

FIRST REGULAR SESSION

SENATE BILL NO. 169

98TH GENERAL ASSEMBLY

INTRODUCED BY SENATOR SCHAAF.

Pre-filed December 19, 2014, and ordered printed.

ADRIANE D. CROUSE, Secretary.

0540S.08I

AN ACT

To repeal sections 115.057, 115.279, and 115.427, RSMo, and to enact in lieu thereof three new sections relating to voting procedures.

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

Section A. Sections 115.057, 115.279, and 115.427, RSMo, are repealed
2 and three new sections enacted in lieu thereof, to be known as sections 115.057,
3 115.279, and 115.427, to read as follows:

115.057. **1.** Each election authority shall maintain an office or offices
2 sufficient for its purposes. The offices of each election authority shall be kept
3 open during regular business hours on all election days and on all other
4 weekdays, except legal holidays. The offices of each election authority shall also
5 be kept open for [four hours on the Saturday] **eight consecutive hours on**
6 **each of the two Saturdays** preceding each election and may be kept open at
7 other times as determined by the election authority. **For the purposes of**
8 **chapter 115, normal business hours for the office of each election**
9 **authority shall also include eight consecutive hours on each of the two**
10 **Saturdays preceding an election.**

11 **2. Costs associated with staffing election authorities on the two**
12 **Saturdays before an election shall be reimbursed from the general**
13 **revenue of this state by an appropriation for that purpose.**

115.279. 1. Application for an absentee ballot may be made by the
2 applicant in person, or by mail, or for the applicant, in person, by his or her
3 guardian or a relative within the second degree by consanguinity or affinity. The
4 election authority shall accept applications by facsimile transmission within the
5 limits of its telecommunications capacity.

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

6 2. **Beginning the second Tuesday prior to an election and ending**
7 **at 5:00 p.m. on the Monday preceding an election, any eligible voter**
8 **may apply for and complete an absentee ballot in person at the office**
9 **of the election authority without stating the reason, as defined in**
10 **subsection 1 of section 115.227, that the voter expects to be prevented**
11 **from going to the polls to vote on election day.**

12 3. Each application shall be made to the election authority of the
13 jurisdiction in which the person is or would be registered. Each application shall
14 be in writing and shall state the applicant's name, address at which he or she is
15 or would be registered, his or her reason for voting an absentee ballot, **if**
16 **required**, the address to which the ballot is to be mailed, if mailing is requested,
17 and for absent uniformed services and overseas applicants, the applicant's email
18 address if electronic transmission is requested. Each application to vote in a
19 primary election shall also state which ballot the applicant wishes to receive. If
20 any application fails to designate a ballot, the election authority shall, within
21 three working days after receiving the application, notify the applicant by mail
22 that it will be unable to deliver an absentee ballot until the applicant designates
23 which political party ballot he or she wishes to receive. If the applicant does not
24 respond to the request for political party designation, the election authority is
25 authorized to provide the voter with that part of the ballot for which no political
26 party designation is required.

27 [3.] 4. Except as provided in subsection 3 of section 115.281, all
28 applications for absentee ballots received prior to the sixth Tuesday before an
29 election shall be stored at the office of the election authority until such time as
30 the applications are processed in accordance with section 115.281. No application
31 for an absentee ballot received in the office of the election authority by mail, by
32 facsimile transmission or by a guardian or relative after 5:00 p.m. on the
33 Wednesday immediately prior to the election shall be accepted by any election
34 authority. No application for an absentee ballot submitted by the applicant in
35 person after 5:00 p.m. on the day before the election shall be accepted by any
36 election authority, except as provided in subsections [6, 8 and] **7, 9, and 10** of
37 this section.

38 [4.] 5. Each application for an absentee ballot shall be signed by the
39 applicant or, if the application is made by a guardian or relative pursuant to this
40 section, the application shall be signed by the guardian or relative, who shall note
41 on the application his or her relationship to the applicant. If an applicant,

42 guardian or relative is blind, unable to read or write the English language or
43 physically incapable of signing the application, he or she shall sign by mark,
44 witnessed by the signature of an election official or person of his or her own
45 choosing. Any person who knowingly makes, delivers or mails a fraudulent
46 absentee ballot application shall be guilty of a class one election offense.

47 [5.] 6. (1) Notwithstanding any law to the contrary, any resident of the
48 state of Missouri who resides outside the boundaries of the United States or who
49 is on active duty with the Armed Forces of the United States or members of their
50 immediate family living with them may request an absentee ballot for both the
51 primary and subsequent general election with one application.

52 (2) The election authority shall provide each absent uniformed services
53 voter and each overseas voter who submits a voter registration application or an
54 absentee ballot request, if the election authority rejects the application or request,
55 with the reasons for the rejection.

