

HOUSE AMENDMENT NO.____
TO
HOUSE AMENDMENT NO.____

Offered By

AMEND House Amendment No.____ to House Committee Substitute for House Bill No. 348 Page 4, Line 26, by inserting after all of said Line the following:

"Further amend said bill, Section 115.423, Page 14, Line 7 by inserting after all of said Section and Line the following:

"115.427. 1. [Before receiving a ballot, voters] Persons seeking to vote in a public election shall establish their identity and eligibility to vote at the polling place by presenting a form of personal identification to election officials. ["Personal identification" shall mean only] No form of personal identification other than the forms listed in this section shall be accepted to establish a voter's qualifications to vote. Forms of personal identification that satisfy the requirements of this section are any one of the following:

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

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

(3) Any identification containing a photograph of the individual that is issued by the Missouri National Guard, the United States armed forces, or the United States Department of Veterans Affairs to a member or former member of the Missouri National Guard or the United States armed forces and that does not have an expiration date; or

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

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

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

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

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

[(4)] (5) Any identification containing a photographic or digital image of the individual

Action Taken _____ Date _____

which is issued by the Missouri National Guard, the United States Armed Forces, or the United States Department of Veteran Affairs to a member or former member of the Missouri National Guard or the United States Armed Forces and that does not have an expiration date].

2. [The] All election authority costs associated with the implementation of the photo identification requirements of this section shall be reimbursed from the general revenue of this state by an appropriation for that purpose. If there is no appropriation and distribution of state funds, then election authorities shall not enforce the photo identification requirements of this section.

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

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

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

(2) The inability to pay for a birth certificate or other supporting documentation that is necessary to obtain the identification required to vote under this section;

(3) A sincerely held religious belief against the forms of personal identification described in [subsection 1 of] this section; or

[(3)] (4) The voter being born on or before January 1, 1941.

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

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

"State of

County of

I do solemnly swear (or affirm) that my name is; that I reside at

.....; and that I am the person listed in the precinct register under this name

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

- 1 ☐ A physical or mental disability or handicap; [or]
 2 ☐ An inability to pay for a birth certificate or other supporting documentation necessary to obtain
 3 the identification required to vote under this section;
 4 ☐ A sincerely held religious belief; or
 5 ☐ My being born on or before January 1, 1941.

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

8

9 Signature of voter

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

11

12 Signature of election official"

13 [5.] 6. A voter shall be allowed to cast a provisional ballot under section 115.430 even if the
 14 election judges cannot establish the voter's identity and eligibility under [subsection 1 of] this
 15 section. The election judges shall make a notation on the provisional ballot envelope to indicate that
 16 the voter's identity was not verified. The provisional ballot cast by such voter shall not be counted
 17 unless:

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

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

22 [6.] 7. The [secretary of state] election authority shall provide advance notice of the
 23 personal identification requirements of [subsection 1 of] this section in a manner calculated to
 24 inform the public generally of the requirement for [photographic] forms of personal identification as
 25 provided in this section[. Such advance notice shall include, at a minimum, the use of
 26 advertisements and public service announcements in print, broadcast television, radio, and cable
 27 television media, as well as the posting of information on the opening pages of the official state
 28 internet websites of the secretary of state and governor] to be included in the notice required under
 29 sections 115.127 and 115.129.

30 [7.] 8. The provisions of section 136.055 and section 302.181 notwithstanding, the state
 31 shall provide at least one such form of the personal identification required to vote at no cost to any
 32 otherwise qualified voter who does not already possess such identification and who desires the
 33 identification in order to vote. Any applicant who requests a nondriver's license with a photograph
 34 or digital image for the purpose of voting shall not be required to pay a fee if the applicant executes
 35 an affidavit averring that the applicant does not have any other form of [photographic] personal
 36 identification that meets the requirements of [subsection 1 of] this section. The state of Missouri
 37 shall pay the legally required fees for any such applicant. The director shall design an affidavit to be
 38 used for this purpose. [However, any disabled or elderly person otherwise competent to vote shall be
 39 issued a nondriver's license photo identification through a mobile processing system operated by the
 40 Missouri department of revenue upon request if the individual is physically unable to otherwise
 41 obtain a nondriver's license photo identification. The department of revenue shall make nondriver's

license photo identifications available through its mobile processing system only at facilities licensed under chapter 198 and other public places accessible to and frequented by disabled and elderly persons. The department shall provide advance notice of the times and places when the mobile processing system will be available. At least nine mobile units housed under the office of administration shall remain available for dispatch upon the request of the department of revenue to fulfill the requirements of this section.] The total cost associated with nondriver's license photo identification under this subsection shall be borne by the state of Missouri from funds appropriated to the department of revenue for that specific purpose. The department of revenue and a local election authority may enter into a contract that allows the local election authority to assist the department in issuing nondriver's license photo identifications.

