

FIRST REGULAR SESSION

HOUSE BILL NO. 1107

100TH GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVE MCGAUGH.

2063H.011

DANA RADEMAN MILLER, Chief Clerk

AN ACT

To repeal sections 115.306 and 115.427, RSMo, and to enact in lieu thereof four new sections relating to elections.

Be it enacted by the General Assembly of the state of Missouri, as follows:

Section A. Sections 115.306 and 115.427, RSMo, are repealed and four new sections enacted in lieu thereof, to be known as sections 115.306, 115.310, 115.427, and 302.064, to read as follows:

115.306. 1. No person shall qualify as a candidate for elective public office in the state of Missouri who has been found guilty of or pled guilty to a felony under the federal laws of the United States of America or to a felony under the laws of this state or an offense committed in another state that would be considered a felony in this state.

2. (1) Any person who files as a candidate for election to a public office shall be disqualified from participation in the election for which the candidate has filed if such person is delinquent in the payment of any state income taxes, personal property taxes, municipal taxes, real property taxes on the place of residence, as stated on the declaration of candidacy, or if the person is a past or present corporate officer of any fee office that owes any taxes to the state.

(2) ~~[Each potential candidate for election to a public office, except candidates for a county or city committee of a political party, shall file an affidavit with the department of revenue and include a copy of the affidavit with the declaration of candidacy required under section 115.349. Such affidavit shall be in substantially the following form:~~

~~—AFFIRMATION OF TAX PAYMENTS AND BONDING REQUIREMENTS:~~

~~I hereby declare under penalties of perjury that I am not currently aware of any delinquency in the filing or payment of any state income taxes, personal property taxes,~~

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.

17 ~~municipal taxes, real property taxes on the place of residence, as stated on the declaration of~~
18 ~~candidacy, or that I am a past or present corporate officer of any fee office that owes any taxes~~
19 ~~to the state, other than those taxes which may be in dispute. I declare under penalties of perjury~~
20 ~~that I am not aware of any information that would prohibit me from fulfilling any bonding~~
21 ~~requirements for the office for which I am filing.~~

22 ~~_____Candidate's Signature~~

23 ~~_____Printed Name of Candidate~~

24 ~~_____~~(3) Upon receipt of a complaint alleging a delinquency of the candidate in the filing or
25 payment of any state income taxes, personal property taxes, municipal taxes, real property taxes
26 on the place of residence, as stated on the declaration of candidacy, or if the person is a past or
27 present corporate officer of any fee office that owes any taxes to the state, the department of
28 revenue shall investigate such potential candidate to verify the claim contained in the complaint.
29 If the department of revenue finds a positive affirmation to be false, the department shall contact
30 the secretary of state, or the election official who accepted such candidate’s declaration of
31 candidacy, and the potential candidate. The department shall notify the candidate of the
32 outstanding tax owed and give the candidate thirty days to remit any such outstanding taxes owed
33 which are not the subject of dispute between the department and the candidate. If the candidate
34 fails to remit such amounts in full within thirty days, the candidate shall be disqualified from
35 participating in the current election and barred from refiling for an entire election cycle even if
36 the individual pays all of the outstanding taxes that were the subject of the complaint.

**115.310. Each potential candidate for election to a public office, except candidates
2 for a county or city committee of a political party, shall file an affidavit with his or her
3 local election authority within seven days after the deadline to file as a candidate. Such
4 affidavit shall be in substantially the following form:**

5 AFFIRMATION OF TAX PAYMENTS AND BONDING REQUIREMENTS:

**6 I hereby declare under penalties of perjury that I am not currently aware of any
7 delinquency in the filing or payment of any state income taxes, personal property taxes,
8 municipal taxes, real property taxes on my place of residence, as stated on the declaration
9 of candidacy, or that I am a past or present corporate officer of any fee office that owes any
10 taxes to the state, other than those taxes which may be in dispute. I declare under penalties
11 of perjury that I am not aware of any information that would prohibit me from fulfilling
12 any bonding requirements for the office for which I am filing.**

13 _____
14 **Candidate's Signature**

15 _____
16 **Printed Name of Candidate**

115.427. 1. 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. 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, **which shall be accepted only if it contains a distinguishing mark on the front of the license that specifies the individual is a "citizen";**

