, provided 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.]

(2) For any individual who appears at a polling place
without a form of personal identification described in subsection
1 of this section and who is otherwise qualified to vote at that
2 polling place, the election authority may take a picture of such
3 individual and keep it as part of that individual's voter
4 registration file at the election authority.

(3) Any individual who chooses not to execute the statement
5 described in subdivision (1) of this subsection may cast a
6 provisional ballot. Such provisional ballot shall be counted,
7 provided that it meets the requirements of subsection 4 of this
8 section.

(4) For the purposes of this section, the term "election
10 official" shall include any person working under the authority of
11 the election authority.

[4.] 3. The [affidavit] statement to be used for voting
14 under subdivision (1) of subsection [3] 2 of this section shall
15 be substantially in the following form:
16 "State of ............................
17 County of ..........................
18 I do solemnly swear (or affirm) that my name is ...............;
19 that I reside at ..........................................;
20 [and] that I am the person listed in the precinct register under
21 this name and at this address[. I further swear (or affirm) that
22 I am unable to obtain a current and valid form of personal
23 identification because of:
24 □ A physical or mental disability or handicap; or
25 □ A sincerely held religious belief; or
26 □ My being born on or before January 1, 1941]; and that, under
27 penalty of perjury, I do not possess a form of personal
28 identification approved for voting. As a person who does not
possess a form of personal identification approved for voting, I acknowledge that I am eligible to receive free of charge a Missouri nondriver's license at any fee office if desiring it in order to vote. I furthermore acknowledge that I am required to present a form of personal identification, as prescribed by law, in order to vote.

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

............................
Signature of voter
Subscribed and affirmed before me this ............. day of
................., 20....
............................
Signature of election official"

[5.] 4. A voter shall be allowed to cast a provisional ballot under section 115.430 even if the election judges cannot establish the voter's identity under [subsection 1 of] this section. The election judges shall make a notation on the provisional ballot envelope to indicate that the voter's identity was not verified. The provisional ballot cast by such voter shall not be counted unless:

(1) 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; [and]
(2) 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

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

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

[7.] 6. (1) Notwithstanding the provisions of section 136.055 and section 302.181 [notwithstanding] to the contrary, the state and all fee offices shall provide one nondriver's license at no cost to any otherwise qualified voter who does not already possess such identification and who desires the identification in order to vote.

(2) This state and its agencies shall provide one copy of each of the following, free of charge, if needed by an individual seeking to obtain a form of personal identification described in subsection 1 of this section in order to vote:

(a) A birth certificate;
(b) A marriage license or certificate;
(c) A divorce decree;
(d) A certificate of decree of adoption;
(e) A court order changing the person's name;
(f) A social security card reflecting an updated name; and
(g) Naturalization papers or other documents from the United States Department of State proving citizenship.

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

(3) All costs associated with the implementation of this section shall be reimbursed from the general revenue of this state by an appropriation for that purpose. If there is not a sufficient appropriation of state funds, then the personal identification requirements of subsection 1 of this section shall not be enforced.

(4) Any applicant who requests a nondriver's license [with a photograph or digital image] for the purpose of voting shall not be required to pay a fee if the applicant executes [an affidavit] a statement, under penalty of perjury, averring that the applicant does not have any other form of [photographic]
personal identification that meets the requirements of [subsection 1 of] this section. The state of Missouri shall pay the legally required fees for any such applicant. The director of the department of revenue shall design [an affidavit] a statement to be used for this purpose. [However, any disabled or elderly person otherwise competent to vote shall be issued a nondriver's license photo identification through a mobile processing system operated by the Missouri department of revenue upon request if the individual is physically unable to otherwise obtain a nondriver's license photo identification. The department of revenue shall make nondriver's license photo identifications available through its mobile processing system only at facilities licensed under chapter 198 and other public places accessible to and frequented by disabled and elderly persons. The department shall provide advance notice of the times and places when the mobile processing system will be available. At least nine mobile units housed under the office of administration shall remain available for dispatch upon the request of the department of revenue to fulfill the requirements of this section.] The total cost associated with nondriver's license photo identification under this subsection shall be borne by the state of Missouri from funds appropriated to the department of revenue for that specific purpose. The department of revenue and a local election authority may enter into a contract that allows the local election authority to assist the department in issuing nondriver's license photo identifications.

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

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

VOTER'S IDENTIFICATION CERTIFICATE

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

PRECINCT
WARD OR TOWNSHIP ....................................

GENERAL (SPECIAL, PRIMARY) ELECTION
  Held ........................................., 20....
  Date
I hereby certify that I am qualified to vote at this election by
signing my name and verifying my address by signing my initials
next to my address.

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

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

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

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

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

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

(b) Presenting a form of identification from the following list:
a. Identification issued by the state of Missouri, an agency of the state, or a local election authority of the state;
b. Identification issued by the United States government or agency thereof;
c. Identification issued by an institution of higher education, including a university, college, vocational and technical school, located within the state of Missouri;
d. A copy of a current utility bill, bank statement, government check, paycheck, or other government document that contains the name and address of the voter; or
e. Driver's license or state identification card issued by another state. Such provisional ballot shall be entitled to be counted, provided the election authority verifies the identity of the individual by comparing that individual's signature to the current signature on file with the election authority and determines that the individual was otherwise eligible to cast a ballot at the polling place where the ballot was cast.

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

"State of ................................
County of .................................
I do solemnly swear (or affirm) that my name is ..............; that I reside at ......................................; and that I am the person listed in the precinct register under this name and at this address.
I understand that knowingly providing false information is a violation of law and subjects me to possible criminal prosecution."
1  ........................................................................................................
2 Signature of voter
3 Subscribed and affirmed before me this ....... day of
4 ........................., 20....
5 ........................................................................................................
6 Signature of Election Official".
7
8 15. The provisions of subsections 1 to 5 and 8 to 14 of
9 this section shall become effective August 28, 2006, and this
10 subsection shall expire September 1, 2006.]
11
12 Section B. Section A of this act shall become effective
13 only upon the passage and approval by the voters of a
14 constitutional amendment submitted to them by the general
15 assembly regarding the authorization of photo identification
16 requirements for elections by general law. If such
17 constitutional amendment is approved by the voters, this act
18 shall become effective June 1, 2017.