

FIRST REGULAR SESSION

SENATE BILL NO. 221

100TH GENERAL ASSEMBLY

INTRODUCED BY SENATOR CRAWFORD.

Pre-filed January 7, 2019, and ordered printed.

ADRIANE D. CROUSE, Secretary.

0346S.04I

AN ACT

To repeal sections 115.357, 115.427, 115.493, and 115.642, RSMo, and to enact in lieu thereof four new sections relating to elections.

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

Section A. Sections 115.357, 115.427, 115.493, and 115.642, RSMo, are
2 repealed and four new sections enacted in lieu thereof, to be known as sections
3 115.357, 115.427, 115.493, and 115.642, to read as follows:

115.357. 1. Except as provided in subsections 3 and 4 of this section, each
2 candidate for federal, state or county office shall, before filing his **or her**
3 declaration of candidacy, pay to the treasurer of the state or county committee of
4 the political party upon whose ticket he **or she** seeks nomination a certain sum
5 of money as follows:

6 (1) To the treasurer of the state central committee, two hundred dollars
7 if he or she is a candidate for statewide office or for United States senator, one
8 hundred dollars if he or she is a candidate for representative in Congress, circuit
9 judge or state senator, and fifty dollars if he or she is a candidate for state
10 representative;

11 (2) To the treasurer of the county central committee, fifty dollars if he or
12 she is a candidate for county office.

13 2. The required sum may be submitted by the candidate to the official
14 accepting his **or her** declaration of candidacy, **except for candidates required**
15 **to file his or her declaration of candidacy with the secretary of state,**
16 **in which case the required sum shall be paid directly to the treasurer**
17 **of the appropriate party committee.** All sums [so] submitted **to the official**
18 **accepting the candidate's declaration of candidacy** shall be forwarded

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

19 promptly by the official to the treasurer of the appropriate party committee.

20 3. Any person who cannot pay the fee required to file as a candidate may
21 have the fee waived by filing a declaration of inability to pay and a petition with
22 his declaration of candidacy. Each such declaration shall be in substantially the
23 following form:

24 DECLARATION OF INABILITY TO PAY FILING FEE

25 I, _____, do hereby swear that I am financially unable to pay the
26 fee of _____ (amount of fee) to file as a candidate for nomination
27 to the office of _____ at the primary election to be held on the
28 _____ day of _____, 20_____.

29 _____ Subscribed and sworn

30 Signature of candidate to before me this

31 _____ day of

32 _____, 20_____.

33 _____

34 Residence address Signature of election

35 official or officer

36 authorized to

37 administer oaths

38 If the candidate's declaration of candidacy is to be filed in person, the declaration
39 of inability to pay shall be subscribed and sworn to by the candidate before the
40 election official who witnesses the candidate's declaration of candidacy. If his
41 declaration of candidacy is to be filed by certified mail pursuant to subsection 2
42 of section 115.355, the declaration of inability to pay shall be subscribed and
43 sworn to by the candidate before the notary or other officer who witnesses the
44 candidate's declaration of candidacy. With his declaration of inability to pay, the
45 candidate shall submit a petition endorsing his candidacy. Except for the number
46 of signatures required, each such petition shall, insofar as practicable, be in the
47 form provided in sections 115.321 and 115.325. If the person filing declaration
48 of indigence is to be a candidate for statewide office, his petition shall be signed
49 by the number of registered voters in the state equal to at least one-half of one
50 percent of the total number of votes cast in the state for the office at the last
51 election in which a candidate ran for the office. If the person filing a declaration
52 of indigence is to be a candidate for any other office, the petition shall be signed
53 by the number of registered voters in the district or political subdivision which
54 is equal to at least one percent of the total number of votes cast for the office at

55 the last election in which a candidate ran for the office. The candidate's
56 declaration of inability to pay and the petition shall be filed at the same time and
57 in the same manner as his declaration of candidacy is filed. The petition shall
58 be checked and its sufficiency determined in the same manner as new party and
59 independent candidate petitions.

60 4. No filing fee shall be required of any person who proposes to be an
61 independent candidate, the candidate of a new party or a candidate for
62 presidential elector.

63 5. Except as provided in subsections 3 and 4 of this section, no candidate's
64 name shall be printed on any official ballot until the required fee has been paid.

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

- 7 (1) Nonexpired Missouri driver's license;
- 8 (2) Nonexpired or nonexpiring Missouri nondriver's license;
- 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 photograph of the individual;
 - 14 (c) The document includes an expiration date, and the document is not
15 expired, or, if expired, the document expired after the date of the most recent
16 general 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 photograph of the individual which is
20 issued by the Missouri National Guard, the United States Armed Forces, or the
21 United States Department of Veteran Affairs to a member or former member of
22 the Missouri National Guard or the United States Armed Forces and that is not
23 expired or does not have an expiration date.

24 2. (1) An individual who appears at a polling place without a form of
25 personal identification described in subsection 1 of this section and who is
26 otherwise qualified to vote at that polling place may execute a statement, under

27 penalty of perjury, averring that the individual is the person listed in the precinct
28 register; averring that the individual does not possess a form of personal
29 identification described in subsection 1 of this section; acknowledging that the
30 individual is eligible to receive a Missouri nondriver's license free of charge if
31 desiring it in order to vote; and acknowledging that the individual is required to
32 present a form of personal identification, as described in subsection 1 of this
33 section, in order to vote. Such statement shall be executed and sworn to before
34 the election official receiving the statement. Upon executing such statement, the
35 individual may cast a regular ballot, provided such individual presents one of the
36 following forms of identification:

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

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

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

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

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

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

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

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

60 3. The statement to be used for voting under subdivision (1) of subsection
61 2 of this section shall be substantially in the following form:

62 "State of _____

63 County of _____

64 I do solemnly swear (or affirm) that my name is _____; that I
 65 reside at _____; that I am the person listed in the precinct register
 66 under this name and at this address; and that, under penalty of
 67 perjury, I do not possess a form of personal identification approved
 68 for voting. As a person who does not possess a form of personal
 69 identification approved for voting, I acknowledge that I am eligible
 70 to receive free of charge a Missouri nondriver's license at any fee
 71 office if desiring it in order to vote. I furthermore acknowledge
 72 that I am required to present a form of personal identification, as
 73 prescribed by law, in order to vote.

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

76 _____

77 Signature of voter

78 Subscribed and affirmed before me this _____ day of _____,
 79 20_____

80 _____

81 Signature of election official"

82 4. A voter shall be allowed to cast a provisional ballot under section
 83 115.430 even if the election judges cannot establish the voter's identity under this
 84 section. The election judges shall make a notation on the provisional ballot
 85 envelope to indicate that the voter's identity was not verified. The provisional
 86 ballot cast by such voter shall not be counted unless:

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

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

95 (2) The provisional ballot otherwise qualifies to be counted under section
 96 115.430.

97 5. The secretary of state shall provide advance notice of the personal
 98 identification requirements of subsection 1 of this section in a manner calculated

99 to inform the public generally of the requirement for forms of personal
100 identification as provided in this section. Such advance notice shall include, at
101 a minimum, the use of advertisements and public service announcements in print,
102 broadcast television, radio, and cable television media, as well as the posting of
103 information on the opening pages of the official state internet websites of the
104 secretary of state and governor.

105 6. (1) Notwithstanding the provisions of section 136.055 and section
106 302.181 to the contrary, the state and all fee offices shall provide one nondriver's
107 license at no cost to any otherwise qualified voter who does not already possess
108 such identification and who desires the identification in order to vote.

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

112 (a) A birth certificate;

113 (b) A marriage license or certificate;

114 (c) A divorce decree;

115 (d) A certificate of decree of adoption;

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

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

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

120 Any individual seeking one of the above documents in order to obtain a form of
121 personal identification described in subsection 1 of this section in order to vote
122 may request the secretary of state to facilitate the acquisition of such
123 documents. The secretary of state shall pay any fee or fees charged by another
124 state or its agencies, or any court of competent jurisdiction in this state or any
125 other state, or the federal government or its agencies, in order to obtain any of
126 the above documents from such state or the federal government.

127 (3) All costs associated with [the implementation of this section] **this**
128 **subsection** shall be reimbursed from the general revenue of this state by an
129 appropriation for that purpose. If there is not a sufficient appropriation of state
130 funds **to comply with this subsection**, then the personal identification
131 requirements of subsection 1 of this section shall not be enforced.

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

135 form of personal identification that meets the requirements of this section. The
 136 state of Missouri shall pay the legally required fees for any such applicant. The
 137 director of the department of revenue shall design a statement to be used for this
 138 purpose. The total cost associated with nondriver's license photo identification
 139 under this subsection shall be borne by the state of Missouri from funds
 140 appropriated to the department of revenue for that specific purpose. The
 141 department of revenue and a local election authority may enter into a contract
 142 that allows the local election authority to assist the department in issuing
 143 nondriver's license photo identifications.

