

SENATE SUBSTITUTE
 FOR
 SENATE COMMITTEE SUBSTITUTE
 FOR
 HOUSE BILL NO. 1631

AN ACT

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

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF MISSOURI,
 AS FOLLOWS:

1 Section A. Section 115.427, RSMo, is repealed and one new
 2 section enacted in lieu thereof, to be known as section 115.427,
 3 to read as follows:

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

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

15 (2) Nonexpired or nonexpiring Missouri nondriver's license
 16 [showing the name and a photographic or digital image of the

1 individual]; [or]

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

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

8 (b) The document shows a [photographic or digital image]
9 photograph of the individual;

10 (c) The document includes an expiration date, and the
11 document is not expired, or, if expired, the document expired
12 [not before] after the date of the most recent general election;
13 and

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

16 (4) Any identification containing a [photographic or
17 digital image] photograph of the individual which is issued by
18 the Missouri national guard, the United States armed forces, or
19 the United States Department of Veteran Affairs to a member or
20 former member of the Missouri national guard or the United States
21 armed forces and that is not expired or does not have an
22 expiration date.

23 2. [The election authority shall post a clear and
24 conspicuous notice at each polling place informing each voter who
25 appears at the polling place without a form of personal
26 identification that satisfies the requirements of subsection 1 of
27 this section that the voter may return to the polling place with
28 a proper form of personal identification and vote a regular

1 ballot after election judges have verified the voter's identity
2 and eligibility under subsection 1 of this section. In addition
3 to such posting, the election judges may also inform such voters
4 by written or oral communication of such information posted in
5 the notice. Voters who return to the polling place during the
6 uniform polling hours established by section 115.407 with a
7 current and valid form of personal identification shall be given
8 priority in any voting lines.

9 3.] (1) An individual who appears at a polling place
10 without a form of personal identification [in the form] described
11 in subsection 1 of this section and who is otherwise qualified to
12 vote at that polling place may execute [an affidavit] a
13 statement, under penalty of perjury, averring that the [voter]
14 individual is the person listed in the precinct register [and
15 that the voter does not possess a form of identification
16 specified in this section and is unable to obtain a current and
17 valid form of personal identification because of:

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

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

24 (3) The voter being born on or before January 1, 1941];
25 averring that the individual does not possess a form of personal
26 identification described in subsection 1 of this section;
27 acknowledging that the individual is eligible to receive a
28 Missouri nondriver's license free of charge if desiring it in

1 order to vote; and acknowledging that the individual is required
2 to present a form of personal identification, as described in
3 subsection 1 of this section, in order to vote. Such statement
4 shall be executed and sworn to before the election official
5 receiving the statement. Upon executing such [affidavit]
6 statement, the individual may cast a [provisional] regular
7 ballot, provided such individual presents one of the following
8 forms of identification:

9 (a) Identification issued by the state of Missouri, an
10 agency of the state, or a local election authority of the state;

11 (b) Identification issued by the United States government
12 or agency thereof;

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

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

19 (e) Other identification approved by the secretary of state
20 under rules promulgated pursuant to this section. [Such
21 provisional ballot shall be counted, provided the election
22 authority verifies the identity of the individual by comparing
23 that individual's signature to the signature on file with the
24 election authority and determines that the individual was
25 eligible to cast a ballot at the polling place where the ballot
26 was cast.]

27 (2) For any individual who appears at a polling place
28 without a form of personal identification described in subsection

1 1 of this section and who is otherwise qualified to vote at that
2 polling place, the election authority may take a picture of such
3 individual and keep it as part of that individual's voter
4 registration file at the election authority.

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

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

13 [4.] 3. The [affidavit] statement to be used for voting
14 under subdivision (1) of subsection [3] 2 of this section shall
15 be substantially in the following form:

16 "State of
17 County of
18 I do solemnly swear (or affirm) that my name is;
19 that I reside at;
20 [and] that I am the person listed in the precinct register under
21 this name and at this address[. I further swear (or affirm) that
22 I am unable to obtain a current and valid form of personal
23 identification because of:

- 24 A physical or mental disability or handicap; or
 - 25 A sincerely held religious belief; or
 - 26 My being born on or before January 1, 1941]; and that, under
- 27 penalty of perjury, I do not possess a form of personal
28 identification approved for voting. As a person who does not

1 possess a form of personal identification approved for voting, I
2 acknowledge that I am eligible to receive free of charge a
3 Missouri nondriver's license at any fee office if desiring it in
4 order to vote. I furthermore acknowledge that I am required to
5 present a form of personal identification, as prescribed by law,
6 in order to vote.

7
8 I understand that knowingly providing false information is a
9 violation of law and subjects me to possible criminal
10 prosecution.

11

12 Signature of voter

13 Subscribed and affirmed before me this day of

14, 20....

15

16 Signature of election official"

17 [5.] 4. A voter shall be allowed to cast a provisional
18 ballot under section 115.430 even if the election judges cannot
19 establish the voter's identity under [subsection 1 of] this
20 section. The election judges shall make a notation on the
21 provisional ballot envelope to indicate that the voter's identity
22 was not verified. The provisional ballot cast by such voter
23 shall not be counted unless:

24 (1) The voter returns to the polling place during the
25 uniform polling hours established by section 115.407 and provides
26 a form of personal identification that allows the election judges
27 to verify the voter's identity as provided in subsection 1 of
28 this section; [and]

1 (2) The election authority verifies the identity of the
2 individual by comparing that individual's signature to the
3 signature on file with the election authority and determines that
4 the individual was eligible to cast a ballot at the polling place
5 where the ballot was cast; and

6 (3) The provisional ballot otherwise qualifies to be
7 counted under section 115.430.

8 [6.] 5. The secretary of state shall provide advance notice
9 of the personal identification requirements of subsection 1 of
10 this section in a manner calculated to inform the public
11 generally of the requirement for [photographic] forms of personal
12 identification as provided in this section. Such advance notice
13 shall include, at a minimum, the use of advertisements and public
14 service announcements in print, broadcast television, radio, and
15 cable television media, as well as the posting of information on
16 the opening pages of the official state [Internet] internet
17 websites of the secretary of state and governor.

18 [7.] 6. (1) Notwithstanding the provisions of section
19 136.055 and section 302.181 [notwithstanding] to the contrary,
20 the state and all fee offices shall provide one nondriver's
21 license at no cost to any otherwise qualified voter who does not
22 already possess such identification and who desires the
23 identification in order to vote.

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

28 (a) A birth certificate;

1 (b) A marriage license or certificate;
2 (c) A divorce decree;
3 (d) A certificate of decree of adoption;
4 (e) A court order changing the person's name;
5 (f) A social security card reflecting an updated name; and
6 (g) Naturalization papers or other documents from the
7 United States Department of State proving citizenship.

8
9 Any individual seeking one of the above documents in order to
10 obtain a form of personal identification described in subsection
11 1 of this section in order to vote may request the secretary of
12 state to facilitate the acquisition of such documents. The
13 secretary of state shall pay any fee or fees charged by another
14 state or its agencies, or any court of competent jurisdiction in
15 this state or any other state, or the federal government or its
16 agencies, in order to obtain any of the above documents from such
17 state or the federal government.

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

24 (4) Any applicant who requests a nondriver's license [with
25 a photograph or digital image] for the purpose of voting shall
26 not be required to pay a fee if the applicant executes [an
27 affidavit] a statement, under penalty of perjury, averring that
28 the applicant does not have any other form of [photographic]

1 personal identification that meets the requirements of
2 [subsection 1 of] this section. The state of Missouri shall pay
3 the legally required fees for any such applicant. The director
4 of the department of revenue shall design [an affidavit] a
5 statement to be used for this purpose. [However, any disabled or
6 elderly person otherwise competent to vote shall be issued a
7 nondriver's license photo identification through a mobile
8 processing system operated by the Missouri department of revenue
9 upon request if the individual is physically unable to otherwise
10 obtain a nondriver's license photo identification. The
11 department of revenue shall make nondriver's license photo
12 identifications available through its mobile processing system
13 only at facilities licensed under chapter 198 and other public
14 places accessible to and frequented by disabled and elderly
15 persons. The department shall provide advance notice of the
16 times and places when the mobile processing system will be
17 available. At least nine mobile units housed under the office of
18 administration shall remain available for dispatch upon the
19 request of the department of revenue to fulfill the requirements
20 of this section.] The total cost associated with nondriver's
21 license photo identification under this subsection shall be borne
22 by the state of Missouri from funds appropriated to the
23 department of revenue for that specific purpose. The department
24 of revenue and a local election authority may enter into a
25 contract that allows the local election authority to assist the
26 department in issuing nondriver's license photo identifications.

27 [8.] 7. The director of the department of revenue shall, by
28 January first of each year, prepare and deliver to each member of

1 the general assembly a report documenting the number of
2 individuals who have requested and received a nondriver's license
3 photo identification for the purposes of voting under this
4 section. The report shall also include the number of persons
5 requesting a nondriver's license for purposes of voting under
6 this section, but not receiving such license, and the reason for
7 the denial of the nondriver's license.

8 [9.] 8. The precinct register shall serve as the voter
9 identification certificate. The following form shall be printed
10 at the top of each page of the precinct register:

11 VOTER'S IDENTIFICATION CERTIFICATE

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

14 PRECINCT

15 WARD OR TOWNSHIP

16 GENERAL (SPECIAL, PRIMARY) ELECTION

17 Held, 20....

18 Date

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

22 [10.] 9. The secretary of state shall promulgate rules to
23 effectuate the provisions of this section.

24 [11.] 10. Any rule or portion of a rule, as that term is
25 defined in section 536.010, that is created under the authority
26 delegated in this section shall become effective only if it
27 complies with and is subject to all of the provisions of chapter
28 536 and, if applicable, section 536.028. This section and

1 chapter 536 are nonseverable and if any of the powers vested with
2 the general assembly pursuant to chapter 536 to review, to delay
3 the effective date or to disapprove and annul a rule are
4 subsequently held unconstitutional, then the grant of rulemaking
5 authority and any rule proposed or adopted after August 28, 2002,
6 shall be invalid and void.

7 [12.] 11. If any voter is unable to sign his name at the
8 appropriate place on the certificate or computer printout, an
9 election judge shall print the name and address of the voter in
10 the appropriate place on the precinct register, the voter shall
11 make his mark in lieu of signature, and the voter's mark shall be
12 witnessed by the signature of an election judge.

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

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

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

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

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

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

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

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

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

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

20 "State of

21 County of

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

23 that I reside at; and that I am the
24 person listed in the precinct register under this name and at
25 this address.

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

1
2 Signature of voter
3 Subscribed and affirmed before me this day of
4, 20....
5
6 Signature of Election Official".

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

10 Section B. Section A of this act shall become effective
11 only upon the passage and approval by the voters of a
12 constitutional amendment submitted to them by the general
13 assembly regarding the authorization of photo identification
14 requirements for elections by general law. If such
15 constitutional amendment is approved by the voters, this act
16 shall become effective June 1, 2017.