

FIRST REGULAR SESSION

# HOUSE BILL NO. 992

## 100TH GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVE PRICE.

1914H.011

DANA RADEMAN MILLER, Chief Clerk

### AN ACT

To repeal sections 115.277, 115.279, and 115.283, RSMo, and to enact in lieu thereof three new sections relating to elections.

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

Section A. Sections 115.277, 115.279, and 115.283, RSMo, are repealed and three new sections enacted in lieu thereof, to be known as sections 115.277, 115.279, and 115.283, to read as follows:

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

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

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

~~———— (3) Religious belief or practice;~~

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

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

~~———— (6) Certified participation in the address confidentiality program established under sections 589.660 to 589.681 because of safety concerns].~~

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.

16           2. Any covered voter~~[, as defined in section 115.275,]~~ who is eligible to register and vote  
17 in this state may vote in any election for federal office, statewide office, state legislative office,  
18 or statewide ballot initiatives by submitting a federal postcard application to apply to vote by  
19 absentee ballot or by submitting a federal postcard application at the polling place even though  
20 the person is not registered. A federal postcard application submitted by a covered voter  
21 pursuant to this subsection shall also serve as a voter registration application under section  
22 115.908 and the election authority shall, if satisfied that the applicant is entitled to register, place  
23 the voter's name on the voter registration file. Each covered voter may vote by absentee ballot  
24 or, upon submitting an affidavit that the person is qualified to vote in the election, may vote at  
25 the person's polling place.

26           3. Any interstate former resident~~[, as defined in section 115.275,]~~ may vote by absentee  
27 ballot for presidential and vice presidential electors.

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

33           5. Any new resident~~[, as defined in section 115.275,]~~ may vote by absentee ballot for  
34 presidential and vice presidential electors after registering to vote in such resident's new  
35 jurisdiction of residence.

115.279. 1. Application for an absentee ballot may be made by the applicant in person,  
2 or by mail, or for the applicant, in person, by his or her guardian or a relative within the second  
3 degree by consanguinity or affinity. The election authority shall accept applications by facsimile  
4 transmission and by electronic mail within the limits of its telecommunications capacity.

5           2. Each application shall be made to the election authority of the jurisdiction in which  
6 the person is or would be registered. Each application shall be in writing and shall state the  
7 applicant's name, address at which he or she is or would be registered, ~~[his or her reason for~~  
8 ~~voting an absentee ballot,]~~ **whether the applicant is incapacitated or confined due to illness**  
9 **or physical disability or is a person who is primarily responsible for the physical care of**  
10 **a person who is incapacitated or confined due to illness or physical disability**, the address  
11 to which the ballot is to be mailed, if mailing is requested, and for absent uniformed services and  
12 overseas applicants, the applicant's email address if electronic transmission is requested. If the  
13 ~~[reason for the applicant voting absentee is due to the reasons established under subdivision (6)~~  
14 ~~of subsection 1 of section 115.277]~~ **applicant is a certified participant in the address**  
15 **confidentiality program established under sections 589.660 to 589.681**, the applicant shall  
16 state the voter's identification information provided by the address confidentiality program in lieu

17 of the applicant's name, address at which he or she is or would be registered, and address to  
18 which the ballot is to be mailed, if mailing is requested. Each application to vote in a primary  
19 election shall also state which ballot the applicant wishes to receive. If any application fails to  
20 designate a ballot, the election authority shall, within three working days after receiving the  
21 application, notify the applicant by mail that it will be unable to deliver an absentee ballot until  
22 the applicant designates which political party ballot he or she wishes to receive. If the applicant  
23 does not respond to the request for political party designation, the election authority is authorized  
24 to provide the voter with that part of the ballot for which no political party designation is  
25 required.

26 3. ~~Except as provided in subsection 3 of section 115.281,~~ All applications for absentee  
27 ballots received prior to the sixth Tuesday before an election shall be stored at the office of the  
28 election authority until such time as the applications are processed in accordance with section  
29 115.281. No application for an absentee ballot received in the office of the election authority by  
30 mail, by facsimile transmission, by electronic mail, or by a guardian or relative after 5:00 p.m.  
31 on the second Wednesday immediately prior to the election shall be accepted by any election  
32 authority. No application for an absentee ballot submitted by the applicant in person after 5:00  
33 p.m. on the day before the election shall be accepted by any election authority, except as  
34 provided in subsections 6, 8 and 9 of this section.

