

# SENATE BILL NO. 14

101ST GENERAL ASSEMBLY

INTRODUCED BY SENATOR ONDER.

0500S.01I

ADRIANE D. CROUSE, Secretary

## AN ACT

To repeal section 115.427, RSMo, and to enact in lieu thereof one new section relating to identification requirements for voting in 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Section A. Section 115.427, RSMo, is repealed and one new  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, **or, if voting absentee in person**  
4 **under section 115.257, at the office of the election**  
5 **authority**, by presenting a form of personal identification  
6 to election officials. No form of personal identification  
7 other than the forms listed in this section shall be  
8 accepted to establish a voter's qualifications to vote.

9 Forms of personal identification that satisfy the  
10 requirements of this section are any one of the following:

11 (1) Nonexpired Missouri driver's license;  
12 (2) Nonexpired or nonexpiring Missouri nondriver's  
13 license;

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

16 (a) The document contains the name of the individual  
17 to whom the document was issued, and the name substantially

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

18 conforms to the most recent signature in the individual's  
19 voter registration record;

20 (b) The document shows a photograph of the individual;

21 (c) The document includes an expiration date, and the  
22 document is not expired, or, if expired, the document  
23 expired after the date of the most recent general election;  
24 and

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

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

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

50 ballot, provided such individual presents one of the  
51 following forms of identification:

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

55 (b) Identification issued by the United States  
56 government or agency thereof;

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

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

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

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

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

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

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

83       "State of \_\_\_\_\_

84       County of \_\_\_\_\_

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

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

100       \_\_\_\_\_

101       Signature of voter

102       Subscribed and affirmed before me this \_\_\_\_\_ day of  
103       \_\_\_\_\_, 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 **pursuant to this subsection.** The election judges shall make  
110 a notation on the provisional ballot envelope to indicate  
111 that the voter's identity was not verified.

112           (2) No person described in subdivision (1) of this  
113 subsection shall be entitled to receive a provisional ballot  
114 until such person has completed a provisional ballot  
115 affidavit on the provisional ballot envelope described in  
116 subdivision (3) of this subsection. All provisional ballots  
117 cast pursuant to this subsection shall be marked with a  
118 conspicuous stamp or mark that makes them distinguishable  
119 from other ballots.

120           (3) (a) The provisional ballot envelope shall be  
121 completed by the voter for use in determining the voter's  
122 eligibility to cast a ballot.

123           (b) The provisional ballot envelope shall provide a  
124 place for the voter's name, address, date of birth, and last  
125 four digits of his or her Social Security number, followed  
126 by a certificate in substantially the following form:

127           "I do solemnly swear that I am the person  
128 identified above and the information provided is  
129 correct. I understand that my vote will not be  
130 counted unless:

131           (1) I return to this polling place today  
132 between 6:00 a.m. and 7:00 p.m. and provide one  
133 of the following forms of identification:

134           (a) Nonexpired Missouri driver's license;

135           (b) Nonexpired or nonexpiring Missouri  
136 nondriver's license;

137           (c) A document that satisfies all of the  
138 following requirements:

139           a. The document contains my name, in  
140 substantially the same form as the most recent  
141 signature on my voter registration record;

142           b. The document contains my photograph;

143 c. The document contains an expiration date and  
 144 the document is not expired, or if expired, the  
 145 document expired after the date of the most  
 146 recent general election; and

147 d. The document was issued by the United States  
 148 or the state of Missouri; or

149 (d) Identification containing my photograph  
 150 issued to me by the Missouri National Guard, the  
 151 United States Armed Forces, or the United States  
 152 Department of Veteran Affairs as a member or  
 153 former member of the Missouri National Guard or  
 154 the United States Armed Forces and that is not  
 155 expired or does not have an expiration date; or

156 (2) The election authority verifies my identity  
 157 by comparing my signature on this envelope to  
 158 the signature on file with the election  
 159 authority and determines that I was eligible to  
 160 cast a ballot at this polling place; and

161 (3) This provisional ballot otherwise qualifies  
 162 to be counted under the laws of the state of  
 163 Missouri.

164 \_\_\_\_\_  
 165 Signature of Voter Date

166 \_\_\_\_\_  
 167 Signatures of Elections Officials"

168 Once voted, the provisional ballot shall be sealed in the  
 169 provisional ballot envelope and deposited in the ballot box.

170 3. The provisional ballot cast by such voter shall not  
 171 be counted unless:

172           (1) (a) The voter returns to the polling place during  
173 the uniform polling hours established by section 115.407 and  
174 provides a form of personal identification that allows the  
175 election judges to verify the voter's identity as provided  
176 in subsection 1 of this section; or

177           (b) The election authority verifies the identity of  
178 the individual by comparing that individual's signature to  
179 the signature on file with the election authority and  
180 determines that the individual was eligible to cast a ballot  
181 at the polling place where the ballot was cast; and

182           (2) The provisional ballot otherwise qualifies to be  
183 counted under section 115.430.

