

SECOND REGULAR SESSION

HOUSE BILL NO. 1255

97TH GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVES NEWMAN (Sponsor), MAYFIELD, DUNN, KRATKY, CONWAY (10), MITTEN, WALTON GRAY, GARDNER, MORGAN, MEREDITH, ELLINGER, NICHOLS, MONTECILLO, KELLY (45), MCMANUS, PETERS, CARPENTER, BUTLER, ENGLUND, NORR, PACE, KIRKTON, SCHUPP, LAFAVER AND ENTLICHER (Co-sponsors).

4995L.011

D. ADAM CRUMBLISS, Chief Clerk

AN ACT

To repeal sections 115.277 and 115.283 as enacted by house committee substitute for senate substitute for senate committee substitute for senate bill no. 116, ninety-seventh general assembly, first regular session, and to enact in lieu thereof two new sections relating to absentee voting for address confidentiality program participants, with an emergency clause.

Be it enacted by the General Assembly of the state of Missouri, as follows:

Section A. Sections 115.277 and 115.283 as enacted by house committee substitute for
2 senate substitute for senate committee substitute for senate bill no. 116, ninety-seventh general
3 assembly, first regular session, are repealed and two new sections enacted in lieu thereof, to be
4 known as sections 115.277 and 115.283, to read as follows:

115.277. 1. Except as provided in subsections 2, 3, 4, and 5 of this section, any
2 registered voter of this state may vote by absentee ballot for all candidates and issues for which
3 such voter would be eligible to vote at the polling place if such voter expects to be prevented
4 from going to the polls to vote on election day due to:

5 (1) Absence on election day from the jurisdiction of the election authority in which such
6 voter is registered to vote;

7 (2) Incapacity or confinement due to illness or physical disability, including a person
8 who is primarily responsible for the physical care of a person who is incapacitated or confined
9 due to illness or disability;

10 (3) Religious belief or practice;

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 (4) Employment as an election authority, as a member of an election authority, or by an
12 election authority at a location other than such voter's polling place;

13 (5) Incarceration, provided all qualifications for voting are retained;

14 **(6) Certified participation in the address confidentiality program established under**
15 **sections 589.660 to 589.681 because of safety concerns.**

16 2. Any person in federal service, as defined in section 115.275, who is eligible to register
17 and vote in this state but is not registered may vote only in the election of presidential and vice
18 presidential electors, United States senator and representative in Congress even though the
19 person is not registered. Each person in federal service may vote by absentee ballot or, upon
20 submitting an affidavit that the person is qualified to vote in the election, may vote at the person's
21 polling place.

22 3. Any interstate former resident, as defined in section 115.275, may vote by absentee
23 ballot for presidential and vice presidential electors.

24 4. Any intrastate new resident, as defined in section 115.275, may vote by absentee ballot
25 at the election for presidential and vice presidential electors, United States senator, representative
26 in Congress, statewide elected officials and statewide questions, propositions and amendments
27 from such resident's new jurisdiction of residence after registering to vote in such resident's new
28 jurisdiction of residence.

29 5. Any new resident, as defined in section 115.275, may vote by absentee ballot for
30 presidential and vice presidential electors after registering to vote in such resident's new
31 jurisdiction of residence.

115.283. 1. Each ballot envelope shall bear a statement on which the voter shall state
2 the voter's name, the voter's voting address, the voter's mailing address and the voter's reason for
3 voting an absentee ballot. On the form, the voter shall also state under penalties of perjury that
4 the voter is qualified to vote in the election, that the voter has not previously voted and will not
5 vote again in the election, that the voter has personally marked the voter's ballot in secret or
6 supervised the marking of the voter's ballot if the voter is unable to mark it, that the ballot has
7 been placed in the ballot envelope and sealed by the voter or under the voter's supervision if the
8 voter is unable to seal it, and that all information contained in the statement is true. In addition,
9 any person providing assistance to the absentee voter shall include a statement on the envelope
10 identifying the person providing assistance under penalties of perjury. Persons authorized to vote
11 only for federal and statewide officers shall also state their former Missouri residence.

12 2. The statement for persons voting absentee ballots who are registered voters shall be
13 in substantially the following form:

14

15 State of Missouri
16 County (City) of
17

18 I, (print name), a registered voter of County (City of St. Louis, Kansas
19 City), declare under the penalties of perjury that I expect to be prevented from going to the polls
20 on election day due to (check one):

21 absence on election day from the jurisdiction of the election authority in which I am
22 registered;

23 incapacity or confinement due to illness or physical disability, including caring for a
24 person who is incapacitated or confined due to illness or disability;

25 religious belief or practice;

26 employment as an election authority or by an election authority at a location other than my
27 polling place;

28 incarceration, although I have retained all the necessary qualifications for voting

29 **certified participation in the address confidentiality program established under**
30 **sections 589.660 to 589.681 because of safety concerns.**

31

32 I hereby state under penalties of perjury that I am qualified to vote at this election; I have not
33 voted and will not vote other than by this ballot at this election. I further state that I marked the
34 enclosed ballot in secret or that I am blind, unable to read or write English, or physically
35 incapable of marking the ballot, and the person of my choosing indicated below marked the
36 ballot at my direction; all of the information on this statement is, to the best of my knowledge
37 and belief, true.

