

# SENATE BILL NO. 780

## 101ST GENERAL ASSEMBLY

INTRODUCED BY SENATOR MOON.

4330S.01I

ADRIANE D. CROUSE, Secretary

### AN ACT

To repeal section 115.427, RSMo, and to enact in lieu thereof one new section relating to elections.

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

Section A. Section 115.427, RSMo, is repealed and one new  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:

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

- 9 (1) Nonexpired Missouri driver's license;
- 10 (2) Nonexpired or nonexpiring Missouri nondriver's  
11 license;
- 12 (3) A document that satisfies all of the following  
13 requirements:
  - 14 (a) The document contains the name of the individual  
15 to whom the document was issued, and the name substantially  
16 conforms to the most recent signature in the individual's  
17 voter registration record;
  - 18 (b) The document shows a photograph 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  
20 document is not expired, or, if expired, the document  
21 expired after the date of the most recent general election;  
22 and

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

25           (4) Any identification containing a photograph of the  
26 individual which is issued by the Missouri National Guard,  
27 the United States Armed Forces, or the United States  
28 Department of Veteran Affairs to a member or former member  
29 of the Missouri National Guard or the United States Armed  
30 Forces and that is not expired or does not have an  
31 expiration date.

32           2. (1) An individual who appears at a polling place  
33 without a form of personal identification described in  
34 subsection 1 of this section and who is otherwise qualified  
35 to vote at that polling place [may execute a statement,  
36 under penalty of perjury, averring that the individual is  
37 the person listed in the precinct register; averring that  
38 the individual does not possess a form of personal  
39 identification described in subsection 1 of this section;  
40 acknowledging that the individual is eligible to receive a  
41 Missouri nondriver's license free of charge if desiring it  
42 in order to vote; and acknowledging that the individual is  
43 required to present a form of personal identification, as  
44 described in subsection 1 of this section, in order to  
45 vote. Such statement shall be executed and sworn to before  
46 the election official receiving the statement. Upon  
47 executing such statement, the individual may cast a regular  
48 ballot, provided such individual presents one of the  
49 following forms of identification:

50 (a) Identification issued by the state of Missouri, an  
51 agency of the state, or a local election authority of the  
52 state;

53 (b) Identification issued by the United States  
54 government or agency thereof;

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

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

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

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

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

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

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

81 "State of \_\_\_\_\_

82 County of \_\_\_\_\_

83 I do solemnly swear (or affirm) that my name is  
84 \_\_\_\_\_; that I reside at \_\_\_\_\_; that I am the  
85 person listed in the precinct register under this  
86 name and at this address; and that, under penalty  
87 of perjury, I do not possess a form of personal  
88 identification approved for voting. As a person  
89 who does not possess a form of personal  
90 identification approved for voting, I acknowledge  
91 that I am eligible to receive free of charge a  
92 Missouri nondriver's license at any fee office if  
93 desiring it in order to vote. I furthermore  
94 acknowledge that I am required to present a form  
95 of personal identification, as prescribed by law,  
96 in order to vote.

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

100 \_\_\_\_\_

101 Signature of voter

102 Subscribed and affirmed before me this \_\_\_\_\_ day  
103 of \_\_\_\_\_, 20\_\_\_\_\_

104 \_\_\_\_\_

105 Signature of election official"

106 4. A voter] shall be allowed to cast a provisional  
107 ballot under section 115.430 even if the election judges  
108 cannot establish the voter's identity under this section.  
109 The election judges shall make a notation on the provisional  
110 ballot envelope to indicate that the voter's identity was  
111 not verified. The provisional ballot cast by such voter  
112 shall not be counted unless:

113 [(1) (a)] (2) The voter returns to the polling place  
114 during the uniform polling hours established by section

115 115.407 and provides a form of personal identification that  
116 allows the election judges to verify the voter's identity as  
117 provided in subsection 1 of this section; [or

118 (b) The election authority verifies the identity of  
119 the individual by comparing that individual's signature to  
120 the signature on file with the election authority and  
121 determines that the individual was eligible to cast a ballot  
122 at the polling place where the ballot was cast;] and

123 [(2)] (3) The provisional ballot otherwise qualifies  
124 to be counted under section 115.430.