56 (3) Notwithstanding any other law to the contrary, if a standard oath
57 regarding material misstatements of fact is adopted for uniformed and overseas
58 voters pursuant to the Help America Vote Act of 2002, the election authority shall
59 accept such oath for voter registration, absentee ballot, or other election-related
60 materials.

61 (4) Not later than sixty days after the date of each regularly scheduled
62 general election for federal office, each election authority which administered the
63 election shall submit to the secretary of state in a format prescribed by the
64 secretary a report on the combined number of absentee ballots transmitted to,
65 and returned by, absent uniformed services voters and overseas voters for the
66 election. The secretary shall submit to the Election Assistance Commission a
67 combined report of such information not later than ninety days after the date of
68 each regularly scheduled general election for federal office and in a standardized
69 format developed by the commission pursuant to the Help America Vote Act of
70 2002. The secretary shall make the report available to the general public.

71 (5) As used in this section, the terms "absent uniformed services voter"
72 and "overseas voter" shall have the meaning prescribed in 42 U.S.C. 1973ff-6.

73 [6.] 7. An application for an absentee ballot by a new resident, as defined
74 in section 115.275, shall be submitted in person by the applicant in the office of
75 the election authority in the election jurisdiction in which such applicant
76 resides. The application shall be received by the election authority no later than
77 7:00 p.m. on the day of the election. Such application shall be in the form of an

78 affidavit, executed in duplicate in the presence of the election authority or any
79 authorized officer of the election authority, and in substantially the following
80 form:

81 "STATE OF.....

82 COUNTY OF....., ss.

83 I,....., do solemnly swear that:

84 (1) Before becoming a resident of this state, I resided at
85 (residence address) in (town,
86 township, village or city) of County in the state of
87

88 (2) I moved to this state after the last day to register to vote in such
89 general presidential election and I am now residing in the county of
90, state of Missouri;

91 (3) I believe I am entitled pursuant to the laws of this state to vote in the
92 presidential election to be held November, (year);

93 (4) I hereby make application for a presidential and vice presidential
94 ballot. I have not voted and shall not vote other than by this ballot at such
95 election.

96 Signed

97 (Applicant)

98

99 (Residence Address)

100 Subscribed and sworn to before me this day of,

101 Signed

102 (Title and name of officer authorized to administer oaths)"

103 [7.] 8. The election authority in whose office an application is filed
104 pursuant to subsection [6] 7 of this section shall immediately send a duplicate of
105 such application to the appropriate official of the state in which the new resident
106 applicant last resided and shall file the original of such application in its office.

107 [8.] 9. An application for an absentee ballot by an intrastate new
108 resident, as defined in section 115.275, shall be made in person by the applicant
109 in the office of the election authority in the election jurisdiction in which such
110 applicant resides. The application shall be received by the election authority no
111 later than 7:00 p.m. on the day of the election. Such application shall be in the
112 form of an affidavit, executed in duplicate in the presence of the election
113 authority or an authorized officer of the election authority, and in substantially

114 the following form:

115 "STATE OF

116 COUNTY OF, ss.

117 I,, do solemnly swear that:

118 (1) Before becoming a resident of this election jurisdiction, I resided at
119 (residence address) in (town, township,
120 village or city) of county in the state of

121 (2) I moved to this election jurisdiction after the last day to register to
122 vote in such election;

123 (3) I believe I am entitled pursuant to the laws of this state to vote in the
124 election to be held (date);

125 (4) I hereby make application for an absentee ballot for candidates and
126 issues on which I am entitled to vote pursuant to the laws of this state. I have
127 not voted and shall not vote other than by this ballot at such election.

128 Signed

129 (Applicant)

130

131 (Residence Address)

132 Subscribed and sworn to before me this day of,

133 Signed

134 (Title and name of officer authorized to administer oaths)"

135 [9.] 10. An application for an absentee ballot by an interstate former
136 resident, as defined in section 115.275, shall be received in the office of the
137 election authority where the applicant was formerly registered by 5:00 p.m. on the
138 Wednesday immediately prior to the election, unless the application is made in
139 person by the applicant in the office of the election authority, in which case such
140 application shall be made no later than 7:00 p.m. on the day of the election.

115.427. 1. [Before receiving a ballot, voters] **Persons seeking to vote**
2 **in a public election** shall establish their identity and eligibility to vote at the
3 polling place by presenting [a] **an approved** form of [personal] **photo**
4 **identification to election officials.** ["Personal identification" shall mean only]
5 **Approved forms of photo identification include any** one of the following:

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

8 (2) Nonexpired or nonexpiring Missouri nondriver's license showing the
9 name and a photographic or digital image of the individual; or

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

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

14 (b) The document shows a [photographic or digital image] **photograph**
15 of the individual;

16 (c) The document includes an expiration date, and the document is not
17 expired, or if expired, **the document** expired [not before] **after** the date of the
18 most recent general election; and

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

21 (4) Any identification containing a [photographic or digital image]
22 **photograph** of the individual which is issued by the Missouri National Guard,
23 the United States Armed Forces, or the United States Department of Veteran
24 Affairs to a member or former member of the Missouri National Guard or the
25 United States Armed Forces and that **is not expired or** does not have an
26 expiration date.

