

SECOND REGULAR SESSION

# HOUSE BILL NO. 1761

## 100TH GENERAL ASSEMBLY

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INTRODUCED BY REPRESENTATIVE MCGAUGH.

3469H.011

DANA RADEMAN MILLER, Chief Clerk

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### AN ACT

To repeal sections 115.277 and 115.637, RSMo, and to enact in lieu thereof two new sections relating to elections, with penalty provisions.

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

Section A. Sections 115.277 and 115.637, RSMo, are repealed and two new sections enacted in lieu thereof, to be known as sections 115.277 and 115.637, to read as follows:

115.277. 1. **Any registered voter may vote by in-person absentee ballot, at the location designated by the election authority, for all candidates and issues for which such voter would be eligible to vote at the polling place without providing a reason for the need to vote absentee.** Except as provided in subsections 2, 3, 4, and 5 of this section, any registered voter of this state may vote by **mail-in** absentee ballot for all candidates and issues for which such voter would be 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;

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.

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

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

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

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

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

115.637. The following offenses, and any others specifically so described by law, shall  
2 be class four election offenses and are deemed misdemeanors not connected with the exercise  
3 of the right of suffrage. Conviction for any of these offenses shall be punished by imprisonment  
4 of not more than one year or by a fine of not more than two thousand five hundred dollars or by  
5 both such imprisonment and fine:

6 (1) Stealing or willfully concealing, defacing, mutilating, or destroying any sample  
7 ballots that may be furnished by an organization or individual at or near any voting place on  
8 election day, except that this subdivision shall not be construed so as to interfere with the right  
9 of an individual voter to erase or cause to be erased on a sample ballot the name of any candidate  
10 and substituting the name of the person for whom he or she intends to vote; or to dispose of the  
11 received sample ballot;

12 (2) Printing, circulating, or causing to be printed or circulated, any false and fraudulent  
13 sample ballots which appear on their face to be designed as a fraud upon voters;

14           (3) Purposefully giving a printed or written sample ballot to any qualified voter which  
15 is intended to mislead the voter;

16           (4) On the part of any candidate for election to any office of honor, trust, or profit,  
17 offering or promising to discharge the duties of such office for a less sum than the salary, fees,  
18 or emoluments as fixed by law or promising to pay back or donate to any public or private  
19 interest any portion of such salary, fees, or emolument as an inducement to voters;

20           (5) On the part of any canvasser appointed to canvass any registration list, willfully  
21 failing to appear, refusing to continue, or abandoning such canvass or willfully neglecting to  
22 perform his duties in making such canvass or willfully neglecting any duties lawfully assigned  
23 to him or her;

24           (6) On the part of any employer, making, enforcing, or attempting to enforce any order,  
25 rule, or regulation or adopting any other device or method to prevent an employee from engaging  
26 in political activities, accepting candidacy for nomination to, election to, or the holding of,  
27 political office, holding a position as a member of a political committee, soliciting or receiving  
28 funds for political purpose, acting as chairman or participating in a political convention,  
29 assuming the conduct of any political campaign, signing, or subscribing his or her name to any  
30 initiative, referendum, or recall petition, or any other petition circulated pursuant to law;

31           (7) On the part of any person authorized or employed to print official ballots, or any  
32 person employed in printing ballots, giving, delivering, or knowingly permitting to be taken any  
33 ballot to or by any person other than the official under whose direction the ballots are being  
34 printed, any ballot in any form other than that prescribed by law, or with unauthorized names,  
35 with names misspelled, or with the names of candidates arranged in any way other than that  
36 authorized by law;

37           (8) On the part of any election authority or official charged by law with the duty of  
38 distributing the printed ballots, or any person acting on his or her behalf, knowingly distributing  
39 or causing to be distributed any ballot in any manner other than that prescribed by law;

40           (9) Any person having in his or her possession any official ballot, except in the  
41 performance of his or her duty as an election authority or official, or in the act of exercising his  
42 or her individual voting privilege;

43           (10) Willfully mutilating, defacing, or altering any ballot before it is delivered to a voter;

44           (11) On the part of any election judge, being willfully absent from the polls on election  
45 day without good cause or willfully detaining any election material or equipment and not causing  
46 it to be produced at the voting place at the opening of the polls or within fifteen minutes  
47 thereafter;

48 (12) On the part of any election authority or official, willfully neglecting, refusing, or  
49 omitting to perform any duty required of him or her by law with respect to holding and  
50 conducting an election, receiving and counting out the ballots, or making proper returns;

51 (13) On the part of any election judge, or party watcher or challenger, furnishing any  
52 information tending in any way to show the state of the count to any other person prior to the  
53 closing of the polls;

54 (14) On the part of any voter, except as otherwise provided by law, allowing his or her  
55 ballot to be seen by any person with the intent of letting it be known how he or she is about to  
56 vote or has voted, or knowingly making a false statement as to his or her inability to mark a  
57 ballot;

58 (15) On the part of any election judge, disclosing to any person the name of any  
59 candidate for whom a voter has voted;

60 (16) Interfering, or attempting to interfere, with any voter inside a polling place;

61 (17) On the part of any person at any registration site, polling place, counting location  
62 or verification location, causing any breach of the peace or engaging in disorderly conduct,  
63 violence, or threats of violence whereby such registration, election, count or verification is  
64 impeded or interfered with;

65 (18) Exit polling, surveying, sampling, electioneering, distributing election literature,  
66 posting signs or placing vehicles bearing signs with respect to any candidate or question to be  
67 voted on at an election on election day inside the building in which a polling place is located or  
68 within ~~twenty-five~~ **one hundred** feet of the building's outer door closest to the polling place,  
69 or, on the part of any person, refusing to remove or permit removal from property owned or  
70 controlled by such person, any such election sign or literature located within such distance on  
71 such day after request for removal by any person;

72 (19) Stealing or willfully defacing, mutilating, or destroying any campaign yard sign on  
73 private property, except that this subdivision shall not be construed to interfere with the right of  
74 any private property owner to take any action with regard to campaign yard signs on the owner's  
75 property and this subdivision shall not be construed to interfere with the right of any candidate,  
76 or the candidate's designee, to remove the candidate's campaign yard sign from the owner's  
77 private property after the election day.

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