



2010

masw

legislative update



February 18, 2010

Back to the Stone Age

Bill Would Destroy Human Rights Commission

In a place of honor on the wall of the Senate Lounge hangs a portrait of A. Clifford Jones. Prior to his distinguished career in the Senate, he served in the House of Representatives. In the mid-1950's he was Republican Floor Leader in the House, President of the Missouri Association for Social Welfare (MASW), and sponsor of the bill which created the [Missouri Commission on Human Rights](#).

We at MASW are proud of the leaders we have had throughout our 109 years of working for social justice in our state – people like “Cliffy” Jones – and our role in helping create the Missouri Commission on Human Rights. The Commission has performed a vital function in making our state a more just place over the last half-century.

We oppose [SB 852](#). The legislation would make it more difficult for Missourians who are victims of illegal discrimination to get the protection and justice from their government to which they are entitled. On its face, the bill would put Missouri out of compliance with federal requirements and therefore result in the loss of nearly a million dollars in federal funding.

Photo I.D. for Voters is Back Again

MASW opposes requiring voters to jump through any more hoops than they already do in order to cast a ballot. [HJR 64](#), heard this week (and last) in the House Committee on Elections, seeks to amend the state constitution to add the requirement of showing a state drivers' license, or other government-issued photo I.D. card, in order to exercise your right to vote.

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Drug Tests for the Poor and the Wretched

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MASW Opposes SB 852.

The Senate Committee on General Laws heard SB 852 this week; MASW submitted the statement at left.

As the voice for social justice in Missouri, we are, on this issue, guided by the following policy priority...

Fair Treatment. *All people in Missouri should be treated with dignity and fairness. It is a fundamental element of the common good to extend a helping hand to those who are too often made to feel unwelcome – those subjected to discrimination, those re-entering society from the corrections system, and those who were born in other nations. The state should protect all people from exploitation and injustice, and teach children in our schools how to value others and resolve differences through non-violent means.*

MASW Opposes HJR 64.

How can the voices of those who have been marginalized by society be heard if their own government marginalizes their right to vote?

Photo I.D. for Voters is Back Again (continued from page 1)

Missouri voters who do not have a drivers' license usually lack one because of economic constraints or physical constraints. The fundamental injustice of HJR 64 is that it would require people whose lives are already hard enough to endure more hardship in order to vote!

In addition to citing this core objection, in testifying against the proposed committee substitute version, HCS HJR 64, I called upon my background as a former chair of the Committee on Elections when I served in the House (back in the 20th Century), to cite the following more technical problems.

(1) The HCS goes beyond the scope and intent of the original HJR, which could be grounds for a constitutional objection.

HJR 64 deals solely with creating a requirement for photographic identification for otherwise qualified voters as a condition of being allowed to cast a ballot in an election, exceptions to the requirement, and logistical matters related exclusively to the implementation and enforcement of a photographic identification requirement.

HCS HJR 64, in addition to permitting the general assembly at some future time to establish voter identification requirements, photographic identification being among the possible requirements, deals with the separate subject of permitting the general assembly at some future time to establish a system of "advance voting" within the constraints of the HCS HJR.

(2) Section 8.2 of the HCS states, in part, "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."

A law enacted under this section that required "advance voting sites" based on anything other than the number of registered voters in the jurisdiction would be at substantial risk of being held in violation of the "one man, one vote" protections in the U.S. Constitution recognized by the courts since the 1960's.

(3) Section 9 creates a new requirement to be eligible to vote in Missouri. Current law – Article VIII, Sec. 2 (MO Constitution), which the HCS does not explicitly repeal – states, in part, "All citizens of the United States... who are residents of this state... are entitled to vote..." The same requirements, i.e. that the prospective voter be a "citizen" of the United States, and a "resident" of the state of Missouri, is repeated in 115.133 RSMO.

However, HCS HJR 64, Section 9, requires that prospective voters be "citizens of the state of Missouri and of the United States of America..."

Changing the requirement from "resident" of Missouri to "citizen" of Missouri must have some substantive meaning, or the change would not be made. What does it mean?

(4) Changing "resident" to "citizen" could, by inference, repeal the protections currently in Article VIII, Sec. 6. This section provides that, "For the purpose of voting...", Missourians who are serving in the armed forces or absent from the state for other listed reasons do not lose their "residence".

(5) Section 10 of HCS HJR 64 conflicts with Section 8.4 of the same HCS. 8.4 provides that any voter identification required for voting on election day will likewise be required for "advance voting" that may be created under the HCS. *Continued on page 3...*

Continued from page 2...

But 10 provides that “Different requirements for absentee voting, advance voting, or election day voting may be established...”

(6) The HCS as drafted would present to the voters a constitutional amendment, the enactment of which might result in significant changes in the rights of Missourians to vote and the conduct of elections in this state – and then again, it might not result in any changes. The voters are asked to TRUST THE GOVERNMENT to determine what their voting rights will be. Might we be required to show a valid passport as the sole acceptable identification? Or to submit a thumbprint, retinal scan, or other biometric data, in order to exercise our right to vote?

Just Say “No” to the Drug Test Bill

[HCS HB 1377](#) (see more about it in the column to the right) is one of those that fits nicely on a bumper sticker. A legislator exhibits courage in addition to common sense in voting against it.

The 39 who did the right thing, and voted NO are Representatives Bert Atkins, Michael Brown, John Burnett, Chris Carter, Maria Chappelle-Nadal, Mike Colona, Shalonn Curls, Jason Holsman, Ted Hoskins, Jacob Hummel, Tishaura Jones, Jason Kander, Chris Kelly, Jeanne Kirkton, J. C. Kuessner, Roman LeBlanc, Albert Liese, Beth Low, Tom McDonald, Margo McNeil, James Morris, Jamilah Nasheed, Stacey Newman, Jeanette Mott Oxford, Sharon Pace, Jeff Roorda, Jill Schupp, Trent Skaggs, Michael Spreng, Mary Still, Rachel Storch, Mike Talboy, Michael Vogt, Gina Walsh, Rochelle Walton-Gray, Steve Webb, Stephen Webber, Pat Yaeger, and Jake Zimmerman.

[Contact them](#) to say thank you!

Drug Tests for the Poor and the Wretched

The House this week passed a truly asinine bill that would require drug tests for the poor – those most-in-need working families who get the crumbs off our tables through the Temporary Assistance to Needy Families (TANF) program – and drug tests for the wretched – all state elected officials.

[HCS HB 1377](#) would force TANF recipients to bow just a bit more deeply to those of us who are superior to them, because we do not (at the moment) need direct public assistance to meet the basic needs of our families – they would be subjected to drug tests.

In what appears to be an effort to show that they are not “picking on the poor,” legislators took the bizarre step of including themselves in the drug testing requirement.

Now, many is the time that the majority of legislators have acted as though their judgment might indeed be impaired, as if by the use of drugs, but I seriously doubt that any of our state elected officials are “on drugs.” Being addicted to campaign contributions from big-money special interest groups is not actually the same thing as being addicted to narcotics.

The House website has a [link to video clips](#) from the debate on the bill, which was passed 114 – 39 and already sent to the Senate.

[Join MASW – or renew your membership.](#)
