

SECOND REGULAR SESSION

SENATE BILL NO. 818

100TH GENERAL ASSEMBLY

INTRODUCED BY SENATOR WALLINGFORD.

Pre-filed January 6, 2020, and ordered printed.

ADRIANE D. CROUSE, Secretary.

4609S.02I

AN ACT

To repeal sections 115.357, 115.427, and 115.642, RSMo, and to enact in lieu thereof three 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Section A. Sections 115.357, 115.427, and 115.642, RSMo, are repealed
2 and three new sections enacted in lieu thereof, to be known as sections 115.357,
3 115.427, 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 that a candidate**
15 **required to file his or her declaration of candidacy with the secretary**
16 **of state shall pay the required sum directly to the treasurer of the**
17 **appropriate party committee.** All sums [so] submitted to the official

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

18 **accepting the candidate's declaration of candidacy** shall be forwarded
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, **or, if voting absentee**
3 **in person under section 115.257, at the office of the election authority,**
4 by presenting a form of personal identification to election officials. No form of
5 personal identification other than the forms listed in this section shall be
6 accepted to establish a voter's qualifications to vote. Forms of personal
7 identification that satisfy the requirements of this section are any one of the
8 following:

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

26 2. (1) An individual who appears at a polling place without a form of
27 personal identification described in subsection 1 of this section and who is
28 otherwise qualified to vote at that polling place [may execute a statement, under
29 penalty of perjury, averring that the individual is the person listed in the precinct
30 register; averring that the individual does not possess a form of personal
31 identification described in subsection 1 of this section; acknowledging that the
32 individual is eligible to receive a Missouri nondriver's license free of charge if
33 desiring it in order to vote; and acknowledging that the individual is required to
34 present a form of personal identification, as described in subsection 1 of this
35 section, in order to vote. Such statement shall be executed and sworn to before
36 the election official receiving the statement. Upon executing such statement, the
37 individual may cast a regular ballot, provided such individual presents one of the
38 following forms of identification:

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

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

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

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

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

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

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

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

62 3. The statement to be used for voting under subdivision (1) of subsection
63 2 of this section shall be substantially in the following form:

64 "State of _____

65 County of _____

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

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

78 _____

79 Signature of voter

80 Subscribed and affirmed before me this _____ day of _____,

81 20_____

82 _____

83 Signature of election official"

84 4. A voter] shall be allowed to cast a provisional ballot [under section
85 115.430 even if the election judges cannot establish the voter's identity under this
86 section] **pursuant to this subsection.** The election judges shall make a
87 notation on the provisional ballot envelope to indicate that the voter's identity
88 was not verified.

89 **(2) No person described in subdivision (1) of this subsection shall**
90 **be entitled to receive a provisional ballot until such person has**
91 **completed a provisional ballot affidavit on the provisional ballot**
92 **envelope described in subdivision (3) of this subsection. All provisional**
93 **ballots cast pursuant to this subsection shall be marked with a**
94 **conspicuous stamp or mark that makes them distinguishable from other**
95 **ballots.**

96 **(3) (a) The provisional ballot envelope shall be completed by the**
97 **voter for use in determining the voter's eligibility to cast a ballot.**

98 **(b) The provisional ballot envelope shall provide a place for the**
99 **voter's name, address, date of birth, and last four digits of his or her**
100 **Social Security number, followed by a certificate in substantially the**
101 **following form:**

102 **"I do solemnly swear that I am the person identified above**
103 **and the information provided is correct. I understand that**
104 **my vote will not be counted unless:**

105 **(1) I return to this polling place today between 6:00**
106 **a.m. and 7:00 p.m. and provide one of the following forms**
107 **of identification:**

108 **(a) Nonexpired Missouri driver's license;**

109 **(b) Nonexpired or nonexpiring Missouri nondriver's**
110 **license;**

111 **(c) A document that satisfies all of the following**
112 **requirements:**

113 **a. The document contains my name, in substantially**
114 **the same form as the most recent signature on my voter**
115 **registration record;**

116 **b. The document contains my photograph;**

117 **c. The document contains an expiration date and the**
118 **document is not expired, or if expired, the document**
119 **expired after the date of the most recent general election;**
120 **and**

121 **d. The document was issued by the United States or**
122 **the state of Missouri; or**

123 **(d) Identification containing my photograph issued**
124 **to me by the Missouri National Guard, the United States**
125 **Armed Forces, or the United States Department of Veteran**
126 **Affairs as a member or former member of the Missouri**
127 **National Guard or the United States Armed Forces and**
128 **that is not expired or does not have an expiration date; or**

129 **(2) The election authority verifies my identity by**
130 **comparing my signature on this envelope to the signature**
131 **on file with the election authority and determines that I**
132 **was eligible to cast a ballot at this polling place; and**

133 **(3) This provisional ballot otherwise qualifies to be**
134 **counted under the laws of the state of Missouri.**

