

FIRST REGULAR SESSION

SENATE BILL NO. 596

94TH GENERAL ASSEMBLY

INTRODUCED BY SENATOR SCOTT.

Read 1st time February 26, 2007, and ordered printed.

TERRY L. SPIELER, Secretary.

2448S.011

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Section A. Section 115.427, RSMo, is repealed and one new section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

115.427. 1. Before receiving a ballot, voters shall [identify themselves]
2 **establish their identity and eligibility to vote at the polling place by**
3 presenting a form of personal identification [from the following list:

4 (1) Identification issued by the state of Missouri, an agency of the state,
5 or a local election authority of the state;

6 (2) Identification issued by the United States government or agency
7 thereof;

8 (3) Identification issued by an institution of higher education, including
9 a university, college, vocational and technical school, located within the state of
10 Missouri;

11 (4) A copy of a current utility bill, bank statement, government check,
12 paycheck or other government document that contains the name and address of
13 the voter;

14 (5) Driver's license or state identification card issued by another state; or

15 (6) Other identification approved by the secretary of state under rules
16 promulgated pursuant to subsection 3 of this section other identification approved
17 by federal law.

18 Personal knowledge of the voter by two supervising election judges, one from each
19 major political party, shall be acceptable voter identification upon the completion

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

20 of a secretary of state-approved affidavit that is signed by both supervisory
21 election judges and the voter that attests to the personal knowledge of the voter
22 by the two supervisory election judges. The secretary of state may provide by
23 rule for a sample affidavit to be used for such purpose]. **"Personal**
24 **identification" shall mean only one of the following:**

25 (1) **Nonexpired Missouri driver's license showing the name and**
26 **a photograph or digital image of the individual; or**

27 (2) **Nonexpired or nonexpiring Missouri nondriver's license**
28 **showing the name and a photographic or digital image of the**
29 **individual; or**

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

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

34 (b) **The document shows a photographic or digital image of the**
35 **individual;**

36 (c) **The document includes an expiration date, and the document**
37 **is not expired, or if expired, expired not before the date of the most**
38 **recent general election; and**

39 (d) **The document was issued by the United States or the state of**
40 **Missouri; or**

41 (4) **Any identification containing a photographic or digital image**
42 **of the individual which is issued by the Missouri National Guard, the**
43 **United States armed forces, or the United States Department of Veteran**
44 **Affairs to a member or former member of the Missouri National Guard**
45 **or the United States armed forces and that does not have an expiration**
46 **date.**

47 2. **The election authority shall post a clear and conspicuous**
48 **notice at each polling place informing each voter who appears at the**
49 **polling place without a form of personal identification that satisfies the**
50 **requirements of subsection 1 of this section that the voter may return**
51 **to the polling place with a proper form of personal identification and**
52 **vote a regular ballot after election judges have verified the voter's**
53 **identity and eligibility under subsection 1 of this section. In addition**
54 **to such posting, the election judges may also inform such voters by**
55 **written or oral communication, of such information posted in the**
56 **notice. Voters who return to the polling place during the uniform**

57 **polling hours established by section 115.407 with a current and valid**
58 **form of personal identification shall be given priority in any voting**
59 **lines.**

60 **3. An individual who appears at a polling place without**
61 **identification in the form described in subsection 1 of this section and**
62 **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**
64 **register and that the voter does not possess a form of identification**
65 **specified in this section and is unable to obtain a current and valid**
66 **form of personal identification because of:**

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

69 **(2) A sincerely held religious belief against the forms of personal**
70 **identification described in subsection 1 of this section; or**

71 **(3) The voter being born on or before January 1, 1941.**

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

78 **4. The affidavit to be used for voting under subsection 3 of this**
79 **section shall be substantially in the following form:**

80 **"State of**

81 **County of**

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

87 **A physical or mental disability or handicap; or**

88 **A sincerely held religious belief; or**

89 **My being born on or before January 1, 1941.**

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

92 **.....**

93 **Signature of voter**

94 **Subscribed and affirmed before me this day of, 20....**

95 **.....**

96 **Signature of election official"**

97 **5. A voter shall be allowed to cast a provisional ballot under**
98 **section 115.430 even if the election judges cannot establish the voter's**
99 **identity under subsection 1 of this section. The election judges shall**
100 **make a notation on the provisional ballot envelope to indicate that the**
101 **voter's identity was not verified. The provisional ballot cast by such**
102 **voter shall not be counted unless:**

