

# SENATE BILL NO. 738

101ST GENERAL ASSEMBLY

INTRODUCED BY SENATOR EIGEL.

4105S.01H

ADRIANE D. CROUSE, Secretary

## AN ACT

To repeal sections 115.225, 115.237, 115.277, 115.283, 115.285, 115.291, 115.302, and 115.427, RSMo, and to enact in lieu thereof eight new sections relating to elections.

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

Section A. Sections 115.225, 115.237, 115.277, 115.283, 2 115.285, 115.291, 115.302, and 115.427, RSMo, are repealed and 3 eight new sections enacted in lieu thereof, to be known as 4 sections 115.062, 115.225, 115.237, 115.277, 115.283, 115.285, 5 115.291, and 115.427, to read as follows:

**115.062. No election authority shall take or accept 2 funding, grants, or gifts of any kind from any source other 3 than from the governing body of a political subdivision, the 4 state of Missouri, or the federal government.**

115.225. 1. Before use by election authorities in 2 this state, the secretary of state shall approve the marking 3 devices and the automatic tabulating equipment used in 4 electronic voting systems and may promulgate rules and 5 regulations to implement the intent of sections 115.225 to 6 115.235.

2. No electronic voting system shall be approved 8 unless it:

- 9 (1) Permits voting in absolute secrecy;
- 10 (2) Permits each voter to vote for as many candidates
- 11 for each office as a voter is lawfully entitled to vote for;

**EXPLANATION-Matter enclosed in bold-faced brackets [thus] in this bill is not enacted and is intended to be omitted in the law.**

12           (3) Permits each voter to vote for or against as many  
13 questions as a voter is lawfully entitled to vote on, and no  
14 more;

15           (4) Provides facilities for each voter to cast as many  
16 write-in votes for each office as a voter is lawfully  
17 entitled to cast;

18           (5) Permits each voter in a primary election to vote  
19 for the candidates of only one party announced by the voter  
20 in advance;

21           (6) Permits each voter at a presidential election to  
22 vote by use of a single mark for the candidates of one party  
23 or group of petitioners for president, vice president and  
24 their presidential electors;

25           (7) Accurately counts all proper votes cast for each  
26 candidate and for and against each question;

27           (8) Is set to reject all votes, except write-in votes,  
28 for any office and on any question when the number of votes  
29 exceeds the number a voter is lawfully entitled to cast;

30           (9) Permits each voter, while voting, to clearly see  
31 the ballot label;

32           (10) Has been tested and is certified by an  
33 independent authority that meets the voting system standards  
34 developed by the Federal Election Commission or its  
35 successor agency. The provisions of this subdivision shall  
36 not be required for any system purchased prior to August 28,  
37 2002.

38           3. The secretary of state shall promulgate rules and  
39 regulations to allow the use of a computerized voting  
40 system. The procedures shall provide for the use of a  
41 computerized voting system with the ability to provide a  
42 paper audit trail. Notwithstanding any provisions of this

43 chapter to the contrary, such a system may allow for the  
44 storage of processed ballot materials in an electronic form.

45 4. Any rule or portion of a rule, as that term is  
46 defined in section 536.010, that is created under the  
47 authority delegated in this section shall become effective  
48 only if it complies with and is subject to all of the  
49 provisions of chapter 536 and, if applicable, section  
50 536.028. This section and chapter 536 are nonseverable and  
51 if any of the powers vested with the general assembly  
52 pursuant to chapter 536 to review, to delay the effective  
53 date or to disapprove and annul a rule are subsequently held  
54 unconstitutional, then the grant of rulemaking authority and  
55 any rule proposed or adopted after August 28, 2002, shall be  
56 invalid and void.