35 4. Each application for an absentee ballot shall be signed by the applicant or, if the  
36 application is made by a guardian or relative pursuant to this section, the application shall be  
37 signed by the guardian or relative, who shall note on the application his or her relationship to the  
38 applicant. If an applicant, guardian or relative is blind, unable to read or write the English  
39 language or physically incapable of signing the application, he or she shall sign by mark,  
40 witnessed by the signature of an election official or person of his or her own choosing. Any  
41 person who knowingly makes, delivers or mails a fraudulent absentee ballot application shall be  
42 guilty of a class one election offense.

43 5. (1) Notwithstanding any law to the contrary, any resident of the state of Missouri who  
44 resides outside the boundaries of the United States or who is on active duty with the Armed  
45 Forces of the United States or members of their immediate family living with them may request  
46 an absentee ballot for both the primary and subsequent general election with one application.

47 (2) The election authority shall provide each absent uniformed services voter and each  
48 overseas voter who submits a voter registration application or an absentee ballot request, if the  
49 election authority rejects the application or request, with the reasons for the rejection.

50 (3) Notwithstanding any other law to the contrary, if a standard oath regarding material  
51 misstatements of fact is adopted for uniformed and overseas voters pursuant to the Help America

52 Vote Act of 2002, the election authority shall accept such oath for voter registration, absentee  
 53 ballot, or other election-related materials.

54 (4) Not later than sixty days after the date of each regularly scheduled general election  
 55 for federal office, each election authority which administered the election shall submit to the  
 56 secretary of state in a format prescribed by the secretary a report on the combined number of  
 57 absentee ballots transmitted to, and returned by, absent uniformed services voters and overseas  
 58 voters for the election. The secretary shall submit to the Election Assistance Commission a  
 59 combined report of such information not later than ninety days after the date of each regularly  
 60 scheduled general election for federal office and in a standardized format developed by the  
 61 commission pursuant to the Help America Vote Act of 2002. The secretary shall make the report  
 62 available to the general public.

63 (5) As used in this section, the terms "absent uniformed services voter" and "overseas  
 64 voter" shall have the meaning prescribed in 52 U.S.C. Section 20310.

65 6. An application for an absentee ballot by a new resident shall be submitted in person  
 66 by the applicant in the office of the election authority in the election jurisdiction in which such  
 67 applicant resides. The application shall be received by the election authority no later than 7:00  
 68 p.m. on the day of the election. Such application shall be in the form of an affidavit, executed  
 69 in duplicate in the presence of the election authority or any authorized officer of the election  
 70 authority, and in substantially the following form:

71 "STATE OF \_\_\_\_\_  
 72 COUNTY OF \_\_\_\_\_, ss.

73 I, \_\_\_\_\_, do solemnly swear that:

74 (1) Before becoming a resident of this state, I resided at \_\_\_\_\_ (residence  
 75 address) in \_\_\_\_\_ (town, township, village or city) of \_\_\_\_\_ County in  
 76 the state of \_\_\_\_\_;

77 (2) I moved to this state after the last day to register to vote in such general  
 78 presidential election and I am now residing in the county of \_\_\_\_\_, state  
 79 of Missouri;

80 (3) I believe I am entitled pursuant to the laws of this state to vote in the  
 81 presidential election to be held November \_\_\_\_\_, \_\_\_\_\_ (year);

82 (4) I hereby make application for a presidential and vice presidential ballot.  
 83 I have not voted and shall not vote other than by this ballot at such  
 84 election.

85 Signed \_\_\_\_\_

86 (Applicant)

87 \_\_\_\_\_

88 (Residence Address)

89 Subscribed and sworn to before me this \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_

90 Signed \_\_\_\_\_

91 (Title and name of officer authorized to administer oaths)"

92 7. The election authority in whose office an application is filed pursuant to subsection  
93 6 of this section shall immediately send a duplicate of such application to the appropriate official  
94 of the state in which the new resident applicant last resided and shall file the original of such  
95 application in its office.

