

House _____ Amendment NO. _____

Offered By _____

1 AMEND House Committee Substitute for Senate Bill No. 552, Pages 12 to 18, Sections 115.277
2 and 115.283, Lines 1 - 38 and 1 - 154, by removing all of said sections and lines from the bill and
3 inserting in lieu thereof the following:
4

5 "115.302. 1. As used in this section, the terms "absent uniformed services voter" and
6 "overseas voter" shall be defined under 52 U.S.C. Section 20310. The term "mail-in-ballot" shall
7 mean any ballot that can be cast by United States mail, other than an absentee ballot.

8 2. Application for a mail-in-ballot may be made by the applicant in person, or by United
9 States mail, or on behalf of the applicant by his or her guardian or relative within the second degree
10 of consanguinity or affinity.

11 3. Each application for a mail-in-ballot shall be made to the election authority of the
12 jurisdiction in which the person is registered. Each application shall be in writing and shall state the
13 applicant's name, address at which he or she is registered, the address to which the ballot is to be
14 mailed, and, in the case of absent uniformed services and overseas applicants, the electronic mail
15 address if electronic transmission is requested.

16 4. All applications for mail-in-ballots received prior to the sixth Tuesday before an election
17 shall be stored at the office of the election authority until such time as the applications are processed
18 under section 115.281. No application for a mail-in-ballot received in the office of the election
19 authority after 5:00 p.m. on the second Wednesday immediately prior to the election shall be
20 accepted by any election authority.

21 5. Each application for a mail-in-ballot shall be signed by the applicant or, if the application
22 is made by a guardian or relative under this section, then the application shall be signed by the
23 guardian or relative, who shall note on the application his or her relationship to the applicant. If an
24 applicant, guardian, or relative is blind, unable to read or write the English language, or physically
25 incapable of signing the application, he or she shall sign by mark that is witnessed by the signature
26 of an election official or person of his or her choice. Any person who knowingly makes, delivers, or
27 mails a fraudulent mail-in-ballot application shall be guilty of a class one election offense.

28 6. (1) Notwithstanding any other provision of law to the contrary, any resident of the state
29 of Missouri who resides outside the boundaries of the United States or who is on active duty with
30 the United States Armed Forces or members of their immediate family living with them may request
31 a mail-in-ballot.

32 (2) If an election authority rejects an application or request, then the election authority
33 shall provide each absent uniformed services voter and each overseas voter who submits a voter
34 registration application or a mail-in-ballot request with the reasons for the rejection.

35 (3) Notwithstanding any other provision of law to the contrary, if a standard oath
36 regarding material misstatements of fact is adopted for uniformed and overseas voters under the

Action Taken _____ Date _____

Help America Vote Act of 2002, then the election authority shall accept such oath for voter registration, mail-in-ballot, or other election-related materials.

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

7. Except as provided under section 115.914, not later than the sixth Tuesday prior to each election, or within fourteen days after candidate names or questions are certified under section 115.125, the election authority shall cause to have printed and made available a sufficient quantity of mail-in ballots, ballot envelopes, and mailing envelopes. As soon as possible after a proper official calls a special state or county election, the election authority shall cause to have printed and made available a sufficient quantity of mail-in ballots, ballot envelopes, and mailing envelopes.

8. Each ballot envelope shall bear a statement on which the voter shall state the voter's name, voting address, and mailing address. On the form, the voter shall also state under penalties of perjury that the voter is qualified to vote in the election, that the voter has personally marked the voter's ballot in secret or supervised the marking of the voter's ballot if the voter is unable to mark it, that the ballot has been placed in the ballot envelope and sealed by the voter or under the voter's supervision if the voter is unable to seal it, and that all information contained in the statement is true. In addition, any person providing assistance to the mail-in voter shall include a statement on the envelope identifying the person providing such assistance under penalties of perjury. Persons authorized to vote only for federal and statewide offices shall also state their former Missouri residence.