57 **5. If any election authority uses any touchscreen,**  
58 **direct-recording, electronic vote-counting machine, the**  
59 **election authority may continue to use such machine. Upon**  
60 **the removal of such voting machine from the election**  
61 **authority's inventory because of mechanical malfunction,**  
62 **wear and tear, or any other reason, the machine shall not be**  
63 **replaced and no additional direct-recording electronic**  
64 **voting machine shall be added to the election authority's**  
65 **inventory. Such machines shall not be used beginning**  
66 **January 1, 2023, except that election authorities may allow**  
67 **the machines to be used by voters who are disabled as long**  
68 **as the machines are functional. Replacement of equipment**  
69 **for use by voters who are disabled shall be with paper**  
70 **ballot marking devices designed to assist voters.**

115.237. 1. Each ballot printed or designed for use  
2 with an electronic voting system for any election pursuant  
3 to this chapter shall contain all questions and the names of  
4 all offices and candidates certified or filed pursuant to

5 this chapter and no other. **Beginning January 1, 2023, the**  
6 **official ballot shall be a paper ballot that is hand-marked**  
7 **by the voter, or in the case of voters with disabilities who**  
8 **need assistance, by a paper ballot marking device designed**  
9 **to assist voters, except as provided in subsection 5 of**  
10 **section 115.225.** As far as practicable, all questions and  
11 the names of all offices and candidates for which each voter  
12 is entitled to vote shall be printed on one page except for  
13 the ballot for political party committee persons in polling  
14 places not utilizing an electronic voting system which may  
15 be printed separately and in conformity with the  
16 requirements contained in this section. As far as  
17 practicable, ballots containing only questions and the names  
18 of nonpartisan offices and candidates shall be printed in  
19 accordance with the provisions of this section, except that  
20 the ballot information may be listed in vertical or  
21 horizontal rows. The names of candidates for each office  
22 shall be listed in the order in which they are filed.

23 2. In polling places using electronic voting systems,  
24 the ballot information may be arranged in vertical or  
25 horizontal rows or on a number of separate pages or  
26 screens. In any event, the name of each candidate, the  
27 candidate's party, the office for which he or she is a  
28 candidate, and each question shall be indicated clearly on  
29 the ballot.

30 3. Nothing in this subchapter shall be construed as  
31 prohibiting the use of a separate paper ballot for questions  
32 or for the presidential preference primary in any polling  
33 place using an electronic voting system.

34 4. Where electronic voting systems are used and when  
35 write-in votes are authorized by law, a write-in ballot,  
36 which may be in the form of a separate paper ballot, card,

37 or envelope, may be provided by the election authority to  
38 permit each voter to write in the names of persons whose  
39 names do not appear on the ballot.

40 5. No ballot printed or designed for use with an  
41 electronic voting system for any partisan election held  
42 under this chapter shall allow a person to vote a straight  
43 political party ticket. For purposes of this subsection, a  
44 "straight political party ticket" means voting for all of  
45 the candidates for elective office who are on the ballot  
46 representing a single political party by a single selection  
47 on the ballot.

48 6. The secretary of state shall promulgate rules that  
49 specify uniform standards for ballot layout for each  
50 electronic or computerized ballot counting system approved  
51 under the provisions of section 115.225 so that the ballot  
52 used with any counting system is, where possible, consistent  
53 with the intent of this section. Nothing in this section  
54 shall be construed to require the format specified in this  
55 section if it does not meet the requirements of the ballot  
56 counting system used by the election authority.

57 7. Any rule or portion of a rule, as that term is  
58 defined in section 536.010, that is created under the  
59 authority delegated in this section shall become effective  
60 only if it complies with and is subject to all of the  
61 provisions of chapter 536 and, if applicable, section  
62 536.028. This section and chapter 536 are nonseverable and  
63 if any of the powers vested with the general assembly  
64 pursuant to chapter 536 to review, to delay the effective  
65 date or to disapprove and annul a rule are subsequently held  
66 unconstitutional, then the grant of rulemaking authority and  
67 any rule proposed or adopted after August 28, 2002, shall be  
68 invalid and void.

