

SECOND REGULAR SESSION
SENATE COMMITTEE SUBSTITUTE FOR

HOUSE BILL NO. 1631

98TH GENERAL ASSEMBLY

Reported from the Committee on Financial and Governmental Organizations and Elections, February 16, 2016, with recommendation that the Senate Committee Substitute do pass.

ADRIANE D. CROUSE, Secretary.

4554S.03C

AN ACT

To repeal sections 115.427 and 115.430, RSMo, and to enact in lieu thereof two new sections relating to elections, with a contingent effective date.

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

Section A. Sections 115.427 and 115.430, RSMo, are repealed and two new
2 sections enacted in lieu thereof, to be known as sections 115.427 and 115.430, to
3 read as follows:

115.427. 1. [Before receiving a ballot, voters] **Persons seeking to vote**
2 **in a public election** shall establish their identity and eligibility to vote at the
3 polling place by presenting a form of personal identification **to election**
4 **officials.** ["Personal identification" shall mean only] **No form of personal**
5 **identification other than the forms listed in this section shall be**
6 **accepted to establish a voter's qualifications to vote. Forms of personal**
7 **identification that satisfy the requirements of this section are any one**
8 of the following:

9 (1) Nonexpired Missouri driver's license [showing the name and a
10 photograph or digital image of the individual]; [or]

11 (2) Nonexpired or nonexpiring Missouri nondriver's license [showing the
12 name and a photographic or digital image of the individual]; [or]

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

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

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

EXPLANATION--Matter enclosed in bold-faced brackets [thus] in this bill is not enacted and is intended to be omitted in the law.

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

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

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

30 2. [The] **All election authority costs associated with the**
31 **implementation of the photo identification requirements of this section**
32 **shall be reimbursed from the general revenue of this state by an**
33 **appropriation for that purpose. If there is no appropriation and**
34 **distribution of state funds, then election authorities shall not enforce**
35 **the photo identification requirements of this section and the following**
36 **shall be acceptable forms of identification to establish a voter's**
37 **qualifications to vote:**

38 (1) **Identification issued by the state of Missouri, an agency of**
39 **the state, or a local election authority of the state;**

40 (2) **Identification issued by the United States government or**
41 **agency thereof;**

42 (3) **Identification issued by an institution of higher education,**
43 **including a university, college, vocational and technical school, located**
44 **within the state of Missouri;**

45 (4) **Driver's license or state identification card issued by another**
46 **state; or**

47 (5) **Other identification approved by the secretary of state under**
48 **rules promulgated pursuant to subsection 11 of this section.**

49 3. **Each** election authority shall post a clear and conspicuous notice at
50 each polling place informing each voter who appears at the polling place without
51 a form of personal identification that satisfies the requirements of [subsection 1
52 of] this section that the voter may return to the polling place with a proper form
53 of personal identification and vote a regular ballot after election judges have
54 verified the voter's identity and eligibility under [subsection 1 of] this section. In

55 addition to such posting, the election judges **at each polling place** may also
 56 inform such voters by written or oral communication of such information posted
 57 in the notice. Voters who return to the polling place during the uniform polling
 58 hours established by section 115.407 with a current and valid form of personal
 59 identification shall be given priority in any voting lines.

60 [3.] 4. An individual who appears at a polling place without **a form of**
 61 **personal** identification [in the form] described in [subsection 1 of] this section
 62 and who is otherwise qualified to vote at that polling place may execute an
 63 affidavit averring that the voter is the person listed in the precinct register [and
 64 that the voter], does not possess a form of **personal** identification specified in
 65 this section, and is unable to obtain a current and valid form of personal
 66 identification because of:

67 (1) A physical or mental disability or handicap of the voter, if the voter
 68 is otherwise competent to vote under Missouri law; [or]

69 (2) **An inability to pay for a birth certificate or other supporting**
 70 **documentation that is necessary to obtain the identification required**
 71 **to vote under this section;**

72 (3) A sincerely held religious belief against the forms of personal
 73 identification described in [subsection 1 of] this section; or

74 [(3)] (4) The voter being born on or before [January 1, 1941] **January**
 75 **1, 1946.**

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

81 [4.] 5. The affidavit to be used for voting under subsection [3] 4 of this
 82 section shall be substantially in the following form:

83 "State of

84 County of

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

89 A physical or mental disability or handicap;[or]

90 **An inability to pay for a birth certificate or other supporting**

91 **documentation necessary to obtain the identification required to vote**
92 **under this section;**

93 A sincerely held religious belief; [or]

94 My being born on or before [January 1, 1941] **January 1, 1946.**

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

97

98 Signature of voter

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

100

101 Signature of election official"

102 [5.] **6.** A voter shall be allowed to cast a provisional ballot under section
103 115.430 even if the election judges cannot establish the voter's identity under
104 [subsection 1 of] this section. The election judges shall make a notation on the
105 provisional ballot envelope to indicate that the voter's identity was not
106 verified. The provisional ballot cast by such voter shall not be counted unless:

107 (1) The voter returns to the [polling place during the uniform polling
108 hours established by section 115.407] **election authority within three days**
109 **after the election** and provides a form of personal identification that allows the
110 election [judges] **authority** to verify the voter's identity as provided in
111 [subsection 1 of] this section; and

112 (2) The provisional ballot otherwise qualifies to be counted under section
113 115.430.

114 [6.] **7.** The secretary of state shall provide advance notice of the personal
115 identification requirements of [subsection 1 of] this section in a manner
116 calculated to inform the public generally of the requirement for [photographic]
117 **forms of** personal identification as provided in this section. Such advance notice
118 shall include, at a minimum, the use of advertisements and public service
119 announcements in print, broadcast television, radio, and cable television media,
120 as well as the posting of information on the opening pages of the official state
121 [Internet] **internet** websites of the secretary of state and governor.

122 [7.] **8. (1) Notwithstanding** the provisions of section 136.055 and
123 section 302.181 [notwithstanding] **to the contrary, the state and all fee**
124 **offices shall provide one such form of the personal identification**
125 **required to vote at no cost to any otherwise qualified voter who does**
126 **not already possess such identification and who desires the**

127 **identification in order to vote.**

128 **(2) Subject to the appropriation of funds, this state and its**
129 **agencies shall provide one Missouri birth certificate free of charge to**
130 **those seeking to obtain identification in order to vote. If an individual**
131 **seeking to vote was not born in this state, then this state and its**
132 **agencies shall pay any fee or fees charged by another state or its**
133 **agencies for a birth certificate or for other documents legally required**
134 **by the other state to obtain a birth certificate.**

135 **(3) All costs associated with the implementation of this section**
136 **shall be reimbursed from the general revenue of this state by an**
137 **appropriation for that purpose. If there is no appropriation and**
138 **distribution of state funds, then election authorities shall not enforce**
139 **the photographic identification provisions of this section, and only**
140 **those forms of identification enumerated in subdivisions (1) to (5) of**
141 **subsection 2 of this section shall be acceptable forms of identification**
142 **to establish a voter's qualifications to vote.**

143 **(4) Any applicant who requests a nondriver's license [with a photograph**
144 **or digital image] for the purpose of voting shall not be required to pay a fee if the**
145 **applicant executes an affidavit averring that the applicant does not have any**
146 **other form of [photographic] personal identification that meets the requirements**
147 **of [subsection 1 of] this section. The state of Missouri shall pay the legally**
148 **required fees for any such applicant. The director shall design an affidavit to be**
149 **used for this purpose. [However, any disabled or elderly person otherwise**
150 **competent to vote shall be issued a nondriver's license photo identification**
151 **through a mobile processing system operated by the Missouri department of**
152 **revenue upon request if the individual is physically unable to otherwise obtain**
153 **a nondriver's license photo identification. The department of revenue shall make**
154 **nondriver's license photo identifications available through its mobile processing**
155 **system only at facilities licensed under chapter 198 and other public places**
156 **accessible to and frequented by disabled and elderly persons. The department**
157 **shall provide advance notice of the times and places when the mobile processing**
158 **system will be available. At least nine mobile units housed under the office of**
159 **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**
161 **associated with nondriver's license photo identification under this subsection**
162 **shall be borne by the state of Missouri from funds appropriated to the department**

163 of revenue for that specific purpose. The department of revenue and a local
164 election authority may enter into a contract that allows the local election
165 authority to assist the department in issuing nondriver's license photo
166 identifications.

167 [8.] 9. The director of the department of revenue shall, by January first
168 of each year, prepare and deliver to each member of the general assembly a report
169 documenting the number of individuals who have requested and received a
170 nondriver's license photo identification for the purposes of voting under this
171 section. The report shall also include the number of persons requesting a
172 nondriver's license for purposes of voting under this section, but not receiving
173 such license, and the reason for the denial of the nondriver's license.

174 [9.] 10. The precinct register shall serve as the voter identification
175 certificate. The following form shall be printed at the top of each page of the
176 precinct register:

177 VOTER'S IDENTIFICATION CERTIFICATE

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

180 PRECINCT

181 WARD OR TOWNSHIP

182 GENERAL (SPECIAL, PRIMARY) ELECTION

183 Held, 20....

184 Date

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

187 [10.] 11. The secretary of state shall promulgate rules to effectuate the
188 provisions of this section.

189 [11.] 12. Any rule or portion of a rule, as that term is defined in section
190 536.010, that is created under the authority delegated in this section shall
191 become effective only if it complies with and is subject to all of the provisions of
192 chapter 536 and, if applicable, section 536.028. This section and chapter 536 are
193 nonseverable and if any of the powers vested with the general assembly pursuant
194 to chapter 536 to review, to delay the effective date or to disapprove and annul
195 a rule are subsequently held unconstitutional, then the grant of rulemaking
196 authority and any rule proposed or adopted after August 28, 2002, shall be
197 invalid and void.

198 [12.] 13. If any voter is unable to sign his name at the appropriate place

199 on the certificate or computer printout, an election judge shall print the name and
 200 address of the voter in the appropriate place on the precinct register, the voter
 201 shall make his mark in lieu of signature, and the voter's mark shall be witnessed
 202 by the signature of an election judge.

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

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

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

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

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

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

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

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

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

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

233 "State of

234 County of

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

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

240

241 Signature of voter

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

243

244 Signature of Election Official".

245 15. The provisions of subsections 1 to 5 and 8 to 14 of this section shall
246 become effective August 28, 2006, and this subsection shall expire September 1,
247 2006.]

115.430. 1. This section shall apply to primary and general elections
2 where candidates for federal or statewide offices are nominated or elected and
3 any election where statewide issue or issues are submitted to the voters. **In**
4 **addition, any person denied the ability to cast a regular ballot because**
5 **of a lack of photographic identification under section 115.427 shall be**
6 **allowed to vote by provisional ballot.**

7 [2.] (1) A voter claiming to be properly registered in the jurisdiction of
8 the election authority and eligible to vote in an election, but whose eligibility at
9 that precinct cannot be immediately established upon examination of the precinct
10 register, shall be entitled to vote a provisional ballot after providing a form of
11 personal identification required pursuant to section 115.427 or upon executing an
12 affidavit under section 115.427, or may vote at a central polling place as
13 established in section 115.115 where the voter may vote his or her appropriate
14 ballot for his or her precinct of residence upon verification of eligibility or vote a
15 provisional ballot if eligibility cannot be determined. The provisional ballot
16 provided to a voter under this section shall be the ballot provided to a resident
17 of the voter's precinct determined by reference to the affidavit provided for in this
18 section. If the voter declares that the voter is eligible to vote and the election
19 authority determines that the voter is eligible to vote at another polling place, the
20 voter shall be directed to the correct polling place or a central polling place as
21 established by the election authority pursuant to subsection 5 of section 115.115.
22 If the voter refuses to go to the correct polling place or a central polling place, the
23 voter shall be permitted to vote a provisional ballot at the incorrect polling place,

24 but such ballot shall not be counted if the voter was not eligible to vote at that
25 polling place.

26 (2) The following steps shall be taken to establish a voter's eligibility to
27 vote at a polling place:

28 (a) The election judge shall examine the precinct register as provided in
29 section 115.425. If the voter is registered and eligible to vote at the polling place,
30 the voter shall receive a regular ballot;

31 (b) If the voter's eligibility cannot be immediately established by
32 examining the precinct register, the election judge shall contact the election
33 authority. If the election authority cannot immediately establish that the voter
34 is registered and eligible to vote at the polling place upon examination of the
35 Missouri voter registration system, or if the election judge is unable to make
36 contact with the election authority immediately, the voter shall be notified that
37 the voter is entitled to a provisional ballot.

38 (3) The voter shall have the duty to appear and vote at the correct polling
39 place. If an election judge determines that the voter is not eligible to vote at the
40 polling place at which a voter presents himself or herself, and if the voter appears
41 to be eligible to vote at another polling place, the voter shall be informed that he
42 or she may cast a provisional ballot at the current polling place or may travel to
43 the correct polling place or a central polling place, as established by the election
44 authority under subsection 5 of section 115.115, where the voter may cast a
45 regular ballot or provisional ballot if the voter's eligibility still cannot be
46 determined. Provisional ballots cast at a polling place shall be counted only if the
47 voter was eligible to vote at such polling place as provided in subsection [5] 4 of
48 this section.

49 (4) For a voter requesting an absentee ballot in person, such voter shall
50 be entitled to cast a provisional ballot when the voter's eligibility cannot be
51 immediately established upon examination of the precinct registers or the
52 Missouri voter registration system.

53 (5) Prior to accepting any provisional ballot at the polling place, the
54 election judges shall determine that the information provided on the provisional
55 ballot envelope by the provisional voter is consistent with the identification
56 provided by such person under section 115.427.

57 [3.] 2. (1) No person shall be entitled to receive a provisional ballot until
58 such person has completed a provisional ballot affidavit on the provisional ballot
59 envelope.

60 (2) The secretary of state shall produce appropriate sizes of provisional
 61 ballot envelopes and distribute them to each election authority according to their
 62 tabulating system. All provisional ballot envelopes shall be printed on a
 63 distinguishable color of paper that is different from the color of the regular
 64 ballot. The provisional ballot envelope shall be in the form required by
 65 subsection [4] 3 of this section. All provisional ballots shall be marked with a
 66 conspicuous stamp or other distinguishing mark that makes them readily
 67 distinguishable from the regular ballots.

68 (3) Once voted, the provisional ballot shall be placed and sealed in a
 69 provisional ballot envelope.

70 [4.] 3. The provisional ballot in its envelope shall be deposited in the
 71 ballot box. The provisional ballot envelope shall be completed by the voter for use
 72 in determining eligibility. The provisional ballot envelope specified in this section
 73 shall contain a voter's certificate which shall be in substantially the following
 74 form:

75 STATE OF

76 COUNTY OF

77 I do solemnly swear (or affirm) that my name is; that my date
 78 of birth is; that the last four digits of my Social Security Number are
 79; that I am registered to vote in County or City (if a City
 80 not within a County), Missouri; that I am a qualified voter of said County (or City
 81 not within a County); that I am eligible to vote at this polling place; and that I
 82 have not voted in this election.

83 I understand that if the above-provided information is not correct and the
 84 election authority determines that I am not registered and eligible to vote, my
 85 vote will not be counted. I further understand that knowingly providing false
 86 information is a violation of law and subjects me to possible criminal prosecution.
 87

88 (Signature of Voter)

89

90 (Current Address)

91 Subscribed and affirmed before me this day of, 20.....
 92

93 (Signature of Election Official)

94 The voter may provide additional information to further assist the election
 95 authority in determining eligibility, including the place and date the voter

96 registered to vote, if known.

97 [5.] 4. (1) Prior to counting any provisional ballot, the election authority
98 shall determine if the voter is registered and eligible to vote and if the vote was
99 properly cast. The eligibility of provisional votes shall be determined according
100 to the requirements for a voter to cast a ballot in the election as set forth in
101 sections 115.133 and 115.135. A provisional [voter] ballot shall not be eligible to
102 be counted until the election authority has determined that:

103 (a) The voter cast such provisional ballot at a polling place established for
104 the voter or the central polling place established by the election authority under
105 subsection 5 of section 115.115;

106 (b) The individual who cast the provisional ballot is an individual
107 registered to vote in the respective election at the polling place where the ballot
108 was cast;

109 (c) The voter did not otherwise vote in the same election by regular ballot,
110 absentee ballot, or otherwise; and

111 (d) The information on the provisional ballot envelope is found to be
112 correct, complete, and accurate.

113 (2) When the ballot boxes are delivered to the election authority from the
114 polling places, the receiving teams shall separate the provisional ballots from the
115 rest of the ballots and place the sealed provisional ballot envelopes in a separate
116 container. Teams of election authority employees or teams of election judges with
117 each team consisting of one member of each major political party shall photocopy
118 each provisional ballot envelope, such photocopy to be used by the election
119 authority to determine provisional voter eligibility. The sealed provisional ballot
120 envelopes shall be placed by the team in a sealed container and shall remain
121 therein until tabulation.

122 (3) To determine whether a provisional ballot is valid and entitled to be
123 counted, the election authority shall examine its records and verify that the
124 provisional voter is properly registered and eligible to vote in the election. If the
125 provisional voter has provided information regarding the registration agency
126 where the provisional voter registered to vote, the election authority shall make
127 an inquiry of the registration agency to determine whether the provisional voter
128 is properly registered and eligible to vote in the election.

129 (4) If the election authority determines that the provisional voter is
130 registered and eligible to vote in the election, the election authority shall provide
131 documentation verifying the voter's eligibility. Such documentation shall be

132 noted on the copy of the provisional ballot envelope and shall contain
133 substantially the following information:

134 (a) The name of the provisional voter;

135 (b) The name of the reviewer;

136 (c) The date and time; and

137 (d) A description of evidence found that supports the voter's eligibility.

138 (5) The local election authority shall record on a provisional ballot
139 acceptance/rejection list the provisional ballot identification number and a
140 notation marking it as accepted.

141 (6) If the election authority determines that the provisional voter is not
142 registered or eligible to vote in the election, the election authority shall provide
143 documentation verifying the voter's ineligibility. Such documentation shall be
144 noted on the copy of the provisional ballot envelope and shall contain
145 substantially the following information:

146 (a) The name of the provisional voter;

147 (b) The name of the reviewer;

148 (c) The date and time;

149 (d) A description of why the voter is ineligible.

150 (7) The local election authority shall record on a provisional ballot
151 acceptance/rejection list the provisional ballot identification number and notation
152 marking it as rejected.

153 (8) If rejected, a photocopy of the envelope shall be made and used by the
154 election authority as a mail-in voter registration. The actual provisional ballot
155 envelope shall be kept as ballot material, and the copy of the envelope shall be
156 used by the election authority for registration record keeping.

157 [6.] 5. All provisional ballots cast by voters whose eligibility has been
158 verified as provided in this section shall be counted in accordance with the rules
159 governing ballot tabulation. Provisional ballots shall not be counted until all
160 provisional ballots are determined either eligible or ineligible and all provisional
161 ballots must be processed before the election is certified. The provisional ballot
162 shall be counted only if the election authority determines that the voter is
163 registered and eligible to vote. Provisional ballots voted in the wrong polling
164 place shall not be counted. If the voter is not registered but is qualified to
165 register for future elections, the affidavit shall be considered a mail-in application
166 to register to vote pursuant to this chapter.

167 [7.] 6. (1) After the election authority completes its review of the

168 provisional voter's eligibility under subsection 5 of this section, the election
169 authority shall deliver the provisional ballots and copies of the provisional ballot
170 envelopes that include eligibility information to bipartisan counting teams, which
171 may be the board of verification, for review and tabulation. The election
172 authority shall maintain a record of such delivery. The record shall include the
173 number of ballots delivered to each team and shall include a signed receipt from
174 two judges, one from each major political party. The election authority shall
175 provide each team with a ballot box and material necessary for tabulation.

176 (2) If the person named on the provisional ballot affidavit is found to have
177 been properly qualified and registered to cast a ballot in the election and the
178 provisional ballot otherwise qualifies to be counted under the provisions of this
179 section, the envelope shall be opened, and the ballot shall be placed in a ballot
180 box to be counted.

