

SECOND REGULAR SESSION

# HOUSE BILL NO. 2661

100TH GENERAL ASSEMBLY

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INTRODUCED BY REPRESENTATIVE DEATON.

3511H.011

DANA RADEMAN MILLER, Chief Clerk

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## AN ACT

To repeal sections 115.155 and 115.427, RSMo, and to enact in lieu thereof two new sections relating to voter registration.

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

Section A. Sections 115.155 and 115.427, RSMo, are repealed and two new sections enacted in lieu thereof, to be known as sections 115.155 and 115.427, to read as follows:

115.155. 1. The election authority shall provide for the registration of each voter. Each application shall be in substantially the following form:

3

4

5 APPLICATION FOR REGISTRATION

6 Are you a citizen of the United States?

7  YES       NO

8 Will you be 18 years of age on or before election day?

9  YES       NO

10 IF YOU CHECKED "NO" IN RESPONSE TO EITHER OF THESE QUESTIONS, DO NOT  
11 COMPLETE THIS FORM.

12 IF YOU ARE SUBMITTING THIS FORM BY MAIL AND ARE REGISTERING FOR THE  
13 FIRST TIME, PLEASE SUBMIT A COPY OF A CURRENT, VALID PHOTO  
14 IDENTIFICATION. IF YOU DO NOT SUBMIT SUCH INFORMATION, YOU WILL BE  
15 REQUIRED TO PRESENT ADDITIONAL IDENTIFICATION UPON VOTING FOR THE  
16 FIRST TIME SUCH AS A BIRTH CERTIFICATE, A NATIVE AMERICAN TRIBAL

EXPLANATION — Matter enclosed in bold-faced brackets [thus] in the above bill is not enacted and is intended to be omitted from the law. Matter in **bold-face** type in the above bill is proposed language.

17 DOCUMENT, OTHER PROOF OF UNITED STATES CITIZENSHIP, A VALID MISSOURI  
18 DRIVERS LICENSE OR OTHER FORM OF PERSONAL IDENTIFICATION.

19

\_\_\_\_\_  
Township (or Ward)

21

\_\_\_\_\_  
Name

\_\_\_\_\_  
Precinct

23

\_\_\_\_\_  
Home Address

\_\_\_\_\_  
Required Personal  
Identification  
Information

25

26

27

\_\_\_\_\_  
City ZIP

29

\_\_\_\_\_  
Date of Birth

\_\_\_\_\_  
Place of Birth  
(Optional)

31

32

\_\_\_\_\_  
Telephone Number  
(Optional)

\_\_\_\_\_  
Mother's Maiden  
Name (Optional)

35

\_\_\_\_\_  
Occupation (Optional)

\_\_\_\_\_  
Last Place Previously  
Registered

37

38

\_\_\_\_\_  
Last four digits of

\_\_\_\_\_  
Under What Name

40 Social Security Number (Required for registration unless no Social Security number exists for  
41 Applicant)

42 Remarks:

43

\_\_\_\_\_  
When

44 I am a citizen of the United States and a resident of the state of Missouri. I have not been  
45 adjudged incapacitated by any court of law. If I have been convicted of a felony or of a  
46 misdemeanor connected with the right of suffrage, I have had the voting disabilities resulting  
47 from such conviction removed pursuant to law. I do solemnly swear that all statements made on  
48 this card are true to the best of my knowledge and belief.

49 I UNDERSTAND THAT IF I REGISTER TO VOTE KNOWING THAT I AM NOT LEGALLY  
50 ENTITLED TO REGISTER, I AM COMMITTING A CLASS ONE ELECTION OFFENSE  
51 AND MAY BE PUNISHED BY IMPRISONMENT OF NOT MORE THAN FIVE YEARS OR

52 BY A FINE OF BETWEEN TWO THOUSAND FIVE HUNDRED DOLLARS AND TEN  
53 THOUSAND DOLLARS OR BY BOTH SUCH IMPRISONMENT AND FINE.

54 \_\_\_\_\_  
55 Signature of Voter                      Date                      \_\_\_\_\_

56 \_\_\_\_\_  
57 Signature of Election Official

58

59           2. After supplying all information necessary for the registration records, each applicant  
60 who appears in person before the election authority shall swear or affirm the statements on the  
61 registration application by signing his or her full name, witnessed by the signature of the election  
62 authority or such authority's deputy registration official. Each applicant who applies to register  
63 by mail pursuant to section 115.159, or pursuant to section 115.160 or 115.162, shall attest to  
64 the statements on the application by his or her signature.

