

SECOND REGULAR SESSION

# SENATE BILL NO. 757

98TH GENERAL ASSEMBLY

INTRODUCED BY SENATOR CHAPPELLE-NADAL.

Pre-filed December 1, 2015, and ordered printed.

ADRIANE D. CROUSE, Secretary.

4985S.011

## AN ACT

To repeal sections 115.133, 115.135, 115.137, 115.140, 115.225, 115.237, 115.275, and 115.427, RSMo, section 130.028 as enacted by senate bill no. 491, ninety-seventh general assembly, second regular session, section 130.028 as enacted by senate bill no. 650, eighty-seventh general assembly, second regular session, and section 130.028 as enacted by senate bill no. 844, ninety-fifth general assembly, second regular session, and to enact in lieu thereof twelve new sections relating to elections, with penalty provisions.

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

Section A. Sections 115.133, 115.135, 115.137, 115.140, 115.225, 115.237, 115.275, and 115.427, RSMo, section 130.028 as enacted by senate bill no. 491, ninety-seventh general assembly, second regular session, section 130.028 as enacted by senate bill no. 650, eighty-seventh general assembly, second regular session, and section 130.028 as enacted by senate bill no. 844, ninety-fifth general assembly, second regular session, are repealed and twelve new sections enacted in lieu thereof, to be known as sections 115.133, 115.134, 115.135, 115.137, 115.140, 115.225, 115.237, 115.275, 115.276, 115.408, 115.427, and 130.028, to read as follows:

115.133. 1. Except as provided in subsection 2 of this section, any citizen of the United States who is a resident of the state of Missouri and seventeen years and six months of age or older shall be entitled to register and to vote in any election which is held on or after his eighteenth birthday.

2. No person who is adjudged incapacitated shall be entitled to register or vote. No person shall be entitled to vote[:

(1) While confined under a sentence of imprisonment;

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

8 (2) While on probation or parole after conviction of a felony, until finally  
9 discharged from such probation or parole; or

10 (3)] after conviction of a felony or misdemeanor connected with the right  
11 of suffrage.

12 3. Except as provided in federal law or federal elections and in section  
13 115.277, no person shall be entitled to vote if the person has not registered to  
14 vote in the jurisdiction of his or her residence prior to the deadline to register to  
15 vote.

**115.134. 1. The department of revenue shall provide to the  
2 secretary of state electronic records containing the legal name, age,  
3 residence and citizenship information for, and the electronic signature  
4 of, each person who meets the qualifications to vote set out in section  
5 115.133.**

6 **2. Upon receiving a person's electronic record and electronic  
7 signature the secretary of state shall provide such information to the  
8 election authority of the county in which the person may be  
9 registered. The election authority shall notify each person of the  
10 process to decline to be registered.**

11 **3. If a person notified under subsection 2 of this section does not  
12 decline to be registered within twenty-one calendar days after the  
13 election authority issues the notification, and the person otherwise  
14 meets the qualifications to vote as prescribed under section 115.133, the  
15 person shall be deemed registered.**

16 **4. The secretary of state shall adopt rules and regulations as are  
17 necessary to implement this section. Any rule or portion of a rule, as  
18 that term is defined in section 536.010 that is created under the  
19 authority delegated in this section shall become effective only if it  
20 complies with and is subject to all of the provisions of chapter 536, and,  
21 if applicable, section 536.028. This section and chapter 536 are  
22 nonseverable and if any of the powers vested with the general assembly  
23 pursuant to chapter 536, to review, to delay the effective date, or to  
24 disapprove and annul a rule are subsequently held unconstitutional,  
25 then the grant of rulemaking authority and any rule proposed or  
26 adopted after August 28, 2016, shall be invalid and void.**

115.135. 1. Any person who is qualified to vote, or who shall become  
2 qualified to vote on or before the day of election, shall be entitled to register in  
3 the jurisdiction within which he or she resides. In order to vote in any election

4 for which registration is required, a person must be registered to vote in the  
5 jurisdiction of his or her residence no later than 5:00 p.m., or the normal closing  
6 time of any public building where the registration is being held if such time is  
7 later than 5:00 p.m., on the fourth Wednesday prior to the election, unless the  
8 voter is an interstate former resident, an intrastate new resident or a new  
9 resident, as defined in section 115.275. In no case shall registration for an  
10 election extend beyond 10:00 p.m. on the fourth Wednesday prior to the  
11 election. Any person registering after such date shall be eligible to vote in  
12 subsequent elections.

