

SECOND REGULAR SESSION
[TRULY AGREED TO AND FINALLY PASSED]
SENATE SUBSTITUTE NO. 2 FOR
SENATE COMMITTEE SUBSTITUTE FOR
HOUSE COMMITTEE SUBSTITUTE FOR
HOUSE BILL NO. 1631
98TH GENERAL ASSEMBLY

4554S.18T

2016

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Section A. Section 115.427, RSMo, is repealed and one new section enacted in lieu thereof, to be known as section 115.427, to read as follows: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]; [or]

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

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.

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

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

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

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

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

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

35 3.] **(1)** An individual who appears at a polling place without **a form of personal**
36 identification [in the form] described in subsection 1 of this section and who is otherwise
37 qualified to vote at that polling place may execute [an affidavit] **a statement, under penalty of**
38 **perjury**, averring that the [voter] **individual** is the person listed in the precinct register [and that
39 the voter does not possess a form of identification specified in this section and is unable to obtain
40 a current and valid form of personal identification because of:

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

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

45 (3) The voter being born on or before January 1, 1941] ; **averring that the individual**
46 **does not possess a form of personal identification described in subsection 1 of this section;**
47 **acknowledging that the individual is eligible to receive a Missouri nondriver's license free**

48 **of charge if desiring it in order to vote; and acknowledging that the individual is required**
49 **to present a form of personal identification, as described in subsection 1 of this section, in**
50 **order to vote. Such statement shall be executed and sworn to before the election official**
51 **receiving the statement.** Upon executing such [affidavit] **statement**, the individual may cast
52 a [provisional] **regular ballot, provided such individual presents one of the following forms**
53 **of identification:**

54 (a) **Identification issued by the state of Missouri, an agency of the state, or a local**
55 **election authority of the state;**

56 (b) **Identification issued by the United States government or agency thereof;**

57 (c) **Identification issued by an institution of higher education, including a**
58 **university, college, vocational and technical school, located within the state of Missouri;**

59 (d) **A copy of a current utility bill, bank statement, government check, paycheck,**
60 **or other government document that contains the name and address of the individual;**

61 (e) **Other identification approved by the secretary of state under rules promulgated**
62 **pursuant to this section.** [Such provisional ballot shall be counted, provided the election
63 authority verifies the identity of the individual by comparing that individual's signature to the
64 signature on file with the election authority and determines that the individual was eligible to cast
65 a ballot at the polling place where the ballot was cast.]

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

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

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

75 [4.] **3.** The [affidavit] **statement** to be used for voting under **subdivision (1) of**
76 **subsection [3] 2** of this section shall be substantially in the following form:

77 "State of

78 County of

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

83 A physical or mental disability or handicap; or

84 A sincerely held religious belief; or

85 My being born on or before January 1, 1941] ; **and that, under penalty of perjury, I**
86 **do not possess a form of personal identification approved for voting. As a person who does**
87 **not possess a form of personal identification approved for voting, I acknowledge that I am**
88 **eligible to receive free of charge a Missouri nondriver's license at any fee office if desiring**
89 **it in order to vote. I furthermore acknowledge that I am required to present a form of**
90 **personal identification, as prescribed by law, in order to vote.**

91

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

94

95 Signature of voter

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

97

98 Signature of election official"

99 [5.] 4. A voter shall be allowed to cast a provisional ballot under section 115.430 even
100 if the election judges cannot establish the voter's identity under [subsection 1 of] this section.
101 The election judges shall make a notation on the provisional ballot envelope to indicate that the
102 voter's identity was not verified. The provisional ballot cast by such voter shall not be counted
103 unless:

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

107 [(2)] (b) **The election authority verifies the identity of the individual by comparing**
108 **that individual's signature to the signature on file with the election authority and**
109 **determines that the individual was eligible to cast a ballot at the polling place where the**
110 **ballot was cast; and**

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

112 [6.] 5. The secretary of state shall provide advance notice of the personal identification
113 requirements of subsection 1 of this section in a manner calculated to inform the public generally
114 of the requirement for [photographic] **forms of** personal identification as provided in this section.
115 Such advance notice shall include, at a minimum, the use of advertisements and public service
116 announcements in print, broadcast television, radio, and cable television media, as well as the
117 posting of information on the opening pages of the official state [Internet] **internet** websites of
118 the secretary of state and governor.