96 8. An application for an absentee ballot by an intrastate new resident shall be made in  
97 person by the applicant in the office of the election authority in the election jurisdiction in which  
98 such applicant resides. The application shall be received by the election authority no later than  
99 7:00 p.m. on the day of the election. Such application shall be in the form of an affidavit,  
100 executed in duplicate in the presence of the election authority or an authorized officer of the  
101 election authority, and in substantially the following form:

102 "STATE OF \_\_\_\_\_

103 COUNTY OF \_\_\_\_\_, ss.

104 I, \_\_\_\_\_, do solemnly swear that:

105 (1) Before becoming a resident of this election jurisdiction, I resided at  
106 \_\_\_\_\_ (residence address) in \_\_\_\_\_ (town, township, village or city)  
107 of \_\_\_\_\_ county in the state of \_\_\_\_\_;

108 (2) I moved to this election jurisdiction after the last day to register to vote  
109 in such election;

110 (3) I believe I am entitled pursuant to the laws of this state to vote in the  
111 election to be held \_\_\_\_\_ (date);

112 (4) I hereby make application for an absentee ballot for candidates and issues  
113 on which I am entitled to vote pursuant to the laws of this state. I have  
114 not voted and shall not vote other than by this ballot at such election.

115 Signed \_\_\_\_\_

116 (Applicant)

117 \_\_\_\_\_

118 (Residence Address)

119 Subscribed and sworn to before me this \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_

120 Signed \_\_\_\_\_

121 (Title and name of officer authorized to administer oaths)"

122 9. An application for an absentee ballot by an interstate former resident shall be received  
123 in the office of the election authority where the applicant was formerly registered by 5:00 p.m.  
124 on the second Wednesday immediately prior to the election, unless the application is made in

125 person by the applicant in the office of the election authority, in which case such application shall  
 126 be made no later than 7:00 p.m. on the day of the election.

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, **and** the voter's mailing address [~~and the voter's~~  
 3 ~~reason for voting an absentee ballot~~]. If the [~~reason for the voter voting absentee is due to the~~  
 4 ~~reasons established under subdivision (6) of subsection 1 of section 115.277;~~] **applicant is a**  
 5 **certified participant in the address confidentiality program established under sections**  
 6 **589.660 to 589.681**, the voter shall state the voter's identification information provided by the  
 7 address confidentiality program in lieu of the applicant's name, voting address, and mailing  
 8 address. On the form, the voter shall also state under penalties of perjury that the voter is  
 9 qualified to vote in the election, that the voter has not previously voted and will not vote again  
 10 in the election, that the voter has personally marked the voter's ballot in secret or supervised the  
 11 marking of the voter's ballot if the voter is unable to mark it, that the ballot has been placed in  
 12 the ballot envelope and sealed by the voter or under the voter's supervision if the voter is unable  
 13 to seal it, and that all information contained in the statement is true. In addition, any person  
 14 providing assistance to the absentee voter shall include a statement on the envelope identifying  
 15 the person providing assistance under penalties of perjury. Persons authorized to vote only for  
 16 federal and statewide officers shall also state their former Missouri residence.

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

19 State of Missouri

20 County (City) of \_\_\_\_\_

21 I, \_\_\_\_\_ (print name), a registered voter of \_\_\_\_\_ County (City of St. Louis,  
 22 Kansas City), declare under the penalties of perjury [~~that I expect to be prevented~~  
 23 ~~from going to the polls on election day due to (check one):~~

24 \_\_\_\_\_ ~~absence on election day from the jurisdiction of the election~~  
 25 ~~authority in which I am registered;~~

26 \_\_\_\_\_ ~~incapacity or confinement due to illness or physical disability,~~  
 27 ~~including caring for a person who is incapacitated or confined due~~  
 28 ~~to illness or disability;~~

29 \_\_\_\_\_ ~~religious belief or practice;~~

30 \_\_\_\_\_ ~~employment as an election authority or by an election authority at~~  
 31 ~~a location other than my polling place;~~

32 \_\_\_\_\_ ~~incarceration, although I have retained all the necessary~~  
 33 ~~qualifications for voting;~~

34 \_\_\_\_\_ certified participation in the address confidentiality program  
 35 established under sections 589.660 to 589.681 because of safety  
 36 concerns.

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

44 _____	_____
45 Signature of Voter	Signature of Person
46	Assisting Voter
47	(if applicable)
48 Signed _____	Subscribed and sworn
49 Signed _____	to before me this
50 Address of Voter	_____ day of _____,
51	_____
52 _____	_____
53 _____	_____
54 Mailing addresses	Signature of notary or
55 (if different)	other officer
56	authorized to
57	administer oaths

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

61 State of Missouri  
 62 County (City) of \_\_\_\_\_  
 63 I, \_\_\_\_\_ (print name), declare under the penalties of perjury that I am a citizen  
 64 of the United States and eighteen years of age or older. I am not adjudged  
 65 incapacitated by any court of law, and if I have been convicted of a felony or of  
 66 a misdemeanor connected with the right of suffrage, I have had the voting  
 67 disabilities resulting from such conviction removed pursuant to law. I hereby  
 68 state under penalties of perjury that I am qualified to vote at this election.  
 69 I am (check one):

70 \_\_\_\_\_ a resident of the state of Missouri and a registered voter in  
 71 \_\_\_\_\_ County and moved from that county to \_\_\_\_\_ County,  
 72 Missouri, after the last day to register to vote in this election.