9. The statement for persons voting mail-in ballots who are registered voters shall be in substantially the following form:

State of Missouri

County (City) of

I, (print name), a registered voter of County

(City of St. Louis, Kansas City), declare under the penalties

of perjury that: I am qualified to vote at this election; I have

not voted and will not vote other than by this ballot at this

election. I further state that I marked the enclosed ballot in

secret or that I am blind, unable to read or write English, or

physically incapable of marking the ballot, and the person of

my choosing indicated below marked the ballot at my

1 direction; all of the information on this statement is, to the
 2
 3 best of my knowledge and belief, true.
 4

5 _____
 6
 7 Signature of Voter Signature of Person
 8 Assisting Voter

9
 10 (If applicable)
 11

12 Subscribed and sworn to before me this
 13

14 day of _____, _____.
 15

16 _____
 17
 18 Signature of notary or other officer authorized
 19 to administer oaths.
 20

21 _____
 22
 23 _____
 24
 25 Mailing Addresses
 26

27 (If different)
 28

29 10. Upon receipt of a signed application for a mail-in ballot and if satisfied that the
 30 applicant is entitled to vote by mail-in ballot, the election authority shall, within three working days
 31 after receiving the application, or if mail-in ballots are not available at the time the application is
 32 received, within five working days after they become available, deliver to the voter a mail-in ballot,
 33 ballot envelope and such instructions as are necessary for the applicant to vote. Delivery shall be
 34 made by first class, registered, or certified mail at the discretion of the election authority, or in the
 35 case of a covered voter under section 115.902, the method of transmission prescribed under section
 36 115.914. If the election authority is not satisfied that any applicant is entitled to vote by mail-in
 37 ballot, the authority shall not deliver a mail-in ballot to the applicant. Within three working days of
 38 receiving such an application, the election authority shall notify the applicant and state the reason he
 39 or she is not entitled to vote by mail-in ballot. The applicant may file a complaint with the elections
 40 division of the secretary of state's office under section 115.219.

41 11. On the mailing and ballot envelopes for each covered voter, the election authority shall
 42 stamp prominently in black the words "FEDERAL BALLOT, STATE OF MISSOURI" and
 43 "U.S. Postage Paid, 39 U.S.C. Section 3406".

44 12. No information which encourages a vote for or against a candidate or issue shall be
 45 provided to any voter with a mail-in ballot.

46 13. Upon receiving a mail-in ballot by mail, the voter shall mark the ballot in secret, place
 47 the ballot in the ballot envelope, seal the envelope and fill out the statement on the ballot envelope.
 48 The affidavit of each person voting a mail-in ballot shall be subscribed and sworn to before the
 49 election official receiving the ballot, a notary public, or other officer authorized by law to administer

oaths. If the voter is blind, unable to read or write the English language, or physically incapable of voting the ballot, the voter may be assisted by a person of the voter's own choosing. Any person assisting a voter who is not entitled to such assistance, any person who assists a voter and in any manner coerces or initiates a request or suggestion that the voter vote for or against, or refrain from voting on, any question or candidate, shall be guilty of a class one election offense. If, upon counting, challenge, or election contest, it is ascertained that any mail-in ballot was voted with unlawful assistance, the ballot shall be rejected.

14. Each mail-in ballot shall be returned to the election authority in the ballot envelope and shall only be returned by the voter by United States mail; except that covered voters who are sending ballots from a location determined by the secretary of state to be inaccessible on election day, shall be allowed to return their mail-in ballots cast by use of facsimile transmission or under a program approved by the United States Department of Defense for the electronic transmission of election materials.

15. No election authority shall refuse to accept and process any otherwise valid marked mail-in ballot submitted in any manner by a covered voter solely on the basis of restrictions on envelope type.

16. The secretary of state may prescribe uniform regulations with respect to the printing of ballot envelopes and mailing envelopes, which shall comply with standards established by federal law or postal regulations. Mailing envelopes for use in returning ballots shall be printed with business reply permits so that any ballot returned by mail does not require postage. All fees and costs for establishing and maintaining the business reply and postage-free mail for all ballots cast shall be paid by the secretary of state through state appropriations.