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

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

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

14 (3) Religious belief or practice;

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

18 (5) Incarceration, provided all qualifications for  
19 voting are retained; **or**

20 (6) Certified participation in the address  
21 confidentiality program established under sections 589.660  
22 to 589.681 because of safety concerns[; or

23 (7) For an election that occurs during the year 2020,  
24 the voter has contracted or is in an at-risk category for  
25 contracting or transmitting severe acute respiratory  
26 syndrome coronavirus 2. This subdivision shall expire on  
27 December 31, 2020].

28 2. Any covered voter who is eligible to register and  
29 vote in this state may vote in any election for federal  
30 office, statewide office, state legislative office, or  
31 statewide ballot initiatives by submitting a federal  
32 postcard application to apply to vote by absentee ballot or

33 by submitting a federal postcard application at the polling  
34 place even though the person is not registered. A federal  
35 postcard application submitted by a covered voter pursuant  
36 to this subsection shall also serve as a voter registration  
37 application under section 115.908 and the election authority  
38 shall, if satisfied that the applicant is entitled to  
39 register, place the voter's name on the voter registration  
40 file. Each covered voter may vote by absentee ballot or,  
41 upon submitting an affidavit that the person is qualified to  
42 vote in the election, may vote at the person's polling place.

43 3. Any interstate former resident may vote by absentee  
44 ballot for presidential and vice presidential electors.

45 4. Any intrastate new resident may vote by absentee  
46 ballot at the election for presidential and vice  
47 presidential electors, United States senator, representative  
48 in Congress, statewide elected officials and statewide  
49 questions, propositions and amendments from such resident's  
50 new jurisdiction of residence after registering to vote in  
51 such resident's new jurisdiction of residence.

52 5. Any new resident may vote by absentee ballot for  
53 presidential and vice presidential electors after  
54 registering to vote in such resident's new jurisdiction of  
55 residence.

56 [6. For purposes of this section, the voters who are  
57 in an at-risk category for contracting or transmitting  
58 severe acute respiratory syndrome coronavirus 2 are voters  
59 who:

60 (1) Are sixty-five years of age or older;

61 (2) Live in a long-term care facility licensed under  
62 chapter 198;

63 (3) Have chronic lung disease or moderate to severe  
64 asthma;

- 65 (4) Have serious heart conditions;  
66 (5) Are immunocompromised;  
67 (6) Have diabetes;  
68 (7) Have chronic kidney disease and are undergoing  
69 dialysis; or  
70 (8) Have liver disease.]

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



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

28           State of Missouri

29           County (City) of \_\_\_\_\_

30           I, \_\_\_\_\_ (print name), a registered voter of  
31 \_\_\_\_\_ County (City of St. Louis, Kansas City),  
32 declare under the penalties of perjury that I  
33 expect to be prevented from going to the polls on  
34 election day due to (check one):

35           \_\_\_\_\_ absence on election day from the  
36 jurisdiction of the election authority in  
37 which I am registered;

38           \_\_\_\_\_ incapacity or confinement due to illness  
39 or physical disability, including caring  
40 for a person who is incapacitated or  
41 confined due to illness or disability;

42           \_\_\_\_\_ religious belief or practice;

43           \_\_\_\_\_ employment as an election authority or by  
44 an election authority at a location other  
45 than my polling place;

46           \_\_\_\_\_ incarceration, although I have retained  
47 all the necessary qualifications for  
48 voting;

49           \_\_\_\_\_ certified participation in the address  
50 confidentiality program established under  
51 sections 589.660 to 589.681 because of  
52 safety concerns.

53           I hereby state under penalties of perjury that I am  
54 qualified to vote at this election; I have not  
55 voted and will not vote other than by this ballot  
56 at this election. I further state that I marked the  
57 enclosed ballot in secret or that I am blind,  
58 unable to read or write English, or physically  
59 incapable of marking the ballot, and the person of  
60 my choosing indicated below marked the ballot at my  
61

62 direction; all of the information on this statement  
63 is, to the best of my knowledge and belief, true.