13         2. A person applying to register with an election authority or a deputy  
14 registration official shall identify himself or herself by presenting a copy of a  
15 birth certificate, a Native American tribal document, other proof of United States  
16 citizenship, a valid Missouri drivers license or other form of personal  
17 identification at the time of registration.

18         3. Except as provided in federal law or federal elections and in section  
19 115.277, no person shall be entitled to vote if the person has not registered to  
20 vote in the jurisdiction of his or her residence prior to the deadline to register to  
21 vote.

22         4. **Any person who is qualified to vote, or who shall become**  
23 **qualified to vote on or before the day of election shall be permitted to**  
24 **register at any state educational institution, as that term is defined in**  
25 **section 176.010. The secretary of state shall promulgate rules and**  
26 **regulations for the purpose of implementing this subsection.**

27         5. **Notwithstanding the provisions of subsection 1 of this section,**  
28 **a person who is qualified to vote on election day shall be permitted to**  
29 **register to vote on election day by appearing at the polling place for**  
30 **the precinct in which the individual resides, completing a registration**  
31 **application, and providing proof of identification as required in section**  
32 **115.427. Such person shall subsequently be permitted to vote in such**  
33 **election.**

34         6. **Any person or entity who hinders, interferes with, or**  
35 **otherwise prevents a person attempting to register to vote who is**  
36 **qualified to register to vote under this chapter shall be guilty of a class**  
37 **C felony.**

115.137. 1. Except as provided in subsection 2 of this section, any citizen  
2 who is entitled to register and vote shall be entitled to register for and vote

3 pursuant to the provisions of this chapter in all statewide public elections and all  
4 public elections held for districts and political subdivisions within which he  
5 resides.

6 2. Any person who and only persons who fulfill the ownership  
7 requirements shall be entitled to vote in elections for which ownership of real  
8 property is required by law for voting.

9 3. Any person who has been convicted of a criminal offense shall  
10 not be denied the right to register and vote pursuant to the provisions  
11 of this chapter. The secretary of state shall, at least twenty-one days  
12 prior to any election, notify individuals who are qualified to vote under  
13 section 115.133 that have been convicted of a criminal offense in  
14 writing of his or her right to vote.

15 4. Notwithstanding the provisions of subsection 3 of this section  
16 to the contrary, any person who has been convicted of a felony and is  
17 serving a sentence as a result of such felony conviction in a  
18 correctional center, as that term is defined in section 217.010, at the  
19 time of election shall not be permitted to vote in such election.

115.140. 1. At least one-half of the voter registration sites provided by  
2 each election authority shall be accessible to [handicapped] disabled  
3 persons. Each election authority shall also provide interpreter services upon  
4 request for persons with hearing impairments who wish to register.

5 2. The secretary of state shall establish an office within the  
6 division of elections for the purpose of promoting access to voter  
7 registration and voting for disabled persons. This office shall be known  
8 as the "Disabled Voter Protection Office".

9 3. Notwithstanding any provision of law to the contrary, the  
10 disabled voter protection office shall establish an outreach program  
11 that enables disabled persons to register to vote and vote at his or her  
12 own residence. The secretary of state shall promulgate rules and  
13 regulations to permit such persons to vote by mail, absentee ballot, or  
14 telephone.

15 4. For purposes of this section, the following words and phrases  
16 shall mean:

17 (1) "Disabled person", any person with a physical or mental  
18 impairment that substantially limits one or more major life activities  
19 of such individual; and

20 (2) "Major life activities", caring for oneself, performing manual

21 tasks, seeing, hearing, eating, sleeping, walking, standing, lifting,  
22 bending, speaking, breathing, learning, reading, concentrating,  
23 thinking, communicating, and working.

24       **5. Any rule or portion of a rule, as that term is defined in section**  
25 **536.010 that is created under the authority delegated in this section**  
26 **shall become effective only if it complies with and is subject to all of**  
27 **the provisions of chapter 536, and, if applicable, section 536.028. This**  
28 **section and chapter 536 are nonseverable and if any of the powers**  
29 **vested with the general assembly pursuant to chapter 536, to review, to**  
30 **delay the effective date, or to disapprove and annul a rule are**  
31 **subsequently held unconstitutional, then the grant of rulemaking**  
32 **authority and any rule proposed or adopted after August 28, 2016, shall**  
33 **be invalid and void.**

115.225. 1. Before use by election authorities in this state, the secretary  
2 of state shall approve the marking devices and the automatic tabulating  
3 equipment used in electronic voting systems and may promulgate rules and  
4 regulations to implement the intent of sections 115.225 to 115.235.