17. All proper votes on each mail-in ballot received by an election authority at or before the time fixed by law for the closing of the polls on election day shall be counted. Except as provided under section 115.920, no votes on any mail-in ballot received by an election authority after the time fixed by law for the closing of the polls on election day shall be counted.

18. If sufficient evidence is shown to an election authority that any mail-in voter has died prior to the opening of the polls on election day, the ballot of the deceased voter shall be rejected if it is still sealed in the ballot envelope. Any such rejected ballot, still sealed in its ballot envelope, shall be sealed with the application and any other papers connected therewith in an envelope marked "Rejected ballot of _____, a mail-in voter of _____ voting district". The reason for rejection shall be noted on the envelope, which shall be kept by the election authority with the other ballots from the election until the ballots are destroyed according to law.

19. As each mail-in ballot is received by the election authority, the election authority shall indicate its receipt on the list.

20. If the statements on any mail-in ballot envelope have not been completed, the mail-in ballot in the envelope shall be rejected.

21. All mail-in ballot envelopes received by the election authority shall be kept together in a safe place and shall not be opened except as provided under this chapter.

22. Mail-in ballots shall be counted using the procedures set out in sections 115.297, 115.299, 115.300, and 115.303.

23. The false execution of a mail-in ballot application shall be a class one election offense. The attorney general or any prosecuting or circuit attorney shall have the authority to prosecute such offense either in the county of residence of the person or in the circuit court of Cole County.

24. If any provision of this section is found by a court of competent jurisdiction to be unconstitutional or unconstitutionally enacted, the remaining provisions of this section shall be and remain valid.

25. This section is enacted notwithstanding any other provision of law including, but not limited to, sections 115.650 to 115.660.

1 26. The provisions of this section shall apply only to an election that occurs during the year
 2 2020 to avoid the risk of contracting or transmitting severe acute respiratory syndrome coronavirus
 3 2.

4 27. The provisions of this section terminate and shall be repealed on December 31, 2020,
 5 and shall not apply to any election conducted after that date.”; and

6
 7 Further amend said bill, Page 34, Section 115.642, Line 31, by inserting after all of said section and
 8 line the following:

9
 10 "115.652. 1. An election shall not be conducted under sections 115.650 to 115.660 unless:

11 (1) The officer or agency calling the election submits a written request that the election be
 12 conducted by mail. Such request shall be submitted not later than the date specified in section
 13 115.125 for submission of the notice of election and sample ballot;

14 (2) The election authority responsible for conducting the election authorizes the use of
 15 mailed ballots for the election;

16 (3) The election is nonpartisan;

17 (4) The election is not one at which any candidate is elected, retained or recalled; and

18 (5) The election is an issue election at which all of the qualified voters of any one political
 19 subdivision are the only voters eligible to vote.

20 2. Notwithstanding the provisions of subsection 1 of this section or any other provision of
 21 law to the contrary, an election may be conducted by mail as authorized under section 115.302,
 22 during a state of emergency declared by the governor during the year 2020, to avoid the risk of
 23 contracting or transmitting severe acute respiratory syndrome coronavirus 2.”; and

24
 25 Further amend said bill, Page 48, Section 1, Lines 2 and 8, by deleting the phrase "115.277,
 26 115.283," on said lines; and

27
 28 Further amend said bill and page, Section C, Lines 1 - 6, by removing all of said section and lines
 29 from the bill and inserting in lieu thereof the following:

30
 31 "Section C. Because immediate action is necessary to ensure citizens can safely exercise the
 32 right to vote and avoid the risk of contracting or transmitting severe acute respiratory syndrome
 33 coronavirus 2, the enactment of section 115.302 and the repeal and reenactment of section 115.652
 34 of section A of this act is deemed necessary for the immediate preservation of the public health,
 35 welfare, peace, and safety and is hereby declared to be an emergency act within the meaning of the
 36 constitution, and the enactment of section 115.302 and the repeal and reenactment of section
 37 115.652 of section A of this act shall be in full force and effect upon its passage and approval.”; and

38
 39 Further amend said bill by amending the title, enacting clause, and intersectional references
 40 accordingly.