

SECOND REGULAR SESSION
HOUSE COMMITTEE SUBSTITUTE FOR
HOUSE BILL NO. 1600
100TH GENERAL ASSEMBLY

3088H.02C

DANA RADEMAN MILLER, Chief Clerk

AN ACT

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

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

Section A. Sections 115.357 and 115.427, RSMo, are repealed and two new sections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

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

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

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

11 2. The required sum may be submitted by the candidate to the official accepting his **or**
12 **her** declaration of candidacy, **except that a candidate required to file his or her declaration**
13 **of candidacy with the secretary of state shall pay the required sum directly to the treasurer**
14 **of the appropriate party committee.** All sums [sø] submitted **to the official accepting the**
15 **candidate's declaration of candidacy** shall be forwarded promptly by the official to the
16 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 _____
23 (amount of fee) to file as a candidate for nomination to the office of _____ at the
24 primary election to be held on the _____ day of _____, 20_____.

25
26 _____ Subscribed and sworn
27 Signature of candidate to before me this
28 _____ day of
29 _____, 20_____.

30
31 _____
32 Residence address Signature of election
33 official or officer
34 authorized to
35 administer oaths
36

37 If the candidate's declaration of candidacy is to be filed in person, the declaration of inability to
38 pay shall be subscribed and sworn to by the candidate before the election official who witnesses
39 the candidate's declaration of candidacy. If his declaration of candidacy is to be filed by certified
40 mail pursuant to subsection 2 of section 115.355, the declaration of inability to pay shall be
41 subscribed and sworn to by the candidate before the notary or other officer who witnesses the
42 candidate's declaration of candidacy. With his declaration of inability to pay, the candidate shall
43 submit a petition endorsing his candidacy. Except for the number of signatures required, each
44 such petition shall, insofar as practicable, be in the form provided in sections 115.321 and
45 115.325. If the person filing declaration of indigence is to be a candidate for statewide office, his
46 petition shall be signed by the number of registered voters in the state equal to at least one-half
47 of one percent of the total number of votes cast in the state for the office at the last election in
48 which a candidate ran for the office. If the person filing a declaration of indigence is to be a
49 candidate for any other office, the petition shall be signed by the number of registered voters in
50 the district or political subdivision which is equal to at least one percent of the total number of
51 votes cast for the office at the last election in which a candidate ran for the office. The
52 candidate's declaration of inability to pay and the petition shall be filed at the same time and in

53 the same manner as his declaration of candidacy is filed. The petition shall be checked and its
54 sufficiency determined in the same manner as new party and independent candidate petitions.

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

57 5. Except as provided in subsections 3 and 4 of this section, no candidate's name shall
58 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 -

54 "State of _____

55 County of _____

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

63 I understand that knowingly providing false information is a violation of law and subjects me to
64 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**
87 **counted unless:**

88 **(1) I return to this polling place today between 6:00 a.m. and 7:00**
89 **p.m. and 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**
94 **as the 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**
97 **not expired, or if expired, the document expired after the date of the most**
98 **recent general election; and**

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

101 **(d) Identification containing my photograph issued to me by the**
 102 **Missouri National Guard, the United States Armed Forces, or the United**
 103 **States Department of Veteran Affairs as a member or former member of the**
 104 **Missouri National Guard or the United States Armed Forces and that is not**
 105 **expired or does not have an expiration date; or**

106 **(2) The election authority verifies my identity by comparing my**
 107 **signature on this envelope to the signature on file with the election authority**
 108 **and determines 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**
 110 **laws 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 VOTER'S IDENTIFICATION CERTIFICATE

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

182 PRECINCT

183 WARD OR TOWNSHIP _____

184 GENERAL (SPECIAL, PRIMARY) ELECTION Held _____, 20____ Date

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

187 ~~[9-]~~ 8. The secretary of state shall promulgate rules to effectuate the provisions of this
 188 section.

189 ~~[10-]~~ 9. Any rule or portion of a rule, as that term is defined in section 536.010, that is
 190 created under the authority delegated in this section shall become effective only if it complies
 191 with and is subject to all of the provisions of chapter 536 and, if applicable, section 536.028.
 192 This section and chapter 536 are nonseverable and if any of the powers vested with the general
 193 assembly pursuant to chapter 536 to review, to delay the effective date or to disapprove and
 194 annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and
 195 any rule proposed or adopted after August 28, 2002, shall be invalid and void.

196 ~~[11-]~~ 10. If any voter is unable to sign his name at the appropriate place on the certificate
 197 or computer printout, an election judge shall print the name and address of the voter in the
 198 appropriate place on the precinct register, the voter shall make his mark in lieu of signature, and
 199 the voter's mark shall be witnessed by the signature of an election judge.

200 ~~[12-]~~ 11. This section shall become effective only upon the passage and approval by the
 201 voters of a constitutional amendment submitted to them by the general assembly regarding the
 202 authorization of photo identification requirements for elections by general law. If such
 203 constitutional amendment is approved by the voters, this section shall become effective June 1,
 204 2017.

✓