64 \_\_\_\_\_

65 Signature of Voter Signature of Person

66 Assisting Voter

67 (if applicable)

68 Signed \_\_\_\_\_ Subscribed and sworn

69 Signed \_\_\_\_\_ to before me this

70 Address of Voter \_\_\_\_\_ day of \_\_\_\_\_,

71 \_\_\_\_\_

72 \_\_\_\_\_

73 \_\_\_\_\_

74 Mailing addresses Signature of notary or

75 (if different) other officer

76 authorized to

77 administer oaths

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

82 State of Missouri

83 County (City) of \_\_\_\_\_

84 I, \_\_\_\_\_ (print name), declare under the penalties  
85 of perjury that I am a citizen of the United States  
86 and eighteen years of age or older. I am not  
87 adjudged incapacitated by any court of law, and if  
88 I have been convicted of a felony or of a  
89 misdemeanor connected with the right of suffrage, I  
90 have had the voting disabilities resulting from  
91 such conviction removed pursuant to law. I hereby

92  
93

state under penalties of perjury that I am qualified to vote at this election.

94 I am (check one):

95 \_\_\_\_\_ a resident of the state of Missouri and a  
96 registered voter in \_\_\_\_\_ County and  
97 moved from that county to \_\_\_\_\_ County,  
98 Missouri, after the last day to register  
99 to vote in this election.

100 \_\_\_\_\_ an interstate former resident of Missouri  
101 and authorized to vote for presidential  
102 and vice presidential electors.

103 I further state under penalties of perjury that I  
104 have not voted and will not vote other than by this  
105 ballot at this election; I marked the enclosed  
106 ballot in secret or am blind, unable to read or  
107 write English, or physically incapable of marking  
108 the ballot, and the person of my choosing indicated  
109 below marked the ballot at my direction; all of the  
110 information on this statement is, to the best of my  
111 knowledge and belief, true.

112 \_\_\_\_\_ Subscribed to and  
113 Signature of Voter sworn before me this  
114 \_\_\_\_\_ day of  
115 \_\_\_\_\_, \_\_\_\_\_

116 \_\_\_\_\_  
117 \_\_\_\_\_  
118 Address of Voter Signature of notary or  
119 other officer  
120 authorized to  
121 administer oaths

122 \_\_\_\_\_  
123 Mailing Address (if \_\_\_\_\_  
124 different) \_\_\_\_\_  
125 \_\_\_\_\_

126 \_\_\_\_\_  
 127 Signature of Person Address of Last  
 128 Assisting Voter Missouri Residence  
 129 (if applicable)

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

134 State of Missouri  
 135 County (City) of \_\_\_\_\_

136 I, \_\_\_\_\_ (print name), declare under the penalties  
 137 of perjury that I expect to be prevented from going  
 138 to the polls on election day due to (check one):

139 \_\_\_\_\_  
 140 absence on election day from the  
 141 jurisdiction of the election authority in  
 142 which I am directed to vote;

143 \_\_\_\_\_  
 144 incapacity or confinement due to illness  
 145 or physical disability, including caring  
 146 for a person who is incapacitated or  
 confined due to illness or disability;

147 \_\_\_\_\_  
 religious belief or practice;

148 \_\_\_\_\_  
 149 employment as an election authority or by  
 150 an election authority at a location other  
 than my polling place;

151 \_\_\_\_\_  
 152 incarceration, although I have retained  
 153 all the necessary qualifications of  
 voting;

154 \_\_\_\_\_  
 155 certified participation in the address  
 156 confidentiality program established under  
 157 sections 589.660 to 589.681 because of  
 safety concerns.

158 I hereby state under penalties of perjury that I  
 159 own property in the \_\_\_\_\_ district and am

160 qualified to vote at this election; I have not  
 161 voted and will not vote other than by this ballot  
 162 at this election. I further state that I marked the  
 163 enclosed ballot in secret or that I am blind,  
 164 unable to read and write English, or physically  
 165 incapable of marking the ballot, and the person of  
 166 my choosing indicated below marked the ballot at my  
 167 direction; all of the information on this statement  
 168 is, to the best of my knowledge and belief, true.

169 \_\_\_\_\_  
 170 Subscribed and sworn  
 171 Signature of Voter to before me this  
 172 \_\_\_\_\_ day of  
 173 \_\_\_\_\_, \_\_\_\_\_

174 \_\_\_\_\_  
 175 \_\_\_\_\_  
 176 Address Signature of notary or  
 177 other officer  
 178 authorized to  
 179 administer oaths

180 \_\_\_\_\_  
 181 Signature of Person  
 182 Assisting Voter  
 183 (if applicable)

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

186 The voter needed assistance in marking the ballot  
 187 and signing above, because of blindness, other  
 188 physical disability, or inability to read or to  
 189 read English. I marked the ballot enclosed in this  
 190 envelope at the voter's direction, when I was  
 191 alone with the voter, and I had no other  
 192 communication with the voter as to how he or she

193 was to vote. The voter swore or affirmed the voter  
194 affidavit above and I then signed the voter's name  
195 and completed the other voter information above.  
196 Signed under the penalties of perjury.

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

198 ASSISTING PERSON SIGN HERE

- 199 1. \_\_\_\_\_ (signature of assisting person)
- 200 2. \_\_\_\_\_ (assisting person's name printed)
- 201 3. \_\_\_\_\_ (assisting person's residence)
- 202 4. \_\_\_\_\_ (assisting person's home city or town).

203 6. [The election authority shall, for an election held  
204 during 2020, adjust the forms described in this section to  
205 account for voters voting absentee due to the reason  
206 established pursuant to subdivision (7) of subsection 1 of  
207 section 115.277.

208 [7.] Notwithstanding any other provision of this  
209 section, any covered voter as defined in section 115.902 or  
210 persons who have declared themselves to be permanently  
211 disabled pursuant to section 115.284, otherwise entitled to  
212 vote, shall not be required to obtain a notary seal or  
213 signature on his or her absentee ballot.

214 [8.] 7. Notwithstanding any other provision of this  
215 section or section 115.291 to the contrary, the  
216 subscription, signature and seal of a notary or other  
217 officer authorized to administer oaths shall not be required  
218 on any ballot, ballot envelope, or statement required by  
219 this section if the reason for the voter voting absentee is  
220 due to the reasons established pursuant to subdivision (2)  
221 [or (7)] of subsection 1 of section 115.277.

222 [9.] 8. No notary shall charge or collect a fee for  
223 notarizing the signature on any absentee ballot or absentee  
224 voter registration.

225 [10.] 9. A notary public who charges more than the  
226 maximum fee specified or who charges or collects a fee for  
227 notarizing the signature on any absentee ballot or absentee  
228 voter registration is guilty of official misconduct.

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

11 [Notwithstanding any provision of law to the contrary, a  
12 ballot envelope used under section 115.302 shall be the same  
13 ballot envelope used for absentee ballots, provided an  
14 option shall be listed on the envelope to clearly indicate  
15 whether the voter is casting an absentee ballot or a mail-in  
16 ballot.]

115.291. 1. Upon receiving an absentee ballot by  
2 mail, the voter shall mark the ballot in secret, place the  
3 ballot in the ballot envelope, seal the envelope and fill  
4 out the statement on the ballot envelope. The affidavit of  
5 each person voting an absentee ballot shall be subscribed  
6 and sworn to before the election official receiving the  
7 ballot, a notary public or other officer authorized by law  
8 to administer oaths, unless the voter is voting absentee due  
9 to incapacