HOUSE JOINT RESOLUTION NO. 34

95TH GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVES COOPER (Sponsor), BROWN (149), STREAM, LAIR, SCHOELLER, SCHARNHORST, FISHER (125), BROWN (30), McGHEE, BIVINS, FUNDERBURK, NIEVES, ERVIN, NANCE, WELLS AND DAVIS (Co-sponsors).

1422L.01I   D. ADAM CRUMBLISS, Chief Clerk

JOINT RESOLUTION

Submitting to the qualified voters of Missouri, an amendment to article VIII of the Constitution of Missouri, and adopting one new section relating to a voter's bill of rights.

Be it resolved by the House of Representatives, the Senate concurring therein:

That at the next general election to be held in the state of Missouri, on Tuesday next
2 following the first Monday in November, 2010, or at a special election to be called by the
3 governor for that purpose, there is hereby submitted to the qualified voters of this state, for
4 adoption or rejection, the following amendment to article VIII of the Constitution of the state of
5 Missouri:

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

Section 8. We the people of Missouri adopt a voter's bill of rights as a defense
2 **against corruption, fraud, and tyranny. Missouri voters shall have the following rights:**
3 **   1. The right to vote using a paper ballot;**
4 **   2. The right to protection from voter fraud by:**
5 **   (1) Identifying eligible voters by:**
6 **   (a) Requiring any person seeking to vote in a public election to establish his or her**
7 **qualification as a citizen of the state lawfully present in the United States of America by**
8 **providing election officials a form of identification with the voter's photo and signature,**
9 **including valid government-issued photo identification, as established by law. The state**
10 **shall provide at least one form of such identification required to vote at no cost to any**

EXPLANATION — Matter enclosed in bold-faced brackets **[thus]** in the above bill is not enacted and is intended to be omitted from the law. Matter in **bold-face** type in the above bill is proposed language.

11 **otherwise qualified citizen who does not already possess such identification and who**

12 **desires the identification in order to vote; and**

13   **(b) Requiring absentee voters to provide, in an envelope with their absentee ballot,**

14 **a notarized photocopy of a form of identification with the voter's photo and signature,**

15 **including valid government-issued photo identification as established by law. The state**

16 **shall provide free notary services for any qualified voter who could not otherwise obtain**

17 **notary services for this purpose, as established by law. Active duty soldiers may be**

18 **exempted by law from this requirement; and**

19   **(c) Prohibiting same-day voter registration and voting. Any person who is qualified**

20 **to vote, or who shall become qualified to vote on or before the day of election, shall be**

21 **entitled to register in the jurisdiction within which he or she resides. To vote in any**

22 **election for which registration is required, a person must be registered to vote in the**

23 **jurisdiction of his or her residence no later than 5:00 p.m., or the normal closing time of**

24 **any public building where the registration is being held if such time is later than 5:00 p.m.,**

25 **on the fourth Wednesday prior to the election. Any person registering after such date shall**

26 **be eligible to vote in subsequent elections; and**

27   **(d) Prohibiting any exchange of valuable consideration for registering voters. No**

28 **person shall receive or give to any other person valuable consideration for registering**

29 **voters;**

30   **(2) Reducing opportunities for ballot tampering by:**

31   **(a) Requiring every eligible voter, except those voting absentee, to vote on a single**

32 **day as set forth in section 1 of this article; and**

33   **(b) Allowing absentee voting only if a voter expects to be prevented from going to**

34 **the polls to vote on election day due to:**

35   **a. Absence on election day from the jurisdiction of the election authority in which**

36 **such voter is registered to vote;**

37   **b. Incapacity or confinement due to illness or physical disability, including a person**

38 **who is primarily responsible for the physical care of a person who is incapacitated or**

39 **confined due to illness or disability;**

40   **c. Religious belief or practice;**

41   **d. Employment as an election authority, as a member of an election authority, or**

42 **by an election authority at a location other than such voter's polling place.**

43   **3. The right to have only qualified candidates placed on the ballot. The secretary**

44 **of state shall determine that each person is qualified for the office he or she seeks,**

45 **according to the law, before placing his or her name on the ballot. For candidates who are**

46 **required by the Constitution of the United States to be natural born citizens, the secretary**

47 **of state shall request an official copy of the candidate's birth certificate. Other**
48 **certifications, such as a certificate of live birth, shall not be accepted. Should any**
49 **candidate fail to provide an official birth certificate within thirty days of the request by the**
50 **secretary of state, his or her name shall not be placed on the ballot. The secretary of state**
51 **shall verify the qualifications of any elected officeholder who was previously placed on a**
52 **Missouri ballot.   Should any elected officeholder fail to provide the required**
53 **documentation or birth certificate within thirty days of the request by the secretary of**
54 **state, the secretary of state shall turn the matter over to the attorney general who shall**
55 **within twenty days file suit to obtain the required documentation.**
56 **4.   In the event that any political subdivision incurs costs to implement the**
57 **requirements of this section, the state shall reimburse the political subdivision for such**
58 **costs.**
59 **5. The provisions of this section shall be self-enforcing. All of the provisions of this**
60 **section are severable.   If any of the provisions of this section is found by a court of**
61 **competent jurisdiction to be unconstitutional or unconstitutionally enacted, the remaining**
62 **provisions of this section shall be and remain valid.**

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