5       2. No electronic voting system shall be approved unless it:

6       (1) Permits voting in absolute secrecy;

7       (2) Permits each voter to vote for as many candidates for each office as a  
8 voter is lawfully entitled to vote for;

9       (3) Permits each voter to vote for or against as many questions as a voter  
10 is lawfully entitled to vote on, and no more;

11       (4) Provides facilities for each voter to cast as many write-in votes for  
12 each office as a voter is lawfully entitled to cast;

13       (5) Permits each voter in a primary election to vote for the candidates of  
14 only one party announced by the voter in advance;

15       (6) Permits each voter at a presidential election to vote by use of a single  
16 punch or mark for the candidates of one party or group of petitioners for  
17 president, vice president and their presidential electors;

18       (7) Accurately counts all proper votes cast for each candidate and for and  
19 against each question;

20       (8) Is set to reject all votes, except write-in votes, for any office and on any  
21 question when the number of votes exceeds the number a voter is lawfully  
22 entitled to cast;

23       **(9) Produces the election results from paper ballots that voters**

24 **have marked by hand or, in the case of disabled voters who need**  
25 **assistance, from paper ballots that have been marked by paper ballot**  
26 **marking devices designed to assist disabled voters;**

27 (10) Permits each voter, while voting, to clearly see the ballot label;

28 [(10)] (11) Has been tested and is certified by an independent authority  
29 that meets the voting system standards developed by the Federal Election  
30 Commission or its successor agency. The provisions of this subdivision shall not  
31 be required for any system purchased prior to August 28, 2002.

32 3. The secretary of state shall promulgate rules and regulations to allow  
33 the use of a computerized voting system. The procedures shall provide for the use  
34 of a computerized voting system with the ability to provide a paper audit  
35 trail. Notwithstanding any provisions of this chapter to the contrary, such a  
36 system may allow for the storage of processed ballot materials in an electronic  
37 form.

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

115.237. 1. **The official ballot shall be a paper ballot that is hand-**  
2 **marked by the voter, or in the case of disabled voters who need**  
3 **assistance, by a paper ballot-marking device designed to assist the**  
4 **disabled, except as provided in subsection 3 of section 115.225.**

5 2. Each ballot printed or designed for use with an electronic voting system  
6 for any election pursuant to this chapter shall contain all questions and the  
7 names of all offices and candidates certified or filed pursuant to this chapter and  
8 no other. As far as practicable, all questions and the names of all offices and  
9 candidates for which each voter is entitled to vote shall be printed on one page  
10 except for the ballot for political party committee persons in polling places not  
11 utilizing an electronic voting system which may be printed separately and in  
12 conformity with the requirements contained in this section. As far as practicable,  
13 ballots containing only questions and the names of nonpartisan offices and  
14 candidates shall be printed in accordance with the provisions of this section,

15 except that the ballot information may be listed in vertical or horizontal  
16 rows. The names of candidates for each office shall be listed in the order in  
17 which they are filed.

18 [2.] 3. In polling places using electronic voting systems, the ballot  
19 information may be arranged in vertical or horizontal rows or on a number of  
20 separate pages or screens. In any event, the name of each candidate, the  
21 candidate's party, the office for which he or she is a candidate, and each question  
22 shall be indicated clearly on the ballot.

23 [3.] 4. Nothing in this subchapter shall be construed as prohibiting the  
24 use of a separate paper ballot for questions or for the presidential preference  
25 primary in any polling place using an electronic voting system.

26 [4.] 5. Where electronic voting systems are used and when write-in votes  
27 are authorized by law, a write-in ballot, which may be in the form of a separate  
28 paper ballot, card, or envelope, may be provided by the election authority to  
29 permit each voter to write in the names of persons whose names do not appear  
30 on the ballot.

31 [5.] 6. No ballot printed or designed for use with an electronic voting  
32 system for any partisan election held under this chapter shall allow a person to  
33 vote a straight political party ticket. For purposes of this subsection, a "straight  
34 political party ticket" means voting for all of the candidates for elective office who  
35 are on the ballot representing a single political party by a single selection on the  
36 ballot.

37 [6.] 7. The secretary of state shall promulgate rules that specify uniform  
38 standards for ballot layout for each electronic or computerized ballot counting  
39 system approved under the provisions of section 115.225 so that the ballot used  
40 with any counting system is, where possible, consistent with the intent of this  
41 section. Nothing in this section shall be construed to require the format specified  
42 in this section if it does not meet the requirements of the ballot counting system  
43 used by the election authority.