181 (3) If the person named on the provisional ballot affidavit is found not to
182 have been properly qualified and registered to cast a ballot in the election or if
183 the election authority is unable to determine such person's right to vote, the
184 envelope containing the provisional ballot shall not be opened, and the person's
185 vote shall not be counted. The members of the team shall follow the procedures
186 set forth in subsection [5] 4 of this section for rejected provisional ballots.

187 (4) The votes shall be tallied and the returns made as provided in sections
188 115.447 to 115.525 for paper ballots. After the vote on all ballots assigned to a
189 team have been counted, the ballots, ballot envelopes, and copies of ballot
190 envelopes with the eligibility information provided by the election authority shall
191 be enclosed in sealed containers marked "Voted provisional ballots and ballot
192 envelopes from the election held, 20...". All rejected provisional ballots,
193 ballot envelopes, and copies of ballot envelopes with the eligibility information
194 provided by the election authority shall be enclosed in sealed containers marked
195 "Rejected provisional ballots and ballot envelopes from the election held
196, 20...". On the outside of each voted ballot and rejected ballot
197 container, each member of the team shall write their name and all such
198 containers shall be returned to the election authority. Upon receipt of the returns
199 and ballots, the election authority shall tabulate the provisional votes.

200 [8.] 7. Challengers and watchers, as provided by sections 115.105 and
201 115.107, may be present during all times that the bipartisan counting teams are
202 reviewing or counting the provisional ballots, the provisional ballot envelopes, or
203 copies of the provisional ballot envelopes that include eligibility information

204 provided by the election authority. Challengers and watchers shall be permitted
205 to observe the determination of the eligibility of all provisional ballots. The
206 election authority shall notify the county chair of each major political party of the
207 time and location when bipartisan counting teams will be reviewing or counting
208 the provisional ballots, the provisional ballot envelopes, or the copies of the
209 provisional ballot envelopes that include the eligibility information provided by
210 the election authority.

211 [9.] 8. The certificate of ballot cards shall:

212 (1) Reflect the number of provisional envelopes delivered; and

213 (2) Reflect the number of sealed provisional envelopes with voted ballots
214 deposited in the ballot box.

215 [10.] 9. In counties where the voting system does not utilize a paper
216 ballot, the election authority shall provide the appropriate provisional ballots to
217 each polling place.

218 [11.] 10. The secretary of state may promulgate rules for purposes of
219 ensuring the uniform application of this section. No rule or portion of a rule
220 promulgated pursuant to the authority of this section shall become effective
221 unless it has been promulgated pursuant to chapter 536.

222 [12.] 11. The secretary of state shall design and provide to the election
223 authorities the envelopes and forms necessary to carry out the provisions of this
224 section.

225 [13.] 12. Pursuant to the Help America Vote Act of 2002, the secretary
226 of state shall ensure a free access system is established, such as a toll-free
227 number or an internet website, that any individual who casts a provisional ballot
228 may access to discover whether the vote of that individual was counted, and, if
229 the vote was not counted, the reason that the vote was not counted. At the time
230 an individual casts a provisional ballot, the election authority shall give the voter
231 written information that states that any individual who casts a provisional ballot
232 will be able to ascertain under such free access system whether the vote was
233 counted, and if the vote was not counted, the reason that the vote was not
234 counted.

235 [14.] 13. In accordance with the Help America Vote Act of 2002, any
236 individual who votes in an election as a result of a court order or any other order
237 extending the time established for closing the polls in section 115.407 may vote
238 only by using a provisional ballot, and such provisional ballot shall be separated
239 and held apart from other provisional ballots cast by those not affected by the

240 order. Such ballots shall not be counted until such time as the ballots are
241 determined to be valid. No state court shall have jurisdiction to extend the
242 polling hours established by law, including section 115.407.

Section B. Section A of this act shall become effective only upon the
2 passage and approval by the voters of a constitutional amendment submitted to
3 them by the general assembly regarding the authorization of photo identification
4 requirements for elections by general law. If such constitutional amendment is
5 approved by the voters, this act shall become effective June 1, 2017.

✓