38

39
40 Signature of Voter	Signature of Person
41	Assisting Voter
42	(if applicable)
43 Signed	Subscribed and sworn to
44 Signed	before me this day
45 Address of Voter	of,
46
47
48 Mailing addresses	Signature of notary or
49 (if different)	other officer authorized
50	to administer oaths

51 3. The statement for persons voting absentee ballots pursuant to the provisions of
52 subsection 2, 3, 4, or 5 of section 115.277 without being registered shall be in substantially the
53 following form:

54

55 State of Missouri

56 County (City) of

57

58 I, (print name), declare under the penalties of perjury that I am a citizen of the
59 United States and eighteen years of age or older. I am not adjudged incapacitated by any court
60 of law, and if I have been convicted of a felony or of a misdemeanor connected with the right of
61 suffrage, I have had the voting disabilities resulting from such conviction removed pursuant to
62 law. I hereby state under penalties of perjury that I am qualified to vote at this election.

63 I am (check one):

64 a resident of the state of Missouri and a registered voter in County and moved from
65 that county to County, Missouri, after the last day to register to vote in this election.

66

67 an interstate former resident of Missouri and authorized to vote for presidential and
68 vice presidential electors.

69

70 I further state under penalties of perjury that I have not voted and will not vote other than by this
71 ballot at this election; I marked the enclosed ballot in secret or am blind, unable to read or write
72 English, or physically incapable of marking the ballot, and the person of my choosing indicated
73 below marked the ballot at my direction; all of the information on this statement is, to the best
74 of my knowledge and belief, true.

75

76 Subscribed to and sworn
77 Signature of Voter before me this day
78 of,

79

80
81 Address of Voter Signature of notary or

82 other officer authorized
83 to administer oaths

84

85 Mailing Address

86 (if different)

87

88 Signature of Person Address of Last

89 Assisting Voter Missouri Residence

90 (if applicable)

91 4. The statement for persons voting absentee ballots who are entitled to vote at the
92 election pursuant to the provisions of subsection 2 of section 115.137 shall be in substantially
93 the following form:

94

95 State of Missouri

96 County (City) of

97

98 I, (print name), declare under the penalties of perjury that I expect to
99 be prevented from going to the polls on election day due to (check one):

100 absence on election day from the jurisdiction of the election authority in which I am
101 directed to vote;

102 incapacity or confinement due to illness or physical disability, including caring for a person
103 who is incapacitated or confined due to illness or disability;

104 religious belief or practice;

105 employment as an election authority or by an election authority at a location other than my
106 polling place;

107 incarceration, although I have retained all the necessary qualifications of voting;

108 **certified participation in the address confidentiality program established under**
109 **sections 589.660 to 589.681 because of safety concerns.**

110

111 I hereby state under penalties of perjury that I own property in the district and am
112 qualified to vote at this election; I have not voted and will not vote other than by this ballot at
113 this election. I further state that I marked the enclosed ballot in secret or that I am blind, unable
114 to read and write English, or physically incapable of marking the ballot, and the person of my
115 choosing indicated below marked the ballot at my direction; all of the information on this
116 statement is, to the best of my knowledge and belief, true.

117

118 Subscribed and sworn

119 Signature of Voter to before me this

120 day of,

121

122

123	Address	Signature of notary or
124		other officer authorized
125		to administer oaths

126

127 Signature of Person

128 Assisting Voter

129 (if applicable)

130 5. The statement for persons providing assistance to absentee voters shall be in
131 substantially the following form:

132 The voter needed assistance in marking the ballot and signing above, because of blindness, other
133 physical disability, or inability to read or to read English. I marked the ballot enclosed in this
134 envelope at the voter's direction, when I was alone with the voter, and I had no other
135 communication with the voter as to how he or she was to vote. The voter swore or affirmed the
136 voter affidavit above and I then signed the voter's name and completed the other voter
137 information above. Signed under the penalties of perjury.

138

139 Reason why voter needed assistance:

140 ASSISTING PERSON SIGN HERE

- 141 1. (signature of assisting person)
- 142 2. (assisting person's name printed)
- 143 3. (assisting person's residence)
- 144 4. (assisting person's home city or town).

145 6. Notwithstanding any other provision of this section, any covered voter as defined in
146 section 115.902 or persons who have declared themselves to be permanently disabled pursuant
147 to section 115.284, otherwise entitled to vote, shall not be required to obtain a notary seal or
148 signature on his or her absentee ballot.

149 7. Notwithstanding any other provision of this section or section 115.291 to the contrary,
150 the subscription, signature and seal of a notary or other officer authorized to administer oaths
151 shall not be required on any ballot, ballot envelope, or statement required by this section if the
152 reason for the voter voting absentee is due to the reasons established pursuant to subdivision (2)
153 of subsection 1 of section 115.277.

154 8. No notary shall charge or collect a fee for notarizing the signature on any absentee
155 ballot or absentee voter registration.

156 9. A notary public who charges more than the maximum fee specified or who charges
157 or collects a fee for notarizing the signature on any absentee ballot or absentee voter registration
158 is guilty of official misconduct.

Section B. Because immediate action is necessary to allow the provisions of this act to
2 apply to election procedures before August 28, 2014, in order to protect the security needs of
3 victims of domestic violence, rape, sexual assault, or stalking, this act is deemed necessary for
4 the immediate preservation of the public health, welfare, peace, and safety, and is hereby
5 declared to be an emergency act within the meaning of the constitution, and this act shall be in
6 full force and effect upon July 1, 2014, or upon its passage and approval, whichever first occurs.

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