

**PROPOSED AMENDMENTS TO THE  
CONSTITUTION OF MISSOURI**

HJR 2 [HJR 2]

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

**Proposes a constitutional amendment guaranteeing a citizen's right to pray and worship on public property and reaffirming a citizen's right to choose any or no religion**

**JOINT RESOLUTION** Submitting to the qualified voters of Missouri an amendment repealing section 5 of article I of the Constitution of Missouri, and adopting one new section in lieu thereof relating to the right to pray.

SECTION

- A. Enacting clause.
- 5. Religious freedom — liberty of conscience and belief — limitations — right to pray — academic religious freedoms and prayer.
- B. Ballot title.

*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 following the first Monday in November, 2012, or at a special election to be called by the governor for that purpose, there is hereby submitted to the qualified voters of this state, for adoption or rejection, the following amendment to article I of the Constitution of the state of Missouri:

**SECTION A. ENACTING CLAUSE.** — Section 5, article I, Constitution of Missouri, is repealed and one new section 2 adopted in lieu thereof, to be known as section 5, to read as follows:

**SECTION 5. RELIGIOUS FREEDOM—LIBERTY OF CONSCIENCE AND BELIEF — LIMITATIONS — RIGHT TO PRAY — ACADEMIC RELIGIOUS FREEDOMS AND PRAYER.** — That all men **and women** have a natural and indefeasible right to worship Almighty God according to the dictates of their own consciences; that no human authority can control or interfere with the rights of conscience; that no person shall, on account of his **or her** religious persuasion or belief, be rendered ineligible to any public office or trust or profit in this state, be disqualified from testifying or serving as a juror, or be molested in his **or her** person or estate; **that to secure a citizen's right to acknowledge Almighty God according to the dictates of his or her own conscience, neither the state nor any of its political subdivisions shall establish any official religion, nor shall a citizen's right to pray or express his or her religious beliefs be infringed; that the state shall not coerce any person to participate in any prayer or other religious activity, but shall ensure that any person shall have the right to pray individually or corporately in a private or public setting so long as such prayer does not result in disturbance of the peace or disruption of a public meeting or assembly; that citizens as well as elected officials and employees of the state of Missouri and its political subdivisions shall**

have the right to pray on government premises and public property so long as such prayers abide within the same parameters placed upon any other free speech under similar circumstances; that the General Assembly and the governing bodies of political subdivisions may extend to ministers, clergypersons, and other individuals the privilege to offer invocations or other prayers at meetings or sessions of the General Assembly or governing bodies; that students may express their beliefs about religion in written and oral assignments free from discrimination based on the religious content of their work; that no student shall be compelled to perform or participate in academic assignments or educational presentations that violate his or her religious beliefs; that the state shall ensure public school students their right to free exercise of religious expression without interference, as long as such prayer or other expression is private and voluntary, whether individually or corporately, and in a manner that is not disruptive and as long as such prayers or expressions abide within the same parameters placed upon any other free speech under similar circumstances; and, to emphasize the right to free exercise of religious expression, that all free public schools receiving state appropriations shall display, in a conspicuous and legible manner, the text of the Bill of Rights of the Constitution of the United States; but this section shall not be construed to expand the rights of prisoners in state or local custody beyond those afforded by the laws of the United States, excuse acts of licentiousness, nor to justify practices inconsistent with the good order, peace or safety of the state, or with the rights of others.

**SECTION B. BALLOT TITLE.** — Pursuant to Chapter 116, RSMo, and other applicable constitutional provisions and laws of this state allowing the General Assembly to adopt ballot language for the submission of a joint resolution to the voters of this state, the official ballot title of the amendment proposed in Section A shall be as follows:

"Shall the Missouri Constitution be amended to ensure:

- That the right of Missouri citizens to express their religious beliefs shall not be infringed;
- That school children have the right to pray and acknowledge God voluntarily in their schools; and
- That all public schools shall display the Bill of Rights of the United States Constitution."

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SJR 2 [HCS#2 SJR 2]

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

**Allows enabling legislation for advance voting and photographic identification for voting**

**JOINT RESOLUTION** Submitting to the qualified voters of Missouri, an amendment to article VIII of the Constitution of Missouri, and adopting four new sections relating to elections.