119 [7.] **6. (1) Notwithstanding** the provisions of section 136.055 and section 302.181
120 [notwithstanding] **to the contrary, the state and all fee offices shall provide one nondriver's**
121 **license at no cost to any otherwise qualified voter who does not already possess such**
122 **identification and who desires the identification in order to vote.**

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

126 **(a) A birth certificate;**

127 **(b) A marriage license or certificate;**

128 **(c) A divorce decree;**

129 **(d) A certificate of decree of adoption;**

130 **(e) A court order changing the person's name;**

131 **(f) A social security card reflecting an updated name; and**

132 **(g) Naturalization papers or other documents from the United States Department**
133 **of State proving citizenship.**

134

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

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

145 **(4) Any applicant who requests a nondriver's license [with a photograph or digital image]**
146 **for the purpose of voting shall not be required to pay a fee if the applicant executes [an affidavit]**
147 **a statement, under penalty of perjury, averring that the applicant does not have any other form**
148 **of [photographic] personal identification that meets the requirements of [subsection 1 of] this**
149 **section. The state of Missouri shall pay the legally required fees for any such applicant. The**
150 **director of the department of revenue shall design [an affidavit] a statement to be used for this**
151 **purpose. [However, any disabled or elderly person otherwise competent to vote shall be issued**
152 **a nondriver's license photo identification through a mobile processing system operated by the**
153 **Missouri department of revenue upon request if the individual is physically unable to otherwise**
154 **obtain a nondriver's license photo identification. The department of revenue shall make**

155 nondriver's license photo identifications available through its mobile processing system only at
 156 facilities licensed under chapter 198 and other public places accessible to and frequented by
 157 disabled and elderly persons. The department shall provide advance notice of the times and
 158 places when the mobile processing system will be available. At least nine mobile units housed
 159 under the office of administration shall remain available for dispatch upon the request of the
 160 department of revenue to fulfill the requirements of this section.] The total cost associated with
 161 nondriver's license photo identification under this subsection shall be borne by the state of
 162 Missouri from funds appropriated to the department of revenue for that specific purpose. The
 163 department of revenue and a local election authority may enter into a contract that allows the
 164 local election authority to assist the department in issuing nondriver's license photo
 165 identifications.

166 [8.] 7. The director of the department of revenue shall, by January first of each year,
 167 prepare and deliver to each member of the general assembly a report documenting the number
 168 of individuals who have requested and received a nondriver's license photo identification for the
 169 purposes of voting under this section. The report shall also include the number of persons
 170 requesting a nondriver's license for purposes of voting under this section, but not receiving such
 171 license, and the reason for the denial of the nondriver's license.

172 [9.] 8. The precinct register shall serve as the voter identification certificate. The
 173 following form shall be printed at the top of each page of the precinct register:

174 VOTER'S IDENTIFICATION CERTIFICATE

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

177 PRECINCT

178 WARD OR TOWNSHIP

179 GENERAL (SPECIAL, PRIMARY) ELECTION

180 Held, 20....

181 Date

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

184 [10.] 9. The secretary of state shall promulgate rules to effectuate the provisions of this
 185 section.

186 [11.] 10. Any rule or portion of a rule, as that term is defined in section 536.010, that is
 187 created under the authority delegated in this section shall become effective only if it complies
 188 with and is subject to all of the provisions of chapter 536 and, if applicable, section 536.028.
 189 This section and chapter 536 are nonseverable and if any of the powers vested with the general
 190 assembly pursuant to chapter 536 to review, to delay the effective date or to disapprove and

191 annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and
192 any rule proposed or adopted after August 28, 2002, shall be invalid and void.

193 [12.] 11. If any voter is unable to sign his name at the appropriate place on the certificate
194 or computer printout, an election judge shall print the name and address of the voter in the
195 appropriate place on the precinct register, the voter shall make his mark in lieu of signature, and
196 the voter's mark shall be witnessed by the signature of an election judge.

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

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

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

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

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

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

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

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

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

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

221 "State of

222 County of

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

225

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

228

229 Signature of voter

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

231

232 Signature of Election Official".

233 15. The provisions of subsections 1 to 5 and 8 to 14 of this section shall become
234 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 photo identification requirements for elections by general law. If
4 such constitutional amendment is approved by the voters, this act shall become effective June
5 1, 2017.

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