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

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

VOTER'S IDENTIFICATION CERTIFICATE

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

PRECINCT

WARDOR TOWNSHIP

GENERAL (SPECIAL, PRIMARY) ELECTION

Held, 20....

Date

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

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

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

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

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

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

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

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

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

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

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

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

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

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

"State of

County of

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

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

.....

Signature of voter

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

Signature of Election Official".

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

115.430. 1. This section shall apply [to primary and general elections where candidates for federal or statewide offices are nominated or elected and any election where statewide issue or issues are submitted to the voters.

2.] in all elections. However, provisional ballots shall not be available for absentee voting.

(1) A voter claiming to be properly registered in the jurisdiction of the election authority and

1 eligible to vote in an election, but whose eligibility at that precinct cannot be immediately
2 established upon examination of the precinct register, shall be entitled to vote a provisional ballot
3 after providing a form of personal identification required pursuant to section 115.427 or upon
4 executing an affidavit under section 115.427, or may vote at a central polling place as established in
5 section 115.115 where the voter may vote his or her appropriate ballot for his or her precinct of
6 residence upon verification of eligibility or vote a provisional ballot if eligibility cannot be
7 determined. The provisional ballot provided to a voter under this section shall be the ballot provided
8 to a resident of the voter's precinct determined by reference to the affidavit provided for in this
9 section. If the voter declares that the voter is eligible to vote and the election authority determines
10 that the voter is eligible to vote at another polling place, the voter shall be directed to the correct
11 polling place or a central polling place as established by the election authority pursuant to subsection
12 5 of section 115.115. If the voter refuses to go to the correct polling place or a central polling place,
13 the voter shall be permitted to vote a provisional ballot at the incorrect polling place, but such ballot
14 shall not be counted if the voter was not eligible to vote at that polling place.

15 (2) The following steps shall be taken to establish a voter's eligibility to vote at a polling
16 place:

17 (a) The election judge shall examine the precinct register as provided in section 115.425. If
18 the voter is registered and eligible to vote at the polling place, the voter shall receive a regular ballot;

19 (b) If the voter's eligibility cannot be immediately established by examining the precinct
20 register, the election judge shall contact the election authority. If the election authority cannot
21 immediately establish that the voter is registered and eligible to vote at the polling place upon
22 examination of the Missouri voter registration system, or if the election judge is unable to make
23 contact with the election authority immediately, the voter shall be notified that the voter is entitled to
24 a provisional ballot.

25 (3) The voter shall have the duty to appear and vote at the correct polling place. If an
26 election judge determines that the voter is not eligible to vote at the polling place at which a voter
27 presents himself or herself, and if the voter appears to be eligible to vote at another polling place, the
28 voter shall be informed that he or she may cast a provisional ballot at the current polling place or
29 may travel to the correct polling place or a central polling place, as established by the election
30 authority under subsection 5 of section 115.115, where the voter may cast a regular ballot or
31 provisional ballot if the voter's eligibility still cannot be determined. Provisional ballots cast at a
32 polling place shall be counted only if the voter was eligible to vote at such polling place as provided
33 in subsection 5 of this section.

34 (4) For a voter requesting an absentee ballot in person, such voter shall be entitled to cast a
35 provisional ballot when the voter's eligibility cannot be immediately established upon examination of
36 the precinct registers or the Missouri voter registration system.

37 (5) Prior to accepting any provisional ballot at the polling place, the election judges shall
38 determine that the information provided on the provisional ballot envelope by the provisional voter
39 is consistent with the identification provided by such person under section 115.427.

40 [3.] 2. (1) No person shall be entitled to receive a provisional ballot until such person has
41 completed a provisional ballot affidavit on the provisional ballot envelope.

(2) The secretary of state shall produce appropriate sizes of provisional ballot envelopes and distribute them to each election authority according to their tabulating system. All provisional ballot envelopes shall be printed on a distinguishable color of paper that is different from the color of the regular ballot. The provisional ballot envelope shall be in the form required by subsection 4 of this section. All provisional ballots shall be marked with a conspicuous stamp or other distinguishing mark that makes them readily distinguishable from the regular ballots.

(3) Once voted, the provisional ballot shall be placed and sealed in a provisional ballot envelope.