65           3. Upon receipt by mail of a completed and signed voter registration application, a voter  
66 registration application forwarded by the division of motor vehicle and drivers licensing of the  
67 department of revenue pursuant to section 115.160, or a voter registration agency pursuant to  
68 section 115.162, the election authority shall, if satisfied that the applicant is entitled to register,  
69 transfer all data necessary for the registration records from the application to its registration  
70 system. Within seven business days after receiving the application, the election authority shall  
71 send the applicant a verification notice. If such notice is returned as undeliverable by the postal  
72 service within the time established by the election authority, the election authority shall not place  
73 the applicant's name on the voter registration file.

74           4. If, upon receipt by mail of a voter registration application or a voter registration  
75 application forwarded pursuant to section 115.160 or 115.162, the election authority determines  
76 that the applicant is not entitled to register, such authority shall, within seven business days after  
77 receiving the application, so notify the applicant by mail and state the reason such authority has  
78 determined the applicant is not qualified. The applicant may file a complaint with the elections  
79 division of the secretary of state's office under and pursuant to section 115.219. If an applicant  
80 for voter registration fails to answer the question on the application concerning United States  
81 citizenship, the election authority shall notify the applicant of the failure and provide the  
82 applicant with an opportunity to complete the form in a timely manner to allow for the  
83 completion of the registration form before the next election.

84           5. The secretary of state shall prescribe specifications for voter registration documents  
85 so that they are uniform throughout the state of Missouri and comply with the National Voter  
86 Registration Act of 1993, including the reporting requirements, and so that registrations, name  
87 changes and transfers of registrations within the state may take place as allowed by law.

88           6. All voter registration applications shall be preserved in the office of the election  
89 authority.

90           **7. Each applicant shall provide proof of United States citizenship at the time of**  
91 **application for voter registration. If the applicant does not have a copy of an appropriate**  
92 **document to prove citizenship, he or she may obtain a copy of the document free of charge**  
93 **as provided in subsection 6 of section 115.427. For applications submitted by mail or using**  
94 **the online voter registration system, an unofficial copy of a document proving citizenship**  
95 **shall meet the requirements of this subsection.**

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

- 6           (1) Nonexpired Missouri driver's license;
- 7           (2) Nonexpired or nonexpiring Missouri nondriver's license;
- 8           (3) A document that satisfies all of the following requirements:
  - 9           (a) The document contains the name of the individual to whom the document was issued,  
10 and the name substantially conforms to the most recent signature in the individual's voter  
11 registration record;
  - 12           (b) The document shows a photograph of the individual;
  - 13           (c) The document includes an expiration date, and the document is not expired, or, if  
14 expired, the document expired after the date of the most recent general election; and
  - 15           (d) The document was issued by the United States or the state of Missouri; or
  - 16           (4) Any identification containing a photograph of the individual which is issued by the  
17 Missouri National Guard, the United States Armed Forces, or the United States Department of  
18 Veteran Affairs to a member or former member of the Missouri National Guard or the United  
19 States Armed Forces and that is not expired or does not have an expiration date.

20           2. (1) An individual who appears at a polling place without a form of personal  
21 identification described in subsection 1 of this section and who is otherwise qualified to vote at  
22 that polling place may execute a statement, under penalty of perjury, averring that the individual  
23 is the person listed in the precinct register; averring that the individual does not possess a form  
24 of personal identification described in subsection 1 of this section; acknowledging that the  
25 individual is eligible to receive a Missouri nondriver's license free of charge if desiring it in order  
26 to vote; and acknowledging that the individual is required to present a form of personal  
27 identification, as described in subsection 1 of this section, in order to vote. Such statement shall  
28 be executed and sworn to before the election official receiving the statement. Upon executing

29 such statement, the individual may cast a regular ballot, provided such individual presents one  
30 of the following forms of identification:

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

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

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

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

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

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

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

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

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

51

52

53 "State of \_\_\_\_\_

54 County of \_\_\_\_\_

55 I do solemnly swear (or affirm) that my name is \_\_\_\_\_; that I reside at \_\_\_\_\_; that I am the  
56 person listed in the precinct register under this name and at this address; and that, under penalty  
57 of perjury, I do not possess a form of personal identification approved for voting. As a person  
58 who does not possess a form of personal identification approved for voting, I acknowledge that  
59 I am eligible to receive free of charge a Missouri nondriver's license at any fee office if desiring  
60 it in order to vote. I furthermore acknowledge that I am required to present a form of personal  
61 identification, as prescribed by law, in order to vote.

