

SENATE SUBSTITUTE

FOR

SENATE COMMITTEE SUBSTITUTE

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HOUSE COMMITTEE SUBSTITUTE

FOR

HOUSE JOINT RESOLUTION NO. 90

JOINT RESOLUTION

Submitting to the qualified voters of Missouri an amendment to article VIII of the Constitution of Missouri, by adding thereto one new section relating to early voting.

BE IT RESOLVED BY THE SENATE, THE HOUSE OF REPRESENTATIVES CONCURRING THEREIN:

1 That at the next general election to be held in the state of
2 Missouri, on Tuesday next following the first Monday in November,
3 2014, or at a special election to be called by the governor for
4 that purpose, there is hereby submitted to the qualified voters
5 of this state, for adoption or rejection, the following amendment
6 to article VIII of the Constitution of the state of Missouri:

7 Section A. Article VIII, Constitution of Missouri, is
8 amended by adding thereto one new section, to be known as section
9 11, to read as follows:

10 Section 11. 1. Qualified voters of the state shall be
11 entitled to vote in person or by mail in advance of the day of
12 the general election, but only under the following subdivisions:

13 (1) Qualified voters casting ballots under this section

1 shall have been registered to vote, unless otherwise provided by
2 law, on or before the fourth Wednesday prior to the day of the
3 election;

4 (2) No qualified voter shall be required to state any
5 reason, excuse, or explanation for casting a ballot under this
6 section;

7 (3) Ballots shall be cast in person or by mail only during
8 the six business days, not to include Saturday or Sunday,
9 immediately prior to and including the last Wednesday prior to
10 the election day. In-person ballots shall be cast at the local
11 election authority during its regular business hours;

12 (4) Each local election authority shall appoint at least
13 one election judge from each major political party to serve at
14 the site of the local election authority. Procedures for
15 appointing judges, casting ballots, and tabulating ballots shall
16 be the same as provided by general election laws.

17 2. No local election authority or other public official
18 shall, in advance of the day of the election, disclose the
19 identity of any qualified voter who, in advance of the day of the
20 election, has cast or has not cast a ballot, unless the qualified
21 voter has authorized the disclosure. A qualified voter's
22 authorization must be in writing, signed by the qualified voter,
23 dated, and delivered to the secretary of state no later than the
24 sixth Wednesday prior to the day of the election. An
25 authorization is effective only for one general election.

26 3. If any local election authority is required by any
27 provision of law or of this constitution to produce, in advance
28 of the day of the election, a list of qualified voters who have

1 already cast ballots, such list shall designate those qualified
2 voters who have not filed a valid written authorization under
3 subsection 2 of this section by using a random designation that
4 does not identify those qualified voters or provide residential
5 or other personal information from which their identities might
6 be determined. If any such list is required to be delivered
7 promptly after a request, the list shall be deemed to have been
8 promptly delivered if it is delivered no later than 5:00 p.m. on
9 the Monday before the election day. In addition to the
10 restrictions in this section on the provision of identifying
11 information, any such list shall include only qualified voter
12 information authorized to be disclosed pursuant to general
13 election laws.

14 4. The secretary of state and local election authorities
15 shall provide qualified voters mail-in ballots under this section
16 only by mail, and only upon the written, signed, and dated
17 request of a qualified voter. Such request shall be valid for
18 only one general election. No qualified voter shall receive more
19 than one mail-in ballot.

20 5. No local election authority or other public office shall
21 conduct any activity or incur any expense for the purpose of
22 allowing voting in person or by mail in advance of the general
23 election day unless a state appropriation is made and disbursed
24 to pay the local election authority or other public office for
25 the increased cost or expense of the activity.

26 6. The provisions of this section shall be self-executing.
27 Any law that conflicts with this section shall not be valid or
28 enforceable. If any provision of this section is found by a

1 court of competent jurisdiction to be unconstitutional or
2 unconstitutionally enacted, the remaining provisions of this
3 section shall be and remain valid. Nothing in this section shall
4 be deemed to repeal or invalidate section 7 of article VIII of
5 this constitution or to repeal or invalidate general laws
6 permitting certain qualified voters to cast absentee ballots.
7 This section shall not be repealed or invalidated by
8 constitutional amendment, in whole or in part, unless the text of
9 the amending provision expressly references this section or the
10 parts thereof that are to be repealed, and no part of this
11 section shall be repealed by implication.

12 Section B. Pursuant to chapter 116 and other applicable
13 constitutional provisions and laws of the this state allowing the
14 general assembly to adopt ballot language for the submission of
15 this joint resolution to the voters of this state, the official
16 summary statement of this resolution shall be as follows:

17 "Shall the Missouri Constitution be amended to permit
18 voting in person or by mail for a period of six
19 business days prior to and including the Wednesday
20 before the election day in all general elections?"