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

107 **(2) The provisional ballot otherwise qualifies to be counted**
108 **under section 115.430.**

109 **6. The secretary of state shall provide advance notice of the**
110 **personal identification requirements of subsection 1 of this section in**
111 **a manner calculated to inform the public generally of the requirement**
112 **for photographic personal identification as provided in this**
113 **section. Such advance notice shall include, at a minimum, the use of**
114 **advertisements and public service announcements in print, broadcast**
115 **television, radio, and cable television media, as well as the posting of**
116 **information on the opening pages of the official state Internet web sites**
117 **of the secretary of state and governor.**

118 **7. The provisions of section 136.055, RSMo, and section 302.181,**
119 **RSMo, notwithstanding, any applicant who requests a nondriver's**
120 **license with a photograph or digital image for the purpose of voting**
121 **shall not be required to pay a fee if the applicant executes an affidavit**
122 **averring that the applicant does not have any other form of**
123 **photographic personal identification that meets the requirements of**
124 **subsection 1 of this section. The state of Missouri shall pay the legally**
125 **required fees for any such applicant. The director shall design an**
126 **affidavit to be used for this purpose. However, any disabled or elderly**
127 **person otherwise competent to vote shall be issued a nondriver's**
128 **license photo identification through a mobile processing system**
129 **operated by the Missouri department of revenue upon request if the**

130 individual is physically unable to otherwise obtain a nondriver's
 131 license photo identification. The department of revenue shall make
 132 nondriver's license photo identifications available through its mobile
 133 processing system only at facilities licensed under chapter 198, RSMo,
 134 and other public places accessible to and frequented by disabled and
 135 elderly persons. The department shall provide advance notice of the
 136 times and places when the mobile processing system will be availableAt
 137 least nine mobile units housed under the office of administration shall
 138 remain available for dispatch upon the request of the department of
 139 revenue to fulfill the requirements of this section. The total cost
 140 associated with nondriver's license photo identification under this
 141 subsection shall be borne by the state of Missouri from funds
 142 appropriated to the department of revenue for that specific
 143 purpose. The department of revenue and a local election authority may
 144 enter into a contract that allows the local election authority to assist
 145 the department in issuing nondriver's license photo identifications.

146 8. The director of the department of revenue shall, by January
 147 first of each year, prepare and deliver to each member of the general
 148 assembly a report documenting the number of individuals who have
 149 requested and received a nondriver's license photo identification for
 150 the purposes of voting under this section. The report shall also include
 151 the number of persons requesting a nondriver's license for purposes of
 152 voting under this section, but not receiving such license, and the
 153 reason for the denial of the nondriver's license.

154 9. The precinct register shall serve as the voter identification
 155 certificate. The following form shall be printed at the top of each page of the
 156 precinct register:

157 VOTER'S IDENTIFICATION CERTIFICATE

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

160 PRECINCT

161 WARD OR TOWNSHIP

162 GENERAL (SPECIAL, PRIMARY) ELECTION

163 Held, 20....

164 Date

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

167 [3.] 10. The secretary of state shall promulgate rules to effectuate the
168 provisions of this section.

169 [4.] 11. Any rule or portion of a rule, as that term is defined in section
170 536.010, RSMo, that is created under the authority delegated in this section shall
171 become effective only if it complies with and is subject to all of the provisions of
172 chapter 536, RSMo, and, if applicable, section 536.028, RSMo. This section and
173 chapter 536, RSMo, are nonseverable and if any of the powers vested with the
174 general assembly pursuant to chapter 536, RSMo, to review, to delay the effective
175 date or to disapprove and annul a rule are subsequently held unconstitutional,
176 then the grant of rulemaking authority and any rule proposed or adopted after
177 August 28, 2002, shall be invalid and void.

178 [5.] 12. If any voter is unable to sign his name at the appropriate place
179 on the certificate or computer printout, an election judge shall print the name and
180 address of the voter in the appropriate place on the precinct register, the voter
181 shall make his mark in lieu of signature, and the voter's mark shall be witnessed
182 by the signature of an election judge.

Bill ✓

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