184           [5. The secretary of state shall provide advance  
185 notice of the personal identification requirements of  
186 subsection 1 of this section in a manner calculated to  
187 inform the public generally of the requirement for forms of  
188 personal identification as provided in this section. Such  
189 advance notice shall include, at a minimum, the use of  
190 advertisements and public service announcements in print,  
191 broadcast television, radio, and cable television media, as  
192 well as the posting of information on the opening pages of  
193 the official state internet websites of the secretary of  
194 state and governor.

195           6.] 4. (1) Notwithstanding the provisions of section  
196 136.055 and section 302.181 to the contrary, the state and  
197 all fee offices shall provide one nondriver's license at no  
198 cost to any otherwise qualified voter who does not already  
199 possess such identification and who desires the  
200 identification [in order to vote] **for voting.**

201           (2) This state and its agencies shall provide one copy  
202 of each of the following, free of charge, if needed by an  
203 individual seeking to obtain a form of personal

204 identification described in subsection 1 of this section [in  
205 order to vote] **for voting:**

206 (a) A birth certificate;

207 (b) A marriage license or certificate;

208 (c) A divorce decree;

209 (d) A certificate of decree of adoption;

210 (e) A court order changing the person's name;

211 (f) A Social Security card reflecting an updated name;

212 and

213 (g) Naturalization papers or other documents from the  
214 United States Department of State proving citizenship.

215 Any individual seeking one of the above documents in order  
216 to obtain a form of personal identification described in  
217 subsection 1 of this section [in order to vote] **for voting**  
218 may request the secretary of state to facilitate the  
219 acquisition of such documents. The secretary of state shall  
220 pay any fee or fees charged by another state or its  
221 agencies, or any court of competent jurisdiction in this  
222 state or any other state, or the federal government or its  
223 agencies, in order to obtain any of the above documents from  
224 such state or the federal government.

225 (3) [All costs associated with the implementation of  
226 this section shall be reimbursed from the general revenue of  
227 this state by an appropriation for that purpose. If there  
228 is not a sufficient appropriation of state funds, then the  
229 personal identification requirements of subsection 1 of this  
230 section shall not be enforced.

231 (4) Any applicant who requests a nondriver's license  
232 for [the purpose of] voting shall not be required to pay a  
233 fee [if the applicant executes a statement, under penalty of  
234 perjury, averring that the applicant does not have any other



235 form of personal identification that meets the requirements  
236 of this section]. The state of Missouri shall pay the  
237 legally required fees for any such applicant. [The director  
238 of the department of revenue shall design a statement to be  
239 used for this purpose. The total cost associated with  
240 nondriver's license photo identification under this  
241 subsection shall be borne by the state of Missouri from  
242 funds appropriated to the department of revenue for that  
243 specific purpose.] The department of revenue and a local  
244 election authority may enter into a contract that allows the  
245 local election authority to assist the department in issuing  
246 nondriver's license photo identifications.

247 [7.] 5. The director of the department of revenue  
248 shall, by January first of each year, prepare and deliver to  
249 each member of the general assembly a report documenting the  
250 number of individuals who have requested and received a  
251 nondriver's license photo identification for the purposes of  
252 voting under this section. The report shall also include  
253 the number of persons requesting a nondriver's license for  
254 purposes of voting under this section, but not receiving  
255 such license, and the reason for the denial of the  
256 nondriver's license.

257 [8.] 6. The precinct register shall serve as the voter  
258 identification certificate. The following form shall be  
259 printed at the top of each page of the precinct register:

260 VOTER'S IDENTIFICATION CERTIFICATE

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

263 PRECINCT

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

265 GENERAL (SPECIAL, PRIMARY) ELECTION

266 Held \_\_\_\_\_, 20\_\_\_\_\_  
267 Date

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

271 [9.] 7. The secretary of state shall promulgate rules  
272 to effectuate the provisions of this section.

273 [10.] 8. Any rule or portion of a rule, as that term  
274 is defined in section 536.010, that is created under the  
275 authority delegated in this section shall become effective  
276 only if it complies with and is subject to all of the  
277 provisions of chapter 536 and, if applicable, section  
278 536.028. This section and chapter 536 are nonseverable and  
279 if any of the powers vested with the general assembly  
280 pursuant to chapter 536 to review, to delay the effective  
281 date or to disapprove and annul a rule are subsequently held  
282 unconstitutional, then the grant of rulemaking authority and  
283 any rule proposed or adopted after August 28, 2002, shall be  
284 invalid and void.

285 [11.] 9. If any voter is unable to sign his name at  
286 the appropriate place on the certificate or computer  
287 printout, an election judge shall print the name and address  
288 of the voter in the appropriate place on the precinct  
289 register, the voter shall make his mark in lieu of  
290 signature, and the voter's mark shall be witnessed by the  
291 signature of an election judge.

292 [12. This section shall become effective only upon the  
293 passage and approval by the voters of a constitutional  
294 amendment submitted to them by the general assembly  
295 regarding the authorization of photo identification  
296 requirements for elections by general law. If such

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

✓