135

136

Signature of Voter_____
Date

137

138

Signatures of Election Officials"139 **Once voted, the provisional ballot shall be sealed in the provisional**140 **ballot envelope and deposited in the ballot box.**141 **3.** The provisional ballot cast by such voter shall not be counted unless:142 (1) (a) The voter returns to the polling place during the uniform polling
143 hours established by section 115.407 and provides a form of personal
144 identification that allows the election judges to verify the voter's identity as
145 provided in subsection 1 of this section; or146 (b) The election authority verifies the identity of the individual by
147 comparing that individual's signature to the signature on file with the election
148 authority and determines that the individual was eligible to cast a ballot at the
149 polling place where the ballot was cast; and150 (2) The provisional ballot otherwise qualifies to be counted under section
151 115.430.152 [5. The secretary of state shall provide advance notice of the personal
153 identification requirements of subsection 1 of this section in a manner calculated
154 to inform the public generally of the requirement for forms of personal
155 identification as provided in this section. Such advance notice shall include, at
156 a minimum, the use of advertisements and public service announcements in print,
157 broadcast television, radio, and cable television media, as well as the posting of
158 information on the opening pages of the official state internet websites of the
159 secretary of state and governor.160 [6.] **4.** (1) Notwithstanding the provisions of section 136.055 and section
161 302.181 to the contrary, the state and all fee offices shall provide one nondriver's
162 license at no cost to any otherwise qualified voter who does not already possess
163 such identification and who desires the identification [in order to vote] **for**
164 **voting.**165 (2) This state and its agencies shall provide one copy of each of the
166 following, free of charge, if needed by an individual seeking to obtain a form of
167 personal identification described in subsection 1 of this section in [order to vote]
168 **for voting:**

169 (a) A birth certificate;

170 (b) A marriage license or certificate;

- 171 (c) A divorce decree;
172 (d) A certificate of decree of adoption;
173 (e) A court order changing the person's name;
174 (f) A Social Security card reflecting an updated name; and
175 (g) Naturalization papers or other documents from the United States
176 Department of State proving citizenship.

177 Any individual seeking one of the above documents in order to obtain a form of
178 personal identification described in subsection 1 of this section [in order to vote]
179 **for voting** may request the secretary of state to facilitate the acquisition of such
180 documents. The secretary of state shall pay any fee or fees charged by another
181 state or its agencies, or any court of competent jurisdiction in this state or any
182 other state, or the federal government or its agencies, in order to obtain any of
183 the above documents from such state or the federal government.

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

189 (4) Any applicant who requests a nondriver's license for [the purpose of]
190 voting shall not be required to pay a fee [if the applicant executes a statement,
191 under penalty of perjury, averring that the applicant does not have any other
192 form of personal identification that meets the requirements of this section]. The
193 state of Missouri shall pay the legally required fees for any such applicant. [The
194 director of the department of revenue shall design a statement to be used for this
195 purpose. The total cost associated with nondriver's license photo identification
196 under this subsection shall be borne by the state of Missouri from funds
197 appropriated to the department of revenue for that specific purpose.] The
198 department of revenue and a local election authority may enter into a contract
199 that allows the local election authority to assist the department in issuing
200 nondriver's license photo identifications.

201 [7.] 5. The director of the department of revenue shall, by January first
202 of each year, prepare and deliver to each member of the general assembly a report
203 documenting the number of individuals who have requested and received a
204 nondriver's license photo identification for the purposes of voting under this
205 section. The report shall also include the number of persons requesting a
206 nondriver's license for purposes of voting under this section, but not receiving

207 such license, and the reason for the denial of the nondriver's license.

208 [8.] 6. The precinct register shall serve as the voter identification
209 certificate. The following form shall be printed at the top of each page of the
210 precinct register:

211 VOTER'S IDENTIFICATION CERTIFICATE

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

214 PRECINCT

215 WARD OR TOWNSHIP _____

216 GENERAL (SPECIAL, PRIMARY) ELECTION

217 Held _____, 20_____

218 Date

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

222 [9.] 7. The secretary of state shall promulgate rules to effectuate the
223 provisions of this section.

224 [10.] 8. Any rule or portion of a rule, as that term is defined in section
225 536.010, that is created under the authority delegated in this section shall
226 become effective only if it complies with and is subject to all of the provisions of
227 chapter 536 and, if applicable, section 536.028. This section and chapter 536 are
228 nonseverable and if any of the powers vested with the general assembly pursuant
229 to chapter 536 to review, to delay the effective date or to disapprove and annul
230 a rule are subsequently held unconstitutional, then the grant of rulemaking
231 authority and any rule proposed or adopted after August 28, 2002, shall be
232 invalid and void.

233 [11.] 9. If any voter is unable to sign his name at the appropriate place
234 on the certificate or computer printout, an election judge shall print the name and
235 address of the voter in the appropriate place on the precinct register, the voter
236 shall make his mark in lieu of signature, and the voter's mark shall be witnessed
237 by the signature of an election judge.

238 [12.] 10. This section shall become effective only upon the passage and
239 approval by the voters of a constitutional amendment submitted to them by the
240 general assembly regarding the authorization of photo identification requirements
241 for elections by general law. If such constitutional amendment is approved by the
242 voters, this section shall become effective June 1, 2017.

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 under this section. Such powers shall be exercised only
29 at the specific written direction of the secretary of state or his or her
30 chief deputy.

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

37 **question. Any person who fails to comply with the order may be held**
38 **in contempt of court.**

39 **(c) The provisions of this subdivision shall expire on August 28,**
40 **2025.**

✓

Unofficial

Bill

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