

SECOND REGULAR SESSION

# HOUSE BILL NO. 1603

102ND GENERAL ASSEMBLY

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INTRODUCED BY REPRESENTATIVE BOSLEY.

2907H.011

DANA RADEMAN MILLER, Chief Clerk

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## AN ACT

To repeal sections 115.133 and 115.287, RSMo, and to enact in lieu thereof two new sections relating to suffrage of persons confined in jail.

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

Section A. Sections 115.133 and 115.287, RSMo, are repealed and two new sections  
2 enacted in lieu thereof, to be known as sections 115.133 and 115.287, to read as follows:

115.133. 1. Except as provided in subsection 2 of this section, any citizen of the  
2 United States who is a resident of the state of Missouri and seventeen years and six months of  
3 age or older shall be entitled to register and to vote in any election which is held on or after  
4 his **or her** eighteenth birthday.

5 2. No person who is adjudged incapacitated shall be entitled to register or vote. No  
6 person shall be entitled to vote:

7 (1) While confined under a sentence of imprisonment **after conviction of a felony**;  
8 **or**

9 (2) [~~While on probation or parole after conviction of a felony, until finally discharged~~  
10 ~~from such probation or parole; or~~

11 (3)] After conviction of a felony [~~or misdemeanor~~] connected with the right of  
12 suffrage.

13 3. Except as provided in federal law or federal elections and in section 115.277, no  
14 person shall be entitled to vote if the person has not registered to vote in the jurisdiction of his  
15 or her residence prior to the deadline to register to vote.

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           **4. Nothing in this section shall prohibit any defendant who is otherwise eligible**  
17 **to vote and is confined in a jail from voting in an election if he or she has not yet been**  
18 **convicted of a crime.**

115.287. 1. Upon receipt of a signed application for an absentee ballot and if satisfied  
2 the applicant is entitled to vote by absentee ballot, the election authority shall, within three  
3 working days after receiving the application, or if absentee ballots are not available at the  
4 time the application is received, within five working days after they become available, deliver  
5 to the voter an absentee ballot, ballot envelope and such instructions as are necessary for the  
6 applicant to vote. Delivery shall be made to the voter personally in the office of the election  
7 authority or by bipartisan teams appointed by the election authority, or by first class,  
8 registered, or certified mail at the discretion of the election authority, or in the case of a  
9 covered voter as defined in section 115.902, the method of transmission prescribed in section  
10 115.914. Where the election authority is a county clerk, the members of bipartisan teams  
11 representing the political party other than that of county clerk shall be selected from a list of  
12 persons submitted to the county clerk by the county chairman of that party. If no list is  
13 provided by the time that absentee ballots are to be made available, the county clerk may  
14 select a person or persons from lists provided in accordance with section 115.087. If the  
15 election authority is not satisfied that any applicant is entitled to vote by absentee ballot, it  
16 shall not deliver an absentee ballot to the applicant. Within three working days of receiving  
17 such an application, the election authority shall notify the applicant and state the reason he or  
18 she is not entitled to vote by absentee ballot. The applicant may file a complaint with the  
19 elections division of the secretary of state's office under and pursuant to section 115.219.

20           2. If, after 5:00 p.m. on the second Wednesday before an election, any voter from the  
21 jurisdiction **is confined in a jail**, has become hospitalized, becomes confined due to illness or  
22 injury, or is confined in an intermediate care facility, residential care facility, or skilled  
23 nursing facility on election day, as such terms are defined in section 198.006, in the county in  
24 which the jurisdiction is located or in the jurisdiction of an adjacent election authority within  
25 the same county, the election authority shall appoint a team to deliver, witness the signing of  
26 and return the voter's application and deliver, witness the voting of and return the voter's  
27 absentee ballot. If the election authority receives ten or more applications for absentee ballots  
28 from the same address it shall appoint a team to deliver and witness the voting and return of  
29 absentee ballots by voters residing at that address, except when such addresses are for an  
30 apartment building or other structure wherein individual living units are located, each of  
31 which has its own separate cooking facilities. Each team appointed pursuant to this  
32 subsection shall consist of two registered voters, one from each major political party. Both  
33 members of any team appointed pursuant to this subsection shall be present during the

34 delivery, signing or voting and return of any application or absentee ballot signed or voted  
35 pursuant to this subsection.

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

39           4. No information which encourages a vote for or against a candidate or issue shall be  
40 provided to any voter with an absentee ballot.

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