

SECOND REGULAR SESSION

# HOUSE BILL NO. 1600

100TH GENERAL ASSEMBLY

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INTRODUCED BY REPRESENTATIVE SIMMONS.

3088H.011

DANA RADEMAN MILLER, Chief Clerk

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## AN ACT

To repeal sections 115.357, 115.427, and 115.642, RSMo, and to enact in lieu thereof three new sections relating to elections.

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

Section A. Sections 115.357, 115.427, and 115.642, RSMo, are repealed and three new sections enacted in lieu thereof, to be known as sections 115.357, 115.427, and 115.642, to read as follows:

115.357. 1. Except as provided in subsections 3 and 4 of this section, each candidate for federal, state or county office shall, before filing his **or her** declaration of candidacy, pay to the treasurer of the state or county committee of the political party upon whose ticket he **or she** seeks nomination a certain sum of money as follows:

(1) To the treasurer of the state central committee, two hundred dollars if he or she is a candidate for statewide office or for United States senator, one hundred dollars if he or she is a candidate for representative in Congress, circuit judge or state senator, and fifty dollars if he or she is a candidate for state representative;

(2) To the treasurer of the county central committee, fifty dollars if he or she is a candidate for county office.

2. The required sum may be submitted by the candidate to the official accepting his **or her** declaration of candidacy, **except that a candidate required to file his or her declaration of candidacy with the secretary of state shall pay the required sum directly to the treasurer of the appropriate party committee.** All sums [sø] submitted **to the official accepting the candidate's declaration of candidacy** shall be forwarded promptly by the official to the treasurer of the appropriate party committee.

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           3. Any person who cannot pay the fee required to file as a candidate may have the fee  
 18 waived by filing a declaration of inability to pay and a petition with his declaration of candidacy.  
 19 Each such declaration shall be in substantially the following form:

20  
 21                                   DECLARATION OF INABILITY TO PAY FILING FEE

22           I, \_\_\_\_\_, do hereby swear that I am financially unable to pay the fee of \_\_\_\_\_ (amount  
 23 of fee) to file as a candidate for nomination to the office of \_\_\_\_\_ at the primary  
 24 election to be held on the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_\_.

<p>25 _____          26 Signature of candidate</p> <p>27 _____          28 Residence address</p>	<p>Subscribed and sworn          to before me this          _____ day of          _____, 20_____.</p> <p>_____          Signature of election          official or officer          authorized to          administer oaths</p>
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35 If the candidate's declaration of candidacy is to be filed in person, the declaration of inability to  
 36 pay shall be subscribed and sworn to by the candidate before the election official who witnesses  
 37 the candidate's declaration of candidacy. If his declaration of candidacy is to be filed by certified  
 38 mail pursuant to subsection 2 of section 115.355, the declaration of inability to pay shall be  
 39 subscribed and sworn to by the candidate before the notary or other officer who witnesses the  
 40 candidate's declaration of candidacy. With his declaration of inability to pay, the candidate shall  
 41 submit a petition endorsing his candidacy. Except for the number of signatures required, each  
 42 such petition shall, insofar as practicable, be in the form provided in sections 115.321 and  
 43 115.325. If the person filing declaration of indigence is to be a candidate for statewide office, his  
 44 petition shall be signed by the number of registered voters in the state equal to at least one-half  
 45 of one percent of the total number of votes cast in the state for the office at the last election in  
 46 which a candidate ran for the office. If the person filing a declaration of indigence is to be a  
 47 candidate for any other office, the petition shall be signed by the number of registered voters in  
 48 the district or political subdivision which is equal to at least one percent of the total number of  
 49 votes cast for the office at the last election in which a candidate ran for the office. The  
 50 candidate's declaration of inability to pay and the petition shall be filed at the same time and in  
 51 the same manner as his declaration of candidacy is filed. The petition shall be checked and its  
 52 sufficiency determined in the same manner as new party and independent candidate petitions.

53 4. No filing fee shall be required of any person who proposes to be an independent  
54 candidate, the candidate of a new party or a candidate for presidential elector.

55 5. Except as provided in subsections 3 and 4 of this section, no candidate's name shall  
56 be printed on any official ballot until the required fee has been paid.

115.427. 1. Persons seeking to vote in a public election shall establish their identity and  
2 eligibility to vote at the polling place, **or, if voting absentee in person under section 115.257,**  
3 **at the office of the election authority,** by presenting a form of personal identification to election  
4 officials. No form of personal identification other than the forms listed in this section shall be  
5 accepted to establish a voter's qualifications to vote. Forms of personal identification that satisfy  
6 the requirements of this section are any one of the following:

- 7 (1) Nonexpired Missouri driver's license;
- 8 (2) Nonexpired or nonexpiring Missouri nondriver's license;
- 9 (3) A document that satisfies all of the following requirements:
  - 10 (a) The document contains the name of the individual to whom the document was issued,  
11 and the name substantially conforms to the most recent signature in the individual's voter  
12 registration record;
  - 13 (b) The document shows a photograph of the individual;
  - 14 (c) The document includes an expiration date, and the document is not expired, or, if  
15 expired, the document expired after the date of the most recent general election; and
  - 16 (d) The document was issued by the United States or the state of Missouri; or
  - 17 (4) Any identification containing a photograph of the individual which is issued by the  
18 Missouri National Guard, the United States Armed Forces, or the United States Department of  
19 Veteran Affairs to a member or former member of the Missouri National Guard or the United  
20 States Armed Forces and that is not expired or does not have an expiration date.

21 2. (1) An individual who appears at a polling place without a form of personal  
22 identification described in subsection 1 of this section and who is otherwise qualified to vote at  
23 that polling place ~~[may execute a statement, under penalty of perjury, averring that the individual~~  
24 ~~is the person listed in the precinct register, averring that the individual does not possess a form~~  
25 ~~of personal identification described in subsection 1 of this section; acknowledging that the~~  
26 ~~individual is eligible to receive a Missouri nondriver's license free of charge if desiring it in order~~  
27 ~~to vote; and acknowledging that the individual is required to present a form of personal~~  
28 ~~identification, as described in subsection 1 of this section, in order to vote. Such statement shall~~  
29 ~~be executed and sworn to before the election official receiving the statement. Upon executing~~  
30 ~~such statement, the individual may cast a regular ballot, provided such individual presents one~~  
31 ~~of the following forms of identification:~~

32 ~~\_\_\_\_\_ (a) Identification issued by the state of Missouri, an agency of the state, or a local~~  
33 ~~election authority of the state;~~

34 ~~\_\_\_\_\_ (b) Identification issued by the United States government or agency thereof;~~

35 ~~\_\_\_\_\_ (c) Identification issued by an institution of higher education, including a university,~~  
36 ~~college, vocational and technical school, located within the state of Missouri;~~

37 ~~\_\_\_\_\_ (d) A copy of a current utility bill, bank statement, government check, paycheck, or other~~  
38 ~~government document that contains the name and address of the individual;~~

39 ~~\_\_\_\_\_ (e) Other identification approved by the secretary of state under rules promulgated~~  
40 ~~pursuant to this section.~~

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

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

48 ~~\_\_\_\_\_ (4) For the purposes of this section, the term "election official" shall include any person~~  
49 ~~working under the authority of the election authority.~~

50 ~~\_\_\_\_\_ 3. The statement to be used for voting under subdivision (1) of subsection 2 of this~~  
51 ~~section shall be substantially in the following form:~~

52

53 ~~\_\_\_\_\_ "State of \_\_\_\_\_~~

54 ~~\_\_\_\_\_ County of \_\_\_\_\_~~

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

67 ~~\_\_\_\_\_ Subscribed and affirmed before me this \_\_\_\_\_ day of \_\_\_\_\_, 20 \_\_\_\_\_~~

68 \_\_\_\_\_

69 ~~Signature of election official"~~

70

71 ~~4. A voter]~~ shall be allowed to cast a provisional ballot ~~[under section 115.430 even if~~  
 72 ~~the election judges cannot establish the voter's identity under this section].~~ The election judges  
 73 shall make a notation on the provisional ballot envelope to indicate that the voter's identity was  
 74 not verified.

75 **(2) No person shall be entitled to receive a provisional ballot until such person has**  
 76 **completed a provisional ballot affidavit on the provisional ballot envelope. All provisional**  
 77 **ballots shall be marked with a conspicuous stamp or mark that makes them distinguishable**  
 78 **from other ballots.**

79 **(3) The provisional ballot envelope shall be completed by the voter for use in**  
 80 **determining the voter's eligibility to cast a ballot.**

81 **3. The provisional ballot envelope shall provide a place for the voter's name,**  
 82 **address, date of birth, and last four digits of his or her Social Security number, followed**  
 83 **by a certificate in substantially the following form:**

84

85 **I do solemnly swear that I am the person identified above and the**  
 86 **information provided is correct. I understand that my vote will not be counted**  
 87 **unless:**

88 **(1) I return to this polling place today between 6:00 a.m. and 7:00 p.m. and**  
 89 **provide one of the following forms of identification:**

90 **(a) Nonexpired Missouri driver's license;**

91 **(b) Nonexpired or nonexpiring Missouri nondriver's license;**

92 **(c) A document that satisfies all of the following requirements:**

93 **(i) The document contains my name, in substantially the same form as the**  
 94 **most recent signature on my voter registration record;**

95 **(ii) The document contains my photograph;**

96 **(iii) The document contains an expiration date and the document is not**  
 97 **expired, or if expired, the document expired after the date of the most recent**  
 98 **general election; and**

99 **(iv) The document was issued by the United States or the state of Missouri;**

100 **or**

101 **(d) Identification containing my photograph issued to me by the Missouri**  
 102 **National Guard, the United States Armed Forces, or the United States Department**  
 103 **of Veteran Affairs as a member or former member of the Missouri National Guard**

104 or the United States Armed Forces and that is not expired or does not have an  
105 expiration date; or

106 (2) The election authority verifies my identity by comparing my signature  
107 on this envelope to the signature on file with the election authority and determines  
108 that I was eligible to cast a ballot at this polling place; and

109 (3) This provisional ballot otherwise qualifies to be counted under the laws  
110 of the state of Missouri.

111

112

113 \_\_\_\_\_  
Signature of Voter

\_\_\_\_\_ Date

114

115

116 \_\_\_\_\_  
Signatures of Election Officials

117

118 **Once voted, the provisional ballot shall be sealed in the provisional ballot envelope and**  
119 **deposited in the ballot box.**

120 4. The provisional ballot cast by such voter shall not be counted unless:

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

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

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

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

135 ~~6.]~~ (1) Notwithstanding the provisions of section 136.055 and section 302.181 to the  
136 contrary, the state and all fee offices shall provide one nondriver's license at no cost to any  
137 otherwise qualified voter who does not already possess such identification and who desires the  
138 identification ~~[in order to vote]~~ **for voting.**

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

- 142 (a) A birth certificate;  
143 (b) A marriage license or certificate;  
144 (c) A divorce decree;  
145 (d) A certificate of decree of adoption;  
146 (e) A court order changing the person's name;  
147 (f) A Social Security card reflecting an updated name; and  
148 (g) Naturalization papers or other documents from the United States Department of State  
149 proving citizenship.

150

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

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

161 ~~————(4) Any applicant who requests a nondriver's license for [the purpose of] voting shall  
162 not be required to pay a fee [if the applicant executes a statement, under penalty of perjury,  
163 averring that the applicant does not have any other form of personal identification that meets the  
164 requirements of this section]. The state of Missouri shall pay the legally required fees for any  
165 such applicant. [The director of the department of revenue shall design a statement to be used  
166 for this purpose. The total cost associated with nondriver's license photo identification under this  
167 subsection shall be borne by the state of Missouri from funds appropriated to the department of  
168 revenue for that specific purpose.]~~ The department of revenue and a local election authority may  
169 enter into a contract that allows the local election authority to assist the department in issuing  
170 nondriver's license photo identifications.

171 ~~[7.]~~ **6.** The director of the department of revenue shall, by January first of each year,  
172 prepare and deliver to each member of the general assembly a report documenting the number  
173 of individuals who have requested and received a nondriver's license photo identification for the  
174 purposes of voting under this section. The report shall also include the number of persons

175 requesting a nondriver's license for purposes of voting under this section, but not receiving such  
 176 license, and the reason for the denial of the nondriver's license.

177 ~~[8.]~~ 7. The precinct register shall serve as the voter identification certificate. The  
 178 following form shall be printed at the top of each page of the precinct register:

179

180

VOTER'S IDENTIFICATION CERTIFICATE

181

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

183

PRECINCT

184

WARD OR TOWNSHIP \_\_\_\_\_

185

GENERAL (SPECIAL, PRIMARY) ELECTION

186

Held \_\_\_\_\_, 20\_\_\_\_\_

187

Date

188

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

190

191

~~[9.]~~ 8. The secretary of state shall promulgate rules to effectuate the provisions of this  
 192 section.

193

~~[10.]~~ 9. Any rule or portion of a rule, as that term is defined in section 536.010, that is  
 194 created under the authority delegated in this section shall become effective only if it complies  
 195 with and is subject to all of the provisions of chapter 536 and, if applicable, section 536.028.  
 196 This section and chapter 536 are nonseverable and if any of the powers vested with the general  
 197 assembly pursuant to chapter 536 to review, to delay the effective date or to disapprove and  
 198 annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and  
 199 any rule proposed or adopted after August 28, 2002, shall be invalid and void.

200

~~[11.]~~ 10. If any voter is unable to sign his name at the appropriate place on the certificate  
 201 or computer printout, an election judge shall print the name and address of the voter in the  
 202 appropriate place on the precinct register, the voter shall make his mark in lieu of signature, and  
 203 the voter's mark shall be witnessed by the signature of an election judge.

204

~~[12.]~~ 11. This section shall become effective only upon the passage and approval by the  
 205 voters of a constitutional amendment submitted to them by the general assembly regarding the  
 206 authorization of photo identification requirements for elections by general law. If such  
 207 constitutional amendment is approved by the voters, this section shall become effective June 1,  
 208 2017.



115.642. 1. Any person may file a complaint with the secretary of state stating the name  
2 of any person who has violated any of the provisions of sections 115.629 to 115.646 and stating  
3 the facts of the alleged offense, sworn to, under penalty of perjury.

4 2. Within thirty days of receiving a complaint, the secretary of state shall notify the  
5 person filing the complaint whether or not the secretary has dismissed the complaint or will  
6 commence an investigation. The secretary of state shall dismiss frivolous complaints. For  
7 purposes of this subsection, "frivolous complaint" shall mean an allegation clearly lacking any  
8 basis in fact or law. Any person who makes a frivolous complaint pursuant to this section shall  
9 be liable for actual and compensatory damages to the alleged violator for holding the alleged  
10 violator before the public in a false light. If reasonable grounds appear that the alleged offense  
11 was committed, the secretary of state may issue a probable cause statement. If the secretary of  
12 state issues a probable cause statement, he or she may refer the offense to the appropriate  
13 prosecuting attorney.

14 3. Notwithstanding the provisions of section 27.060, 56.060, or 56.430 to the contrary,  
15 when requested by the prosecuting attorney or circuit attorney, the secretary of state or his or her  
16 authorized representatives may aid any prosecuting attorney or circuit attorney in the  
17 commencement and prosecution of election offenses as provided in sections 115.629 to 115.646.

18 4. (1) The secretary of state may investigate any suspected violation of any of the  
19 provisions of sections 115.629 to 115.646.

20 (2) (a) **The secretary of state or an authorized representative of the secretary of**  
21 **state shall have the power to require the production of books, papers, correspondence,**  
22 **memoranda, contracts, agreements, and other records by subpoena or otherwise when**  
23 **necessary to conduct an investigation under this section. Such powers shall be exercised**  
24 **only at the specific written direction of the secretary of state or his or her chief deputy;**

25 (b) **If any person refuses to comply with a subpoena issued under this subsection,**  
26 **the secretary of state may seek to enforce the subpoena before a court of competent**  
27 **jurisdiction to require the production of books, papers, correspondence, memoranda,**  
28 **contracts, agreements, and other records. The court may issue an order requiring the**  
29 **person to produce records relating to the matter under investigation or in question. Any**  
30 **person who fails to comply with the order may be held in contempt of court;**

31 (c) **The provisions of this subdivision shall expire on August 28, 2025.**

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