(2) Nonexpired or nonexpiring Missouri nondriver's license, **which shall be accepted only if it contains a distinguishing mark on the front of the card that specifies the individual is a "citizen";**

(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 photograph of the individual;

(c) The document includes an expiration date, and the document is not expired, or, if expired, the document expired 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 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. (1) An 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 polling place may execute a statement, under penalty of perjury, averring that the individual is the person listed in the precinct register; 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 statement, the individual may cast a 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;

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

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

41 (e) Other identification approved by the secretary of state under rules promulgated
42 pursuant to this section.

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

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

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

52 3. The statement to be used for voting under subdivision (1) of subsection 2 of this
53 section shall be substantially in the following form:

54 "State of _____

55 County of _____

56 I do solemnly swear (or affirm) that my name is _____; that I reside at _____; that I
57 am the person listed in the precinct register under this name and at this address; and that, under
58 penalty of perjury, I do not possess a form of personal identification approved for voting. As a
59 person who does not possess a form of personal identification approved for voting, I
60 acknowledge that I am eligible to receive free of charge a Missouri nondriver's license at any fee
61 office if desiring it in order to vote. I furthermore acknowledge that I am required to present a
62 form of personal identification, as prescribed by law, in order to vote.

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

65

66

67 _____
Signature of voter

68 Subscribed and affirmed before me this _____ day of _____, 20_____

69

70

71 _____
Signature of election official"

72

73

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 this section. The election judges shall

74 make a notation on the provisional ballot envelope to indicate that the voter's identity was not
75 verified. The provisional ballot cast by such voter shall not be counted unless:

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

79 (b) The election authority verifies the identity of the individual by comparing that
80 individual's signature to the signature on file with the election authority and determines that the
81 individual was eligible to cast a ballot at the polling place where the ballot was cast; and

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

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

90 6. (1) Notwithstanding the provisions of section 136.055 and section 302.181 to the
91 contrary, the state and all fee offices shall provide one nondriver's license at no cost to any
92 otherwise qualified voter who does not already possess such identification and who desires the
93 identification in order to vote.

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

97 (a) A birth certificate;

98 (b) A marriage license or certificate;

99 (c) A divorce decree;

100 (d) A certificate of decree of adoption;

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

102 (f) A Social Security card reflecting an updated name; and

103 (g) Naturalization papers or other documents from the United States Department of State
104 proving citizenship.

105

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

110 or any other state, or the federal government or its agencies, in order to obtain any of the above
 111 documents from such state or the federal government.

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

116 (4) Any applicant who requests a nondriver’s license for the purpose of voting shall not
 117 be required to pay a fee if the applicant executes a statement, under penalty of perjury, averring
 118 that the applicant does not have any other form of personal identification that meets the
 119 requirements of this section. The state of Missouri shall pay the legally required fees for any
 120 such applicant. The director of the department of revenue shall design a statement to be used for
 121 this purpose. The total cost associated with nondriver’s license photo identification under this
 122 subsection shall be borne by the state of Missouri from funds appropriated to the department of
 123 revenue for that specific purpose. The department of revenue and a local election authority may
 124 enter into a contract that allows the local election authority to assist the department in issuing
 125 nondriver’s license photo identifications.

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

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

134 VOTER'S IDENTIFICATION CERTIFICATE

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

137 PRECINCT

138 WARD OR TOWNSHIP _____

139 GENERAL (SPECIAL, PRIMARY) ELECTION

140 Held _____, 20_____

141 Date

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

144 9. The secretary of state shall promulgate rules to effectuate the provisions of this
 145 section.

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

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

157 12. This section shall become effective only upon the passage and approval by the voters
158 of a constitutional amendment submitted to them by the general assembly regarding the
159 authorization of photo identification requirements for elections by general law. If such
160 constitutional amendment is approved by the voters, this section shall become effective June 1,
161 2017.

**302.064. Notwithstanding any other provision of law, any driver's license,
2 nondriver's identification card, or other form of identification issued by the department
3 to a person who is a citizen of the United States shall have a distinguishing mark on the
4 front of the license or card that specifies the individual is a "citizen".**

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