44 [7.] 8. Any rule or portion of a rule, as that term is defined in section  
45 536.010, that is created under the authority delegated in this section shall  
46 become effective only if it complies with and is subject to all of the provisions of  
47 chapter 536 and, if applicable, section 536.028. This section and chapter 536 are  
48 nonseverable and if any of the powers vested with the general assembly pursuant  
49 to chapter 536 to review, to delay the effective date or to disapprove and annul  
50 a rule are subsequently held unconstitutional, then the grant of rulemaking

51 authority and any rule proposed or adopted after August 28, 2002, shall be  
52 invalid and void.

115.275. As used in sections 115.275 to 115.304, unless the context clearly  
2 indicates otherwise, the following terms shall mean:

3 (1) "Absentee ballot", any of the ballots a person is authorized to cast  
4 away from a polling place pursuant to the provisions of sections 115.275 to  
5 115.304, **except the advance ballots a person is authorized to cast in**  
6 **accordance with section 115.276;**

7 (2) "Advance ballot", **any of the ballots a person is authorized to**  
8 **cast in accordance with section 115.276;**

9 (3) "Interstate former resident", a former resident and registered voter in  
10 this state who moves from Missouri to another state after the deadline to register  
11 to vote in any presidential election in the new state and who otherwise possesses  
12 the qualifications to register and vote in such state;

13 [(3)] (4) "Intrastate new resident", a registered voter of this state who  
14 moves from one election authority's jurisdiction in the state to another election  
15 authority's jurisdiction in the state after the last day authorized in this chapter  
16 to register to vote in an election and otherwise possesses the qualifications to  
17 vote;

18 [(4)] (5) "New resident", a person who moves to this state after the last  
19 date authorized in this chapter to register to vote in any presidential election;

20 [(5)] (6) "Persons in federal service" includes:

21 (a) Members of the Armed Forces of the United States, while in active  
22 service, and their spouses and dependents;

23 (b) Active members of the Merchant Marine of the United States and their  
24 spouses and dependents;

25 (c) Civilian employees of the United States government working outside  
26 the boundaries of the United States, and their spouses and dependents;

27 (d) Active members of religious or welfare organizations assisting  
28 servicemen, and their spouses and dependents;

29 (e) Persons who have been honorably discharged from the Armed Forces  
30 or who have terminated their service or employment in any group mentioned in  
31 this section within sixty days of an election, and their spouses and dependents.

115.276. 1. **Any registered voter of this state may vote by**  
2 **advance ballot in person at a central voting location in the jurisdiction**  
3 **in which the voter is registered or at other sites authorized by this**

4 section. The advance voting period shall begin the third Wednesday  
5 prior to an election.

6       2. All election authorities shall conduct advance voting at a  
7 central voting location designated by the election authority until close  
8 of regular business hours on the Wednesday immediately prior to the  
9 election.

10       3. For all federal elections and for all such other elections as the  
11 election authority shall designate, the election authority shall establish  
12 sites other than the central voting location as additional sites in which  
13 to vote by advance ballot in person beginning the third Wednesday  
14 prior to the election and ending at the close of regular business hours  
15 on the Wednesday prior to the election as follows:

16       (1) In addition to conducting advance voting at the central  
17 voting location, any jurisdiction shall provide a satellite site for every  
18 fifty thousand registered voters in that jurisdiction, except that no  
19 election authority shall provide more than six such satellites to conduct  
20 advance voting;

21       (2) In addition to conducting advance voting at the central  
22 voting location, any jurisdiction with less than fifty thousand  
23 registered voters may provide satellite sites, except that no election  
24 authority shall provide more than six such satellites to conduct  
25 advance voting;

26       (3) For purposes of this section, the number of registered voters  
27 shall be determined by the number of registered voters in each  
28 jurisdiction in the previous general election;

29       (4) In determining the location of the satellite sites, the election  
30 authority shall consider factors including but not limited to the  
31 geographic location and demographics of registered voters in the  
32 previous general election and current United States census data to  
33 ensure nondiscrimination in the representation of the community  
34 served to the greatest extent possible;

35       (5) The election authority shall provide adequate public notice  
36 of the designated central voting location and the satellite sites  
37 including but not limited to posting this information at the election  
38 authority's office, on the website of the election authority, and by such  
39 other methods as the election authority may select. The location of a  
40 satellite site may be changed to a different location during the advance

41 voting period. The election authority shall provide adequate public  
42 notice of any change including but not limited to posting this  
43 information at the election authority's office, at the original location of  
44 the satellite site, on the website of the election authority, and by such  
45 other methods as the election authority may select;

46 (6) The election authority shall appoint at least one judge from  
47 each major political party to serve at each satellite site. No major  
48 political party shall have a majority of the judges at any satellite site.  
49 No established party shall have a greater number of judges at any  
50 satellite than any major political party.