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

64

65 Signature of voter

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

67

68 Signature of election official"

69

70 4. A voter shall be allowed to cast a provisional ballot under section 115.430 even if the  
71 election judges cannot establish the voter's identity under this section. The election judges shall  
72 make a notation on the provisional ballot envelope to indicate that the voter's identity was not  
73 verified. The provisional ballot cast by such voter shall not be counted unless:

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

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

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

81 5. The secretary of state shall provide advance notice of the personal identification  
82 requirements of subsection 1 of this section in a manner calculated to inform the public generally  
83 of the requirement for forms of personal identification as provided in this section. Such advance  
84 notice shall include, at a minimum, the use of advertisements and public service announcements  
85 in print, broadcast television, radio, and cable television media, as well as the posting of  
86 information on the opening pages of the official state internet websites of the secretary of state  
87 and governor.

88 6. (1) Notwithstanding the provisions of section 136.055 and section 302.181 to the  
89 contrary, the state and all fee offices shall provide one nondriver's license at no cost to any  
90 otherwise qualified voter who does not already possess such identification and who desires the  
91 identification in order to vote.

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

95 (a) A birth certificate;

96 (b) A marriage license or certificate;

97 (c) A divorce decree;

98 (d) A certificate of decree of adoption;

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

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

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

103

104 Any individual seeking one of the above documents in order to obtain a form of personal  
105 identification described in subsection 1 of this section in order to vote **or register to vote** may  
106 request the secretary of state to facilitate the acquisition of such documents. The secretary of  
107 state shall pay any fee or fees charged by another state or its agencies, or any court of competent  
108 jurisdiction in this state or any other state, or the federal government or its agencies, in order to  
109 obtain any of the above documents from such state or the federal government.

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

114 (4) Any applicant who requests a nondriver's license for the purpose of voting shall not  
115 be required to pay a fee if the applicant executes a statement, under penalty of perjury, averring  
116 that the applicant does not have any other form of personal identification that meets the  
117 requirements of this section. The state of Missouri shall pay the legally required fees for any  
118 such applicant. The director of the department of revenue shall design a statement to be used for  
119 this purpose. The total cost associated with nondriver's license photo identification under this  
120 subsection shall be borne by the state of Missouri from funds appropriated to the department of  
121 revenue for that specific purpose. The department of revenue and a local election authority may  
122 enter into a contract that allows the local election authority to assist the department in issuing  
123 nondriver's license photo identifications.

124 7. The director of the department of revenue shall, by January first of each year, prepare  
125 and deliver to each member of the general assembly a report documenting the number of  
126 individuals who have requested and received a nondriver's license photo identification for the  
127 purposes of voting under this section. The report shall also include the number of persons  
128 requesting a nondriver's license for purposes of voting under this section, but not receiving such  
129 license, and the reason for the denial of the nondriver's license.

130 8. The precinct register shall serve as the voter identification certificate. The following  
131 form shall be printed at the top of each page of the precinct register:

132 VOTER'S IDENTIFICATION CERTIFICATE

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

135 PRECINCT WARD

136 OR TOWNSHIP \_\_\_\_\_

137 GENERAL (SPECIAL, PRIMARY) ELECTION Held \_\_\_\_\_, 20\_\_\_\_ Date

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

140 9. The secretary of state shall promulgate rules to effectuate the provisions of this  
141 section.

142 10. Any rule or portion of a rule, as that term is defined in section 536.010, that is  
143 created under the authority delegated in this section shall become effective only if it complies  
144 with and is subject to all of the provisions of chapter 536 and, if applicable, section 536.028.  
145 This section and chapter 536 are nonseverable and if any of the powers vested with the general  
146 assembly pursuant to chapter 536 to review, to delay the effective date or to disapprove and  
147 annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and  
148 any rule proposed or adopted after August 28, 2002, shall be invalid and void.

149 11. If any voter is unable to sign his name at the appropriate place on the certificate or  
150 computer printout, an election judge shall print the name and address of the voter in the  
151 appropriate place on the precinct register, the voter shall make his mark in lieu of signature, and  
152 the voter's mark shall be witnessed by the signature of an election judge.

153 12. This section shall become effective only upon the passage and approval by the voters  
154 of a constitutional amendment submitted to them by the general assembly regarding the  
155 authorization of photo identification requirements for elections by general law. If such  
156 constitutional amendment is approved by the voters, this section shall become effective June 1,  
157 2017.

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