[4.] 3. The provisional ballot in its envelope shall be deposited in the ballot box. The provisional ballot envelope shall be completed by the voter for use in determining eligibility. The provisional ballot envelope specified in this section shall contain a voter's certificate which shall be in substantially the following form:

STATE OF

COUNTY OF

I do solemnly swear (or affirm) that my name is; that my date of birth is; that the last four digits of my Social Security Number are; that I am registered to vote in County or City (if a City not within a County), Missouri; that I am a qualified voter of said County (or City not within a County); that I am eligible to vote at this polling place; and that I have not voted in this election.

I understand that if the above-provided information is not correct and the election authority determines that I am not registered and eligible to vote, my vote will not be counted. I further understand that knowingly providing false information is a violation of law and subjects me to possible criminal prosecution.

.....

(Signature of Voter)

.....

(Current Address)

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

.....

(Signature of Election Official)

The voter may provide additional information to further assist the election authority in determining eligibility, including the place and date the voter registered to vote, if known.

[5.] 4. (1) Prior to counting any provisional ballot, the election authority shall determine if the voter is registered and eligible to vote and if the vote was properly cast. The eligibility of provisional votes shall be determined according to the requirements for a voter to cast a ballot in the election as set forth in sections 115.133 and 115.135. A provisional voter ballot shall not be eligible to be counted until the election authority has determined that:

(a) The voter cast such provisional ballot at a polling place established for the voter or the central polling place established by the election authority under subsection 5 of section 115.115;

(b) The individual who cast the provisional ballot is an individual registered to vote in the respective election at the polling place where the ballot was cast;

1 (c) The voter did not otherwise vote in the same election by regular ballot, absentee ballot, or
2 otherwise; and

3 (d) The information on the provisional ballot envelope is found to be correct, complete, and
4 accurate.

5 (2) When the ballot boxes are delivered to the election authority from the polling places, the
6 receiving teams shall separate the provisional ballots from the rest of the ballots and place the sealed
7 provisional ballot envelopes in a separate container. Teams of election authority employees or teams
8 of election judges with each team consisting of one member of each major political party shall
9 photocopy each provisional ballot envelope, such photocopy to be used by the election authority to
10 determine provisional voter eligibility. The sealed provisional ballot envelopes shall be placed by
11 the team in a sealed container and shall remain therein until tabulation.

12 (3) To determine whether a provisional ballot is valid and entitled to be counted, the election
13 authority shall examine its records and verify that the provisional voter is properly registered and
14 eligible to vote in the election. If the provisional voter has provided information regarding the
15 registration agency where the provisional voter registered to vote, the election authority shall make
16 an inquiry of the registration agency to determine whether the provisional voter is properly
17 registered and eligible to vote in the election.

18 (4) If the election authority determines that the provisional voter is registered and eligible to
19 vote in the election, the election authority shall provide documentation verifying the voter's
20 eligibility. Such documentation shall be noted on the copy of the provisional ballot envelope and
21 shall contain substantially the following information:

22 (a) The name of the provisional voter;

23 (b) The name of the reviewer;

24 (c) The date and time; and

25 (d) A description of evidence found that supports the voter's eligibility.

26 (5) The local election authority shall record on a provisional ballot acceptance/rejection list
27 the provisional ballot identification number and a notation marking it as accepted.

28 (6) If the election authority determines that the provisional voter is not registered or eligible
29 to vote in the election, the election authority shall provide documentation verifying the voter's
30 ineligibility. Such documentation shall be noted on the copy of the provisional ballot envelope and
31 shall contain substantially the following information:

32 (a) The name of the provisional voter;

33 (b) The name of the reviewer;

34 (c) The date and time;

35 (d) A description of why the voter is ineligible.

36 (7) The local election authority shall record on a provisional ballot acceptance/rejection list
37 the provisional ballot identification number and notation marking it as rejected.

38 (8) If rejected, a photocopy of the envelope shall be made and used by the election authority
39 as a mail-in voter registration. The actual provisional ballot envelope shall be kept as ballot material,
40 and the copy of the envelope shall be used by the election authority for registration record keeping.

41 [6.] 5. All provisional ballots cast by voters whose eligibility has been verified as provided

in this section shall be counted in accordance with the rules governing ballot tabulation. Provisional ballots shall not be counted until all provisional ballots are determined either eligible or ineligible and all provisional ballots must be processed before the election is certified. The provisional ballot shall be counted only if the election authority determines that the voter is registered and eligible to vote. Provisional ballots voted in the wrong polling place shall not be counted. If the voter is not registered but is qualified to register for future elections, the affidavit shall be considered a mail-in application to register to vote pursuant to this chapter.

