

SECOND REGULAR SESSION

[RECORRECTED]

# HOUSE BILL NO. 1835

## 98TH GENERAL ASSEMBLY

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INTRODUCED BY REPRESENTATIVE MCGAUGH.

5290H.011

D. ADAM CRUMBLISS, Chief Clerk

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### AN ACT

To repeal section 115.427, RSMo, and to enact in lieu thereof one new section relating to verification of voter eligibility.

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*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Section A. Section 115.427, RSMo, is repealed and one new section enacted in lieu thereof, to be known as section 115.427, to read as follows: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 shall [establish their identity and eligibility to vote at the polling place] **identify themselves** by presenting a form of personal identification[. "Personal identification" shall mean only 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:

(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 of the individual;

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

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

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.

16 (4) Any identification containing a photographic or digital image of the individual which  
 17 is issued by the Missouri National Guard, the United States Armed Forces, or the United States  
 18 Department of Veteran Affairs to a member or former member of the Missouri National Guard  
 19 or the United States Armed Forces and that does not have an expiration date.

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

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

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

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

38 (3) The voter being born on or before January 1, 1941.

39 Upon executing such affidavit, the individual may cast a provisional ballot. Such  
 40 provisional ballot shall be counted, provided the election authority verifies the identity of the  
 41 individual by comparing that individual's signature to the signature on file with the election  
 42 authority and determines that the individual was eligible to cast a ballot at the polling place  
 43 where the ballot was cast.

44 4. The affidavit to be used for voting under subsection 3 of this section shall be  
 45 substantially in the following form: "State of ..... County of ..... I do  
 46 solemnly swear (or affirm) that my name is .....; that I reside at .....;  
 47 and that I am the person listed in the precinct register under this name and at this address. I  
 48 further swear (or affirm) that I am unable to obtain a current and valid form of personal  
 49 identification because of:

50  A physical or mental disability or handicap; or

51  A sincerely held religious belief; or

52 □ My being born on or before January 1, 1941.

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

55 .....

56 Signature of voter

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

58 .....

59 Signature of election official"

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

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

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

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

76 7. The provisions of section 136.055 and section 302.181 notwithstanding, any applicant  
77 who requests a nondriver's license with a photograph or digital image for the purpose of voting  
78 shall not be required to pay a fee if the applicant executes an affidavit averring that the applicant  
79 does not have any other form of photographic personal identification that meets the requirements  
80 of subsection 1 of this section. The state of Missouri shall pay the legally required fees for any  
81 such applicant. The director shall design an affidavit to be used for this purpose. However, any  
82 disabled or elderly person otherwise competent to vote shall be issued a nondriver's license photo  
83 identification through a mobile processing system operated by the Missouri department of  
84 revenue upon request if the individual is physically unable to otherwise obtain a nondriver's  
85 license photo identification. The department of revenue shall make nondriver's license photo  
86 identifications available through its mobile processing system only at facilities licensed under  
87 chapter 198 and other public places accessible to and frequented by disabled and elderly persons.

88 The department shall provide advance notice of the times and places when the mobile processing  
89 system will be available. At least nine mobile units housed under the office of administration  
90 shall remain available for dispatch upon the request of the department of revenue to fulfill the  
91 requirements of this section. The total cost associated with nondriver's license photo  
92 identification under this subsection shall be borne by the state of Missouri from funds  
93 appropriated to the department of revenue for that specific purpose. The department of revenue  
94 and a local election authority may enter into a contract that allows the local election authority to  
95 assist the department in issuing nondriver's license photo identifications.

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

102 9.] from the following list:

103 (1) Identification issued by the state of Missouri, an agency of the state, or a local  
104 election authority of the state;

105 (2) Identification issued by the United States government or agency thereof;

106 (3) Identification issued by an institution of higher education, including a university,  
107 college, or vocational and technical school, located within the state of Missouri;

108 (4) Driver's license or state identification card issued by another state; or

109 (5) Other identification approved by the secretary of state under rules promulgated  
110 under subsection 3 of this section or other identification approved by federal law.

111

112 **Personal knowledge of the voter by two supervising election judges, one from each major**  
113 **political party, shall be acceptable voter identification upon the completion of a secretary**  
114 **of state-approved affidavit that is signed by both supervisory election judges and the voter**  
115 **that attests to the personal knowledge of the voter by the two supervisory election judges.**  
116 **The secretary of state may provide by rule for a sample affidavit to be used for such**  
117 **purpose.**

118 2. The precinct register shall serve as the voter identification certificate. The following  
119 form shall be printed at the top of each page of the precinct register:

120 VOTER'S IDENTIFICATION CERTIFICATE

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

123 PRECINCT

124 WARD OR TOWNSHIP .....

125 GENERAL (SPECIAL, PRIMARY) ELECTION

126 Held ....., 20....

127 Date

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

130 [10.] 3. The secretary of state shall promulgate rules to effectuate the provisions of this  
131 section.

132 [11.] 4. Any rule or portion of a rule, as that term is defined in section 536.010, that is  
133 created under the authority delegated in this section shall become effective only if it complies  
134 with and is subject to all of the provisions of chapter 536 and, if applicable, section 536.028.  
135 This section and chapter 536 are nonseverable and if any of the powers vested with the general  
136 assembly pursuant to chapter 536 to review, to delay the effective date or to disapprove and  
137 annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and  
138 any rule proposed or adopted after August 28, 2002, shall be invalid and void.

139 [12.] 5. If any voter is unable to sign his name at the appropriate place on the certificate  
140 or computer printout, an election judge shall print the name and address of the voter in the  
141 appropriate place on the precinct register, the voter shall make his mark in lieu of signature, and  
142 the voter's mark shall be witnessed by the signature of an election judge.

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

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

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

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

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

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

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

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

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

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

167 County of .....

168 I do solemnly swear (or affirm) that my name is .....

169 that I reside at .....

170 and that I am the person listed in the precinct register under this name and at this address.

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

173 Signature of voter

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

175 .....

176 Signature of Election Official".

177 15. The provisions of subsections 1 to 5 and 8 to 14 of this section shall become  
 178 effective August 28, 2006, and this subsection shall expire September 1, 2006.]

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