73 \_\_\_\_\_ an interstate former resident of Missouri and authorized to vote  
 74 for presidential and vice presidential electors.

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

81 _____	Subscribed to and
82 Signature of Voter	sworn before me this
83 _____	_____ day of
84 _____	_____, _____

85 _____	_____
86 _____	_____
87 Address of Voter	Signature of notary or
88 _____	other officer
89 _____	authorized to
90 _____	administer oaths

91 _____	_____
92 Mailing Address (if different)	_____
93 _____	_____

94 _____	_____
95 Signature of Person	Address of Last
96 Assisting Voter	Missouri Residence
97 _____	(if applicable)

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

101 State of Missouri  
 102 County (City) of \_\_\_\_\_  
 103 I, \_\_\_\_\_ (print name), declare under the penalties of perjury ~~that I expect to be~~  
 104 ~~prevented from going to the polls on election day due to (check one):~~  
 105 ~~\_\_\_\_\_ absence on election day from the jurisdiction of the election~~  
 106 ~~authority in which I am directed to vote;~~

107 \_\_\_\_\_ incapacity or confinement due to illness or physical disability,  
 108 including caring for a person who is incapacitated or confined due  
 109 to illness or disability;  
 110 \_\_\_\_\_ religious belief or practice;  
 111 \_\_\_\_\_ employment as an election authority or by an election authority at  
 112 a location other than my polling place;  
 113 \_\_\_\_\_ incarceration, although I have retained all the necessary  
 114 qualifications of voting;  
 115 \_\_\_\_\_ certified participation in the address confidentiality program  
 116 established under sections 589.660 to 589.681 because of safety  
 117 concerns.

118 \_\_\_\_\_ [I hereby state under penalties of perjury] that I own property in the \_\_\_\_\_  
 119 district and am qualified to vote at this election; I have not voted and will not  
 120 vote other than by this ballot at this election. I further state that I marked the  
 121 enclosed ballot in secret or that I am blind, unable to read and write English, or  
 122 physically incapable of marking the ballot, and the person of my choosing  
 123 indicated below marked the ballot at my direction; all of the information on this  
 124 statement is, to the best of my knowledge and belief, true.

125 \_\_\_\_\_ Subscribed and sworn  
 126 Signature of Voter to before me this  
 127 \_\_\_\_\_ day of  
 128 \_\_\_\_\_, \_\_\_\_\_

129 \_\_\_\_\_  
 130 \_\_\_\_\_  
 131 Address Signature of notary or  
 132 other officer  
 133 authorized to  
 134 administer oaths

135 \_\_\_\_\_  
 136 Signature of Person  
 137 Assisting Voter  
 138 (if applicable)

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

141 The voter needed assistance in marking the ballot and signing above, because of  
 142 blindness, other physical disability, or inability to read or to read English. I  
 143 marked the ballot enclosed in this envelope at the voter's direction, when I was

144 alone with the voter, and I had no other communication with the voter as to how  
 145 he or she was to vote. The voter swore or affirmed the voter affidavit above and  
 146 I then signed the voter's name and completed the other voter information above.  
 147 Signed under the penalties of perjury.

148 Reason why voter needed assistance: \_\_\_\_\_

149 ASSISTING PERSON SIGN HERE

- 150 1. \_\_\_\_\_ (signature of assisting person)
- 151 2. \_\_\_\_\_ (assisting person's name printed)
- 152 3. \_\_\_\_\_ (assisting person's residence)
- 153 4. \_\_\_\_\_ (assisting person's home city or town).

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

158 7. Notwithstanding any other provision of this section or section 115.291 to the contrary,  
 159 the subscription, signature and seal of a notary or other officer authorized to administer oaths  
 160 shall not be required on any ballot, ballot envelope, or statement required by this section if the  
 161 ~~[reason for the]~~ voter voting absentee is ~~[due to the reasons established pursuant to subdivision~~  
 162 ~~(2) of subsection 1 of section 115.277]~~ **incapacitated or confined due to illness or physical**  
 163 **disability, including a person who is primarily responsible for the physical care of a person**  
 164 **who is incapacitated or confined due to illness or physical disability.**

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

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

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