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

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

154 VOTER'S IDENTIFICATION CERTIFICATE

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

157 PRECINCT

158 WARD OR TOWNSHIP _____

159 GENERAL (SPECIAL, PRIMARY) ELECTION

160 Held _____, 20_____

161 Date

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

165 9. The secretary of state shall promulgate rules to effectuate the
 166 provisions of this section.

167 10. Any rule or portion of a rule, as that term is defined in section
 168 536.010, that is created under the authority delegated in this section shall
 169 become effective only if it complies with and is subject to all of the provisions of
 170 chapter 536 and, if applicable, section 536.028. This section and chapter 536 are

171 nonseverable and if any of the powers vested with the general assembly pursuant
172 to chapter 536 to review, to delay the effective date or to disapprove and annul
173 a rule are subsequently held unconstitutional, then the grant of rulemaking
174 authority and any rule proposed or adopted after August 28, 2002, shall be
175 invalid and void.

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

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

115.493. The election authority shall keep all voted ballots, ballot cards,
2 processed ballot materials in electronic form and write-in forms, and all
3 applications, statements, certificates, affidavits and computer programs relating
4 to each election for twenty-two months after the date of the election. During the
5 time that voted ballots, ballot cards, processed ballot materials in electronic form
6 and write-in forms are kept by the election authority, it shall not open or inspect
7 them or allow anyone else to do so, except upon order of a legislative body trying
8 an election contest, **the secretary of state, if conducting an investigation**
9 **pursuant to section 115.642**, a court or a grand jury. After twenty-two
10 months, the ballots, ballot cards, processed ballot materials in electronic form,
11 write-in forms, applications, statements, certificates, affidavits and computer
12 programs relating to each election may be destroyed. If an election contest, grand
13 jury investigation or civil or criminal case relating to the election is pending at
14 the time, however, the materials shall not be destroyed until the contest,
15 investigation or case is finally determined.

115.642. 1. Any person may file a complaint with the secretary of state
2 stating the name of any person who has violated any of the provisions of sections
3 115.629 to 115.646 and stating the facts of the alleged offense, sworn to, under
4 penalty of perjury.

5 2. Within thirty days of receiving a complaint, the secretary of state shall
6 notify the person filing the complaint whether or not the secretary has dismissed

7 the complaint or will commence an investigation. The secretary of state shall
8 dismiss frivolous complaints. For purposes of this subsection, "frivolous
9 complaint" shall mean an allegation clearly lacking any basis in fact or law. Any
10 person who makes a frivolous complaint pursuant to this section shall be liable
11 for actual and compensatory damages to the alleged violator for holding the
12 alleged violator before the public in a false light. If reasonable grounds appear
13 that the alleged offense was committed, the secretary of state may issue a
14 probable cause statement. If the secretary of state issues a probable cause
15 statement, he or she may refer the offense to the appropriate prosecuting
16 attorney.

17 3. Notwithstanding the provisions of section 27.060, 56.060, or 56.430 to
18 the contrary, when requested by the prosecuting attorney or circuit attorney, the
19 secretary of state or his or her authorized representatives may aid any
20 prosecuting attorney or circuit attorney in the commencement and prosecution of
21 election offenses as provided in sections 115.629 to 115.646.

22 4. (1) The secretary of state may investigate any suspected violation of
23 any of the provisions of sections 115.629 to 115.646.

24 (2) (a) **The secretary of state or an authorized representative of**
25 **the secretary of state shall have the power to require the production of**
26 **books, papers, correspondence, memoranda, contracts, agreements, and**
27 **other records by subpoena or otherwise, when necessary to conduct an**
28 **investigation pursuant to this section. Such powers shall be exercised**
29 **only at the specific written direction of the secretary of state or the**
30 **secretary of state's chief deputy.**

31 (b) **If any person refuses to comply with a subpoena issued**
32 **pursuant to this subsection, the secretary may seek to enforce the**
33 **subpoena before a court of competent jurisdiction to require the**
34 **production of books, papers, correspondence, memoranda, contracts,**
35 **agreements, and other records. Such court may issue an order**
36 **requiring such person to produce records relating to the matter under**
37 **investigation or in question. Any failure to comply with such order of**
38 **the court may be punished as contempt of court.**

39 (c) **The provisions of this subdivision shall expire August 28,**
40 **2021.**