[7.] 6. (1) After the election authority completes its review of the provisional voter's eligibility under subsection 5 of this section, the election authority shall deliver the provisional ballots and copies of the provisional ballot envelopes that include eligibility information to bipartisan counting teams, which may be the board of verification, for review and tabulation. The election authority shall maintain a record of such delivery. The record shall include the number of ballots delivered to each team and shall include a signed receipt from two judges, one from each major political party. The election authority shall provide each team with a ballot box and material necessary for tabulation.

(2) If the person named on the provisional ballot affidavit is found to have been properly qualified and registered to cast a ballot in the election and the provisional ballot otherwise qualifies to be counted under the provisions of this section, the envelope shall be opened, and the ballot shall be placed in a ballot box to be counted.

(3) If the person named on the provisional ballot affidavit is found not to have been properly qualified and registered to cast a ballot in the election or if the election authority is unable to determine such person's right to vote, the envelope containing the provisional ballot shall not be opened, and the person's vote shall not be counted. The members of the team shall follow the procedures set forth in subsection [5] 4 of this section for rejected provisional ballots.

(4) The votes shall be tallied and the returns made as provided in sections 115.447 to 115.525 for paper ballots. After the vote on all ballots assigned to a team have been counted, the ballots, ballot envelopes, and copies of ballot envelopes with the eligibility information provided by the election authority shall be enclosed in sealed containers marked "Voted provisional ballots and ballot envelopes from the election held, 20...". All rejected provisional ballots, ballot envelopes, and copies of ballot envelopes with the eligibility information provided by the election authority shall be enclosed in sealed containers marked "Rejected provisional ballots and ballot envelopes from the election held, 20...". On the outside of each voted ballot and rejected ballot container, each member of the team shall write their name and all such containers shall be returned to the election authority. Upon receipt of the returns and ballots, the election authority shall tabulate the provisional votes.

[8.] 7. Challengers and watchers, as provided by sections 115.105 and 115.107, may be present during all times that the bipartisan counting teams are reviewing or counting the provisional ballots, the provisional ballot envelopes, or copies of the provisional ballot envelopes that include eligibility information provided by the election authority. Challengers and watchers shall be permitted to observe the determination of the eligibility of all provisional ballots. The election authority shall notify the county chair of each major political party of the time and location when

bipartisan counting teams will be reviewing or counting the provisional ballots, the provisional ballot envelopes, or the copies of the provisional ballot envelopes that include the eligibility information provided by the election authority.

[9.] 8. The certificate of ballot cards shall:

(1) Reflect the number of provisional envelopes delivered; and

(2) Reflect the number of sealed provisional envelopes with voted ballots deposited in the ballot box.

[10.] 9. In counties where the voting system does not utilize a paper ballot, the election authority shall provide the appropriate provisional ballots to each polling place.

[11.] 10. The secretary of state may promulgate rules for purposes of ensuring the uniform application of this section. No rule or portion of a rule promulgated pursuant to the authority of this section shall become effective unless it has been promulgated pursuant to chapter 536.

[12.] 11. The secretary of state shall design and provide to the election authorities the envelopes and forms necessary to carry out the provisions of this section.

[13.] 12. Pursuant to the Help America Vote Act of 2002, the secretary of state shall ensure a free access system is established, such as a toll-free number or an internet website, that any individual who casts a provisional ballot may access to discover whether the vote of that individual was counted, and, if the vote was not counted, the reason that the vote was not counted. At the time an individual casts a provisional ballot, the election authority shall give the voter written information that states that any individual who casts a provisional ballot will be able to ascertain under such free access system whether the vote was counted, and if the vote was not counted, the reason that the vote was not counted.

[14.] 13. In accordance with the Help America Vote Act of 2002, any individual who votes in an election as a result of a court order or any other order extending the time established for closing the polls in section 115.407 may vote only by using a provisional ballot, and such provisional ballot shall be separated and held apart from other provisional ballots cast by those not affected by the order. Such ballots shall not be counted until such time as the ballots are determined to be valid. No state court shall have jurisdiction to extend the polling hours established by law, including section 115.407."; and "; and

Further amend said Amendment, Page 6, Line 19, by inserting after all of said Line the following:

"Further amend said bill, Section 247.080, Page 26, Line 18 by inserting after all of said Section and Line the following:

"Section B. The repeal and reenactment of section 115.427 of Section A of this act shall become effective only upon the passage and approval by the voters of a constitutional amendment submitted to them by the general assembly regarding the authorization of photo identification for elections."; and "; and

- 1 Further amend said bill by amending the title, enacting clause, and intersectional references
- 2 accordingly.
- 3