27 2. [The] **Each** election authority shall post a clear and conspicuous notice
28 at each polling place informing [each voter who appears at the polling place
29 without a form of personal identification that satisfies the requirements of
30 subsection 1 of this section that the voter may return to the polling place with a
31 proper form of personal identification and vote a regular ballot after election
32 judges have verified the voter's identity and eligibility under subsection 1 of this
33 section] **voters that those voters who possess approved forms of photo**
34 **identification must present them and that those who do not must**
35 **present secondary forms of identification. This notice shall list**
36 **examples of both approved forms of photo identification and secondary**
37 **forms of identification. Furthermore, it shall inform voters that each**
38 **voter who appears at the polling place without the identification they**
39 **are required to present shall be given priority in any voting lines if**
40 **they return to the polling place with the required identification during**
41 **the uniform polling hours established by section 115.407.** In addition to
42 such posting, the election judges may also inform such voters by written or oral
43 communication of such information posted in the notice. [Voters who return to
44 the polling place during the uniform polling hours established by section 115.407
45 with a current and valid form of personal identification shall be given priority in

46 any voting lines.]

47 3. An individual who appears at a polling place without identification in
48 the form described in subsection 1 of this section and who is otherwise qualified
49 to vote at that polling place may [execute] **cast a ballot if the voter:**

50 **(1) Executes** an affidavit averring that the voter is the person listed in
51 the precinct register; and that the voter does not possess a form of **photo**
52 identification [specified in this section and is unable to obtain a current and valid
53 form of personal identification because of:

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

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

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

59 Upon executing such affidavit, the individual may cast a provisional
60 ballot. Such provisional ballot shall be counted, provided the election authority
61 verifies the identity of the individual by comparing that individual's signature to
62 the signature on file with the election authority and determines that the
63 individual was eligible to cast a ballot at the polling place where the ballot was
64 cast] **approved for voting as specified in subsection 1 of this section;**
65 **and**

66 **(2) Presents a secondary form of identification, limited to the**
67 **following:**

68 **(a) Identification issued by an institution of higher education,**
69 **including a university, college, vocational, and technical school, located**
70 **within the state of Missouri;**

71 **(b) A copy of a current utility bill, bank statement, government**
72 **check, paycheck, or other government document that contains the name**
73 **and address of the voter; or**

74 **(c) Driver's license or state identification card issued by another**
75 **state.**

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

78 "State of

79 County of

80 I do solemnly swear (or affirm) that my name is; that I reside at
81; and that I am the person listed in the precinct register

82 under this name and at this address[. I further swear (or affirm) that I am
83 unable to obtain a current and valid form of personal identification because of:

84 A physical or mental disability or handicap; or

85 A sincerely held religious belief; or

86 My being born on or before January 1, 1941.

87 I understand that knowingly providing false information is a violation of law and
88 subjects me to possible criminal prosecution]; **and that I do not possess a**
89 **valid Missouri driver's license, a valid Missouri nondriver's license, a**
90 **valid United States passport, or a valid photo identification document**
91 **issued by the Missouri National Guard, the United States Armed Forces,**
92 **or the United States Department of Veterans Affairs. As someone who**
93 **does not possess a form of photo identification approved for voting, I**
94 **acknowledge that I am eligible to receive free of charge a Missouri**
95 **nondriver's license at any fee office.**

96

97 Signature of voter

98 Subscribed and affirmed before me this day of, 20....

99

100 Signature of election official"

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

106 (1) The voter returns to the polling place during the uniform polling hours
107 established by section 115.407 and provides a form of personal identification that
108 allows the election judges to verify the voter's identity as provided in subsection
109 1 of this section; and

110 (2) The provisional ballot otherwise qualifies to be counted under section
111 115.430.