51 4. The hours for advance voting shall be regular business hours  
52 as required by section 115.057, and shall include Saturday until 12:00  
53 p.m. Regular business hours shall not begin earlier than 7:00 a.m. nor  
54 shall they extend beyond 7:00 p.m.

55 5. Except as otherwise required by this chapter, procedures for  
56 casting an advance ballot in person shall be the same as the procedures  
57 contained in sections 115.407 to 115.445.

58 6. Procedures for counting advance ballots shall be the same as  
59 the procedures contained in sections 115.447 to 115.525.

60 7. This section shall not affect the election authority's ability to  
61 appoint bipartisan teams to deliver absentee ballots under section  
62 115.287.

63 8. The election judge shall not allow any person who has voted  
64 an advance ballot in the election to vote at the polls on election day. If  
65 it is determined that any voter submitted an advance ballot and voted  
66 at the polls on election day:

67 (1) Such person, having voted more than once, is guilty of a class  
68 one election offense pursuant to subdivision (2) of section 115.631;

69 (2) The election authority shall certify that fact and the name of  
70 the voter to the verification board. Such certificate shall be included  
71 with the abstracts drawn by the verification board.

72 9. This section shall become effective January 1, 2017.

73 10. All costs associated with the implementation of advance  
74 voting as authorized by this section shall be paid from the general  
75 revenue of the state of Missouri.

115.408. 1. Any person who is qualified and registered to vote in  
2 this state in accordance with the provisions of this chapter shall

3 automatically be issued a mail ballot for each general election, special  
4 election, or primary election. Each registered voter shall continue to  
5 receive a ballot by mail until death or other disqualification of such  
6 voter or the cancellation of the voter's registration.

7       2. The election authority shall mail ballots to each registered  
8 voter at least eighteen days prior to each general, special, or primary  
9 election. The election authority shall further send, with each ballot, a  
10 security envelope in which to conceal the ballot after voting, a larger  
11 envelope in which to return the security envelope, a declaration that  
12 the voter shall sign, and instructions on how to obtain information  
13 about the election, how to mark the ballot, and how to return the ballot  
14 to the election authority.

15       3. All voters submitting a mail-in ballot shall either return the  
16 ballot to the election authority no later than the time when the polls  
17 close under section 115.407 or mail the ballot to the election authority  
18 with a postmark no later than the day of the election.

19       4. The secretary of state may promulgate rules as are necessary  
20 for the enforcement of this section. Any rule or portion of a rule, as  
21 that term is defined in section 536.010 that is created under the  
22 authority delegated in this section shall become effective only if it  
23 complies with and is subject to all of the provisions of chapter 536, and,  
24 if applicable, section 536.028. This section and chapter 536 are  
25 nonseverable and if any of the powers vested with the general assembly  
26 pursuant to chapter 536, to review, to delay the effective date, or to  
27 disapprove and annul a rule are subsequently held unconstitutional,  
28 then the grant of rulemaking authority and any rule proposed or  
29 adopted after August 28, 2016, shall be invalid and void.

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

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

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

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

10       (a) The document contains the name of the individual to whom the

11 document was issued, and the name substantially conforms to the most recent  
12 signature in the individual's voter registration record;

13 (b) The document shows a photographic or digital image of the individual;

14 (c) The document includes an expiration date, and the document is not  
15 expired, or if expired, expired not before the date of the most recent general  
16 election; and

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

19 (4) Any identification containing a photographic or digital image of the  
20 individual which is issued by the Missouri National Guard, the United States  
21 Armed Forces, or the United States Department of Veteran Affairs to a member  
22 or former member of the Missouri National Guard or the United States Armed  
23 Forces and that does not have an expiration date] **Identification issued by**  
24 **the state of Missouri, an agency of the state, or a local election**  
25 **authority of the state;**

26 **(2) Identification issued by the United States government or**  
27 **agency thereof;**

28 **(3) Identification issued by an institution of higher education,**  
29 **including a university, college, vocational and technical school, located**  
30 **within the state of Missouri;**

31 **(4) A copy of a current utility bill, bank statement, government**  
32 **check, paycheck or other government document that contains the name**  
33 **and address of the voter;**

34 **(5) Driver's license or state identification card issued by another**  
35 **state; or**

36 **(6) Other identification approved by the secretary of state under**  
37 **rules promulgated pursuant to subsection 3 of this section or other**  
38 **identification approved by federal law.**