125 [5.] 3. The secretary of state shall provide advance  
126 notice of the personal identification requirements of  
127 subsection 1 of this section in a manner calculated to  
128 inform the public generally of the requirement for forms of  
129 personal identification as provided in this section. Such  
130 advance notice shall include, at a minimum, the use of  
131 advertisements and public service announcements in print,  
132 broadcast television, radio, and cable television media, as  
133 well as the posting of information on the opening pages of  
134 the official state internet websites of the secretary of  
135 state and governor.

136 [6.] 4. (1) Notwithstanding the provisions of section  
137 136.055 and section 302.181 to the contrary, the state and  
138 all fee offices shall provide one nondriver's license at no  
139 cost to any otherwise qualified voter who does not already  
140 possess such identification and who desires the  
141 identification in order to vote.

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

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

156 Any individual seeking one of the above documents in order  
157 to obtain a form of personal identification described in  
158 subsection 1 of this section in order to vote may request  
159 the secretary of state to facilitate the acquisition of such  
160 documents. The secretary of state shall pay any fee or fees  
161 charged by another state or its agencies, or any court of  
162 competent jurisdiction in this state or any other state, or  
163 the federal government or its agencies, in order to obtain  
164 any of the above documents from such state or the federal  
165 government.

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

172 (4) Any applicant who requests a nondriver's license  
173 for the purpose of voting shall not be required to pay a fee  
174 if the applicant executes a statement, under penalty of  
175 perjury, averring that the applicant does not have any other  
176 form of personal identification that meets the requirements  
177 of this section. The state of Missouri shall pay the

178 legally required fees for any such applicant. The director  
 179 of the department of revenue shall design a statement to be  
 180 used for this purpose. The total cost associated with  
 181 nondriver's license photo identification under this  
 182 subsection shall be borne by the state of Missouri from  
 183 funds appropriated to the department of revenue for that  
 184 specific purpose. The department of revenue and a local  
 185 election authority may enter into a contract that allows the  
 186 local election authority to assist the department in issuing  
 187 nondriver's license photo identifications.

188 [7.] 5. The director of the department of revenue  
 189 shall, by January first of each year, prepare and deliver to  
 190 each member of the general assembly a report documenting the  
 191 number of individuals who have requested and received a  
 192 nondriver's license photo identification for the purposes of  
 193 voting under this section. The report shall also include  
 194 the number of persons requesting a nondriver's license for  
 195 purposes of voting under this section, but not receiving  
 196 such license, and the reason for the denial of the  
 197 nondriver's license.

198 [8.] 6. The precinct register shall serve as the voter  
 199 identification certificate. The following form shall be  
 200 printed at the top of each page of the precinct register:

201

## VOTER'S IDENTIFICATION CERTIFICATE

202

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

205

PRECINCT

206

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

207

GENERAL (SPECIAL, PRIMARY) ELECTION

208

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

209

Date

210

I hereby certify that I am qualified to vote at

211

this election by signing my name and verifying my

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address by signing my initials next to my address.

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[9.] 7. The secretary of state shall promulgate rules

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to effectuate the provisions of this section.

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[10.] 8. Any rule or portion of a rule, as that term

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is defined in section 536.010, that is created under the

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authority delegated in this section shall become effective

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only if it complies with and is subject to all of the

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provisions of chapter 536 and, if applicable, section

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536.028. This section and chapter 536 are nonseverable and

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if any of the powers vested with the general assembly

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pursuant to chapter 536 to review, to delay the effective

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date or to disapprove and annul a rule are subsequently held

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unconstitutional, then the grant of rulemaking authority and

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any rule proposed or adopted after August 28, 2002, shall be

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invalid and void.

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[11.] 9. If any voter is unable to sign his name at

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the appropriate place on the certificate or computer

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printout, an election judge shall print the name and address

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of the voter in the appropriate place on the precinct

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register, the voter shall make his mark in lieu of

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signature, and the voter's mark shall be witnessed by the

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signature of an election judge.

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[12. This section shall become effective only upon the

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passage and approval by the voters of a constitutional

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amendment submitted to them by the general assembly

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regarding the authorization of photo identification

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requirements for elections by general law. If such



239 constitutional amendment is approved by the voters, this  
240 section shall become effective June 1, 2017.]

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