SECTION

- A. Enacting clause.
8. Advance voting, when, how conducted—inapplicability to absentee voting—section not self-executing.
9. Voter identification and verification of qualifications may be required—photo identification permitted.
10. Absentee voting, different requirements permitted.
11. Severability clause.
- B. Ballot title.

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

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That at the next general election to be held in the state of Missouri, on Tuesday next following the first Monday in November, 2012, or at a special election to be called by the governor for that purpose, there is hereby submitted to the qualified voters of this state, for adoption or rejection, the following amendment to article VIII of the Constitution of the state of Missouri:

**SECTION A. ENACTING CLAUSE.** — Article VIII, Constitution of Missouri, is amended by adding four new sections, to be known as sections 8, 9, 10, and 11, to read as follows:

**SECTION 8. ADVANCE VOTING, WHEN, HOW CONDUCTED—INAPPLICABILITY TO ABSENTEE VOTING—SECTION NOT SELF-EXECUTING.**—Qualified electors of the state may be enabled by general law to vote in person in advance of election day at all elections by the people according to the following terms:

1. Advance voting may be permitted from the third Saturday before the election until the first Tuesday before the election excluding Sundays.

2. Advance voting may be conducted at such locations as are determined by general law to be necessary or desirable to balance reasonable access to advance voting, accountability, integrity, and security of the election, efficiency in the administration of the election, and appropriate and responsible uses of public funds and other resources. The number of advance voting sites may vary depending on expected voter turnout for an election. A general law that requires election authorities to establish a certain number of advance voting sites based solely on the number of registered voters in an election jurisdiction conflicts with this subsection and is not valid.

3. If a voter identification requirement is provided by general law for in-person voting on election day, persons who desire to vote in advance of election day shall also comply with that identification requirement.

4. The name and other identifying information of persons who vote in advance of the election shall be treated confidentially by election officials and lists of persons who have voted in advance shall not be disclosed to members of the public by election officials during the advance voting period, except as necessary for the administration of the election, for law enforcement, or to comply with a court order requiring disclosure for good cause shown. Election officials may disclose lists with the names or other identifying information for persons who have voted in advance of the election to the public after the advance voting period has closed. This section does not prohibit election officials, election judges, challengers, watchers, or any other member of the public from observing or participating in the election process. This section does not alter or effect any change in the provisions of section 3 of this article relating to nondisclosure of how any voter voted and the exceptions thereto.

5. This section shall not apply to absentee voting laws authorized by section 7 of this article.

6. Any law that conflicts with this section shall not be valid or enforceable.

7. This section is not self-executing. Implementing general laws shall be required before any person may vote in advance of an election. In order to allow election authorities sufficient time to prepare for advance voting if authorized by general law, advance voting shall not be effective for any election held on or before January 1, 2014.

**SECTION 9. VOTER IDENTIFICATION AND VERIFICATION OF QUALIFICATIONS MAY BE REQUIRED—PHOTO IDENTIFICATION PERMITTED.**—A person seeking to vote in person in public elections may be required by general law to identify himself or herself and verify his or her qualifications as a citizen of the United States of America and a resident of the state of Missouri by providing election officials with a form of identification, which may include

requiring valid government-issued photo identification. Exceptions to the identification requirement may also be provided for by general law.

**SECTION 10. ABSENTEE VOTING, DIFFERENT REQUIREMENTS PERMITTED.**— Different requirements for absentee voting when the voter does not appear before the election authority may be established by general law as may be necessary or desirable in order to accommodate the different purposes and administration requirements of this method of voting.

**SECTION 11. SEVERABILITY CLAUSE.**— If any portion, clause, or phrase of sections 8, 9, and 10 of this article is, for any reason, held to be invalid or unconstitutional by a court of competent jurisdiction, the remaining portions, clauses, and phrases shall be invalid and of no further force or effect.

**SECTION B. BALLOT TITLE.**— The official ballot title for section A of this act shall read as follows:

"Shall the Missouri Constitution be amended to adopt the Voter Protection Act and allow the General Assembly to provide by general law for advance voting prior to election day, voter photo identification requirements, and voter requirements based on whether one appears to vote in person or by absentee ballot?"

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