39 **Personal knowledge of the voter by two supervising election judges,**  
40 **one from each major political party, shall be acceptable voter**  
41 **identification upon the completion of a secretary of state-approved**  
42 **affidavit that is signed by both supervisory election judges and the**  
43 **voter that attests to the personal knowledge of the voter by the two**  
44 **supervisory election judges. The secretary of state may provide by rule**  
45 **for a sample affidavit to be used for such purpose.**

46 2. [The election authority shall post a clear and conspicuous notice at

47 each polling place informing each voter who appears at the polling place without  
 48 a form of personal identification that satisfies the requirements of subsection 1  
 49 of this section that the voter may return to the polling place with a proper form  
 50 of personal identification and vote a regular ballot after election judges have  
 51 verified the voter's identity and eligibility under subsection 1 of this section. In  
 52 addition to such posting, the election judges may also inform such voters by  
 53 written or oral communication of such information posted in the notice. Voters  
 54 who return to the polling place during the uniform polling hours established by  
 55 section 115.407 with a current and valid form of personal identification shall be  
 56 given priority in any voting lines.

57         3. An individual who appears at a polling place without identification in  
 58 the form described in subsection 1 of this section and who is otherwise qualified  
 59 to vote at that polling place may execute an affidavit averring that the voter is  
 60 the person listed in the precinct register and that the voter does not possess a  
 61 form of identification specified in this section and is unable to obtain a current  
 62 and valid form of personal identification because of:

- 63           (1) A physical or mental disability or handicap of the voter, if the voter  
 64 is otherwise competent to vote under Missouri law; or
- 65           (2) A sincerely held religious belief against the forms of personal  
 66 identification described in subsection 1 of this section; or
- 67           (3) The voter being born on or before January 1, 1941.

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

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

76 "State of .....

77 County of .....

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

82  A physical or mental disability or handicap; or

83  A sincerely held religious belief; or

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

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

87 .....

88 Signature of voter

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

90 .....

91 Signature of election official"

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

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

101 (2) The provisional ballot otherwise qualifies to be counted under section  
102 115.430.

103 6. The secretary of state shall provide advance notice of the personal  
104 identification requirements of subsection 1 of this section in a manner calculated to  
105 inform the public generally of the requirement for photographic personal identification  
106 as provided in this section. Such advance notice shall include, at a minimum, the use  
107 of advertisements and public service announcements in print, broadcast television, radio,  
108 and cable television media, as well as the posting of information on the opening pages  
109 of the official state internet websites of the secretary of state and governor.

110 7. The provisions of section 136.055 and section 302.181 notwithstanding, any  
111 applicant who requests a nondriver's license with a photograph or digital image for the  
112 purpose of voting shall not be required to pay a fee if the applicant executes an affidavit  
113 averring that the applicant does not have any other form of photographic personal  
114 identification that meets the requirements of subsection 1 of this section. The state of  
115 Missouri shall pay the legally required fees for any such applicant. The director shall  
116 design an affidavit to be used for this purpose. However, any disabled or elderly person  
117 otherwise competent to vote shall be issued a nondriver's license photo identification  
118 through a mobile processing system operated by the Missouri department of revenue

119 upon request if the individual is physically unable to otherwise obtain a nondriver's  
 120 license photo identification. The department of revenue shall make nondriver's license  
 121 photo identifications available through its mobile processing system only at facilities  
 122 licensed under chapter 198 and other public places accessible to and frequented by  
 123 disabled and elderly persons. The department shall provide advance notice of the times  
 124 and places when the mobile processing system will be available. At least nine mobile  
 125 units housed under the office of administration shall remain available for dispatch upon  
 126 the request of the department of revenue to fulfill the requirements of this section. The  
 127 total cost associated with nondriver's license photo identification under this subsection  
 128 shall be borne by the state of Missouri from funds appropriated to the department of  
 129 revenue for that specific purpose. The department of revenue and a local election  
 130 authority may enter into a contract that allows the local election authority to assist the  
 131 department in issuing nondriver's license photo identifications.

132 8. The director of the department of revenue shall, by January first of each year,  
 133 prepare and deliver to each member of the general assembly a report documenting the  
 134 number of individuals who have requested and received a nondriver's license photo  
 135 identification for the purposes of voting under this section. The report shall also include  
 136 the number of persons requesting a nondriver's license for purposes of voting under this  
 137 section, but not receiving such license, and the reason for the denial of the nondriver's  
 138 license.