112 6.] The secretary of state shall provide advance notice of the personal
113 identification requirements of subsection 1 of this section in a manner calculated
114 to inform the public generally of the requirement for photographic personal
115 identification as provided in this section. Such advance notice shall include, at
116 a minimum, the use of advertisements and public service announcements in print,
117 broadcast television, radio, and cable television media, as well as the posting of

118 information on the opening pages of the official state internet websites of the
119 secretary of state and governor. **Further, prior to the next election, the**
120 **secretary of state shall contact voters who the secretary has reason to**
121 **believe do not possess an approved form of photo identification listed**
122 **in this section and notify them of the option to receive such**
123 **identification free of charge at any fee office.**

124 [7.] 6. The provisions of section 136.055 and section 302.181
125 notwithstanding, **the state and all fee offices shall provide one approved**
126 **form of photo identification required to vote at no cost to any voter**
127 **who does not already possess such photo identification, who qualifies**
128 **for such photo identification, and who desires such photo identification**
129 **in order to vote.** Any applicant who requests a nondriver's license with a
130 photograph or digital image for the purpose of voting shall not be required to pay
131 a fee if the applicant executes an affidavit averring that the applicant does not
132 [have any other] **possess an approved** form of [photographic personal] **photo**
133 identification that meets the requirements of subsection 1 of this section. The
134 state of Missouri shall pay the legally required fees for any such applicant. The
135 director shall design an affidavit to be used for this purpose. [However, any
136 disabled or elderly person otherwise competent to vote shall be issued a
137 nondriver's license photo identification through a mobile processing system
138 operated by the Missouri department of revenue upon request if the individual
139 is physically unable to otherwise obtain a nondriver's license photo
140 identification. The department of revenue shall make nondriver's license photo
141 identifications available through its mobile processing system only at facilities
142 licensed under chapter 198 and other public places accessible to and frequented
143 by disabled and elderly persons. The department shall provide advance notice of
144 the times and places when the mobile processing system will be available. At
145 least nine mobile units housed under the office of administration shall remain
146 available for dispatch upon the request of the department of revenue to fulfill the
147 requirements of this section.] The total cost associated with nondriver's license
148 photo identification under this subsection shall be borne by the state of Missouri
149 from funds appropriated to the department of revenue for that specific
150 purpose. The department of revenue and a local election authority may enter into
151 a contract that allows the local election authority to assist the department in
152 issuing nondriver's license photo identifications.

153 [8.] 7. The director of the department of revenue shall, by January first

154 of each year, prepare and deliver to each member of the general assembly a report
155 documenting the number of individuals who have requested and received a
156 nondriver's license photo identification for the purposes of voting under this
157 section. The report shall also include the number of persons requesting a
158 nondriver's license for purposes of voting under this section, but not receiving
159 such license, and the reason for the denial of the nondriver's license.

160 [9.] 8. The precinct register shall serve as the voter identification
161 certificate. The following form shall be printed at the top of each page of the
162 precinct register:

163 VOTER'S IDENTIFICATION CERTIFICATE

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

166 PRECINCT

167 WARD OR TOWNSHIP

168 GENERAL (SPECIAL, PRIMARY) ELECTION

169 Held, 20...

170 Date

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

173 [10.] 9. The secretary of state shall promulgate rules to effectuate the
174 provisions of this section.

175 [11.] 10. Any rule or portion of a rule, as that term is defined in section
176 536.010, that is created under the authority delegated in this section shall
177 become effective only if it complies with and is subject to all of the provisions of
178 chapter 536 and, if applicable, section 536.028. This section and chapter 536 are
179 nonseverable and if any of the powers vested with the general assembly pursuant
180 to chapter 536 to review, to delay the effective date or to disapprove and annul
181 a rule are subsequently held unconstitutional, then the grant of rulemaking
182 authority and any rule proposed or adopted after August 28, 2002, shall be
183 invalid and void.

184 [12.] 11. If any voter is unable to sign his name at the appropriate place
185 on the certificate or computer printout, an election judge shall print the name and
186 address of the voter in the appropriate place on the precinct register, the voter
187 shall make his mark in lieu of signature, and the voter's mark shall be witnessed
188 by the signature of an election judge.

189 [13. For any election held on or before November 1, 2008, an individual

190 who appears at a polling place without identification in the form described in
191 subsection 1 of this section, and who is otherwise qualified to vote at that polling
192 place, may cast a provisional ballot after:

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

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

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

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

203 b. Identification issued by the United States government or agency
204 thereof;

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

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

211 e. Driver's license or state identification card issued by another
212 state. Such provisional ballot shall be entitled to be counted, provided the
213 election authority verifies the identity of the individual by comparing that
214 individual's signature to the current signature on file with the election authority
215 and determines that the individual was otherwise eligible to cast a ballot at the
216 polling place where the ballot was cast.

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

219 "State of

220 County of

221 I do solemnly swear (or affirm) that my name is; that I reside
222 at.....; and that I am the person listed in the precinct register under
223 this name and at this address.

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

226

227 Signature of voter

228 Subscribed and affirmed before me this day of, 20....

229

230 Signature of Election Official".

231 15. The provisions of subsections 1 to 5 and 8 to 14 of this section shall
232 become effective August 28, 2006, and this subsection shall expire September 1,
233 2006.]

✓
Unofficial

Bill

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