

SECOND REGULAR SESSION

HOUSE BILL NO. 1767

98TH GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVE CONWAY (10).

4796H.021

D. ADAM CRUMBLISS, 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 absentee voting, with penalty provisions.

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Section A. Sections 115.277, 115.279, and 115.283, RSMo, are repealed and three new sections enacted in lieu thereof, to be known as sections 115.277, 115.279, and 115.283, to read as follows: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 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 voter is incapacitated or confined due to illness or**
9 **physical disability or is a person who is primarily responsible for the physical care of a**
10 **person who is incapacitated or confined due to illness or disability**, the address to which the
11 ballot is to be mailed, if mailing is requested, and for absent uniformed services and overseas
12 applicants, the applicant's email address if electronic transmission is requested. If [the reason
13 for the applicant voting absentee is due to the reasons established under subdivision (6) of
14 subsection 1 of section 115.277] **the applicant is a certified participant in the address**
15 **confidentiality program established under sections 589.660 to 589.681 because of safety**
16 **concerns**, the applicant shall state the voter's identification information provided by the address

17 confidentiality program in lieu of the applicant's name, address at which he or she is or would
18 be registered, and address to which the ballot is to be mailed, if mailing is requested. Each
19 application to vote in a primary election shall also state which ballot the applicant wishes to
20 receive. If any application fails to designate a ballot, the election authority shall, within three
21 working days after receiving the application, notify the applicant by mail that it will be unable
22 to deliver an absentee ballot until the applicant designates which political party ballot he or she
23 wishes to receive. If the applicant does not respond to the request for political party designation,
24 the election authority is authorized to provide the voter with that part of the ballot for which no
25 political party designation is 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 or by a guardian or relative after 5:00 p.m. on the Wednesday
31 immediately prior to the election shall be accepted by any election authority. No application for
32 an absentee ballot submitted by the applicant in person after 5:00 p.m. on the day before the
33 election shall be accepted by any election authority, except as provided in subsections 6, 8 and
34 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 [42 U.S.C. Section 1973ff-6] **52 U.S.C. Section**
65 **20310, as amended.**

66 6. An application for an absentee ballot by a new resident[, as defined in section
67 115.275,] shall be submitted in person by the applicant in the office of the election authority in
68 the election jurisdiction in which such applicant resides. The application shall be received by
69 the election authority no later than 7:00 p.m. on the day of the election. Such application shall
70 be in the form of an affidavit, executed in duplicate in the presence of the election authority or
71 any authorized officer of the election authority, and in substantially the following form:

72
73 "STATE OF
74 COUNTY OF, ss.

75 I,....., do solemnly swear that:

76 (1) Before becoming a resident of this state, I resided at
77 (residence address) in (town, township,
78 village or city) of County in the state of

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

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

83 (4) I hereby make application for a presidential and vice presidential ballot. I have not
84 voted and shall not vote other than by this ballot at such 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[, as defined in
 97 section 115.275,] shall be made in person by the applicant in the office of the election authority
 98 in the election jurisdiction in which such applicant resides. The application shall be received
 99 by the election authority no later than 7:00 p.m. on the day of the election. Such application shall
 100 be in the form of an affidavit, executed in duplicate in the presence of the election authority or
 101 an authorized officer of the election authority, and in substantially the following form:

102

103 "STATE OF

104 COUNTY OF, ss.

105 I,, do solemnly swear that:

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

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

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

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

116 Signed

117 (Applicant)

118

119 (Residence Address)

120 Subscribed and sworn to before me this day of,

121 Signed

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

123 9. An application for an absentee ballot by an interstate former resident[, as defined in
 124 section 115.275,] shall be received in the office of the election authority where the applicant was
 125 formerly registered by 5:00 p.m. on the Wednesday immediately prior to the election, unless the
 126 application is made in person by the applicant in the office of the election authority, in which
 127 case such application shall 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, the voter shall state
 5 the voter's identification information provided by the address confidentiality program in lieu of
 6 the applicant's name, voting address, and mailing address. On the form, the voter shall also state
 7 under penalties of perjury that the voter is qualified to vote in the election, that the voter has not
 8 previously voted and will not vote again in the election, that the voter has personally marked the
 9 voter's ballot in secret or supervised the marking of the voter's ballot if the voter is unable to
 10 mark it, that the ballot has been placed in the ballot envelope and sealed by the voter or under
 11 the voter's supervision if the voter is unable to seal it, and that all information contained in the
 12 statement is true. In addition, any person providing assistance to the absentee voter shall include
 13 a statement on the envelope identifying the person providing assistance under penalties of
 14 perjury. Persons authorized to vote only for federal and statewide officers shall also state their
 15 former Missouri residence.

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

18

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 from going to
 23 the polls on election day due to (check one):

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

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

28 religious belief or practice;

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

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

32 certified participation in the address confidentiality program established under sections
33 589.660 to 589.681 because of safety concerns.

34

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

41

42
43 Signature of Voter	Signature of Person
44	Assisting Voter
45	(if applicable)

46

47 Signed	Subscribed and sworn to
48 Signed	before me this day
49 Address of Voter	of,

50

51

52 Mailing addresses	Signature of notary or
53 (if different)	other officer authorized
54	to administer oaths

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

58

59 State of Missouri
60 County (City) of

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

67 I am (check one):

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

71 an interstate former resident of Missouri and authorized to vote for presidential and
72 vice presidential electors.

73

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

79

80 Subscribed to and sworn
81 Signature of Voter before me this day
82 of,

83

84
85

86 Address of Voter Signature of notary or
87 other officer authorized
88 to administer oaths

89
90 Mailing Address (if different)

91

92
93 Signature of Person Address of Last

94 Assisting Voter Missouri Residence
95 (if applicable)

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

99

100 State of Missouri
101 County (City) of

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

104 absence on election day from the jurisdiction of the election authority in which I am directed
 105 to vote;
 106 incapacity or confinement due to illness or physical disability, including caring for a person
 107 who is incapacitated or confined due to illness or disability;
 108 religious belief or practice;
 109 employment as an election authority or by an election authority at a location other than my
 110 polling place;
 111 incarceration, although I have retained all the necessary qualifications of voting;
 112 certified participation in the address confidentiality program established under sections
 113 589.660 to 589.681 because of safety concerns.

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

121
 122 Subscribed and sworn to
 123 Signature of Voter before me this
 124 day of,
 125
 126
 127 Address Signature of notary or
 128 other officer authorized
 129 to administer oaths

130
 131 Signature of Person
 132 Assisting Voter
 133 (if applicable)

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

136
 137 The voter needed assistance in marking the ballot and signing above, because of blindness, other
 138 physical disability, or inability to read or to read English. I marked the ballot enclosed in this
 139 envelope at the voter's direction, when I was alone with the voter, and I had no other

140 communication with the voter as to how he or she was to vote. The voter swore or affirmed the
141 voter affidavit above and I then signed the voter's name and completed the other voter
142 information above. Signed under the penalties of perjury.

143

144 Reason why voter needed assistance:

145

146 ASSISTING PERSON SIGN HERE

147

- 148 1. (signature of assisting person)
- 149 2. (assisting person's name printed)
- 150 3. (assisting person's residence)
- 151 4. (assisting person's home city or town).

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

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

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

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