139 9.] The precinct register shall serve as the voter identification certificate. The  
 140 following form shall be printed at the top of each page of the precinct register:

141 VOTER'S IDENTIFICATION CERTIFICATE

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

144 PRECINCT

145 WARD OR TOWNSHIP .....

146 GENERAL (SPECIAL, PRIMARY) ELECTION

147 Held ....., 20....

148 Date

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

151 [10.] 3. The secretary of state shall promulgate rules to effectuate the  
 152 provisions of this section.

153 [11.] 4. Any rule or portion of a rule, as that term is defined in section 536.010,  
 154 that is created under the authority delegated in this section shall become effective only

155 if it complies with and is subject to all of the provisions of chapter 536 and, if applicable,  
156 section 536.028. This section and chapter 536 are nonseverable and if any of the powers  
157 vested with the general assembly pursuant to chapter 536 to review, to delay the  
158 effective date or to disapprove and annul a rule are subsequently held unconstitutional,  
159 then the grant of rulemaking authority and any rule proposed or adopted after August  
160 28, 2002, shall be invalid and void.

161 [12.] 5. If any voter is unable to sign his name at the appropriate place on the  
162 certificate or computer printout, an election judge shall print the name and address of  
163 the voter in the appropriate place on the precinct register, the voter shall make his mark  
164 in lieu of signature, and the voter's mark shall be witnessed by the signature of an  
165 election judge.

166 [13. For any election held on or before November 1, 2008, an individual who  
167 appears at a polling place without identification in the form described in subsection 1  
168 of this section, and who is otherwise qualified to vote at that polling place, may cast a  
169 provisional ballot after:

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

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

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

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

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

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

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

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

190 14. The affidavit to be used for voting under subsection 13 of this section shall

191 be substantially in the following form:

192 "State of .....

193 County of .....

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

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

199 .....

200 Signature of voter

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

202 .....

203 Signature of Election Official".

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

130.028. 1. Every person, labor organization, or corporation organized or  
2 existing by virtue of the laws of this state, or doing business in this state who shall:

3 (1) Discriminate or threaten to discriminate against any member in this state  
4 with respect to his or her membership, or discharge or discriminate or threaten to  
5 discriminate against any employee in this state, with respect to his or her compensation,  
6 terms, conditions or privileges of employment by reason of his political beliefs or  
7 opinions; or

8 (2) Coerce or attempt to coerce, intimidate or bribe any member or employee to  
9 vote or refrain from voting for any candidate at any election in this state; or

10 (3) Coerce or attempt to coerce, intimidate or bribe any member or employee to  
11 vote or refrain from voting for any issue at any election in this state; or

12 (4) Make any member or employee as a condition of membership or  
13 employment, contribute to any candidate, political committee or separate political fund;  
14 or

15 (5) Discriminate or threaten to discriminate against any member or employee  
16 in this state for contributing or refusing to contribute to any candidate, political  
17 committee or separate political fund with respect to the privileges of membership or with  
18 respect to his employment and the compensation, terms, conditions or privileges related  
19 thereto shall be guilty of a class [E] C felony.

20 2. No employer, corporation, continuing committee, or labor organization shall  
21 receive or cause to be made contributions from its members or employees except on the

22 advance voluntary permission of the members or employees. Violation of this section by  
23 the corporation, employer, continuing committee or labor organization shall be a class  
24 A misdemeanor.

25         3. An employer shall, upon written request by ten or more employees, provide  
26 its employees with the option of contributing to a continuing committee as defined in  
27 section 130.011 through payroll deduction, if the employer has a system of payroll  
28 deduction. No contribution to a continuing committee from an employee through payroll  
29 deduction shall be made other than to a continuing committee voluntarily chosen by the  
30 employee. Violation of this section shall be a class A misdemeanor.

31         4. Any person aggrieved by any act prohibited by this section shall, in addition  
32 to any other remedy provided by law, be entitled to maintain within one year from the  
33 date of the prohibited act, a civil action in the courts of this state, and if successful, he  
34 or she shall be awarded civil damages of not less than one hundred dollars and not more  
35 than one thousand dollars, together with his or her costs, including reasonable attorney's  
36 fees. Each violation shall be a separate cause of action.

130.028. 1. Every person, labor organization, or corporation organized or  
2 existing by virtue of the laws of this state, or doing business in this state who shall:

3         (1) Discriminate or threaten to discriminate against any member in this state  
4 with respect to his membership, or discharge or discriminate or threaten to discriminate  
5 against any employee in this state, with respect to his compensation, terms, conditions  
6 or privileges of employment by reason of his political beliefs or opinions; or

7         (2) Coerce or attempt to coerce, intimidate or bribe any member or employee to  
8 vote or refrain from voting for any candidate at any election in this state; or

9         (3) Coerce or attempt to coerce, intimidate or bribe any member or employee to  
10 vote or refrain from voting for any issue at any election in this state; or

11         (4) Make any member or employee as a condition of membership or  
12 employment, contribute to any candidate, political committee or separate political fund;  
13 or

14         (5) Discriminate or threaten to discriminate against any member or employee  
15 in this state for contributing or refusing to contribute to any candidate, political  
16 committee or separate political fund with respect to the privileges of membership or with  
17 respect to his employment and the compensation, terms, conditions or privileges related  
18 thereto shall be guilty of [a misdemeanor, and upon conviction thereof be punished by  
19 a fine of not more than five thousand dollars and confinement for not more than six  
20 months, or both, provided, after January 1, 1979, the violation of this subsection shall  
21 be] a class [D] C felony.

22           2. No employer, corporation, continuing committee, or labor organization shall  
23 receive or cause to be made contributions from its members or employees except on the  
24 advance voluntary permission of the members or employees. Violation of this section by  
25 the corporation, employer, continuing committee or labor organization shall be a class  
26 A misdemeanor.

27           3. An employer shall, upon written request by ten or more employees, provide  
28 its employees with the option of contributing to a continuing committee as defined in  
29 section 130.011 through payroll deduction, if the employer has a system of payroll  
30 deduction. No contribution to a continuing committee from an employee through payroll  
31 deduction shall be made other than to a continuing committee voluntarily chosen by the  
32 employee. Violation of this section shall be a class A misdemeanor.

33           4. Any person aggrieved by any act prohibited by this section shall, in addition  
34 to any other remedy provided by law, be entitled to maintain within one year from the  
35 date of the prohibited act, a civil action in the courts of this state, and if successful, he  
36 shall be awarded civil damages of not less than one hundred dollars and not more than  
37 one thousand dollars, together with his costs, including reasonable attorney's fees. Each  
38 violation shall be a separate cause of action.

          [130.028. 1. Every person, labor organization, or corporation  
2 organized or existing by virtue of the laws of this state, or doing business  
3 in this state who shall:

4           (1) Discriminate or threaten to discriminate against any member  
5 in this state with respect to his membership, or discharge or discriminate  
6 or threaten to discriminate against any employee in this state, with  
7 respect to his compensation, terms, conditions or privileges of  
8 employment by reason of his political beliefs or opinions; or

9           (2) Coerce or attempt to coerce, intimidate or bribe any member  
10 or employee to vote or refrain from voting for any candidate at any  
11 election in this state; or

12           (3) Coerce or attempt to coerce, intimidate or bribe any member  
13 or employee to vote or refrain from voting for any issue at any election  
14 in this state; or

15           (4) Make any member or employee as a condition of membership  
16 or employment, contribute to any candidate, political committee or  
17 separate political fund; or

18           (5) Discriminate or threaten to discriminate against any member  
19 or employee in this state for contributing or refusing to contribute to any

20 candidate, political committee or separate political fund with respect to  
21 the privileges of membership or with respect to his employment and the  
22 compensation, terms, conditions or privileges related thereto shall be  
23 guilty of a misdemeanor, and upon conviction thereof be punished by a  
24 fine of not more than five thousand dollars and confinement for not more  
25 than six months, or both, provided, after January 1, 1979, the violation  
26 of this subsection shall be a class D felony.

27 2. No employer, corporation, political action committee, or labor  
28 organization shall receive or cause to be made contributions from its  
29 members or employees except on the advance voluntary permission of the  
30 members or employees. Violation of this section by the corporation,  
31 employer, political action committee or labor organization shall be a class  
32 A misdemeanor.

33 3. An employer shall, upon written request by ten or more  
34 employees, provide its employees with the option of contributing to a  
35 political action committee as defined in section 130.011 through payroll  
36 deduction, if the employer has a system of payroll deduction. No  
37 contribution to a political action committee from an employee through  
38 payroll deduction shall be made other than to a political action  
39 committee voluntarily chosen by the employee. Violation of this section  
40 shall be a class A misdemeanor.

41 4. Any person aggrieved by any act prohibited by this section  
42 shall, in addition to any other remedy provided by law, be entitled to  
43 maintain within one year from the date of the prohibited act, a civil  
44 action in the courts of this state, and if successful, he shall be awarded  
45 civil damages of not less than one hundred dollars and not more than  
46 one thousand dollars, together with his costs, including reasonable  
47 attorney's fees. Each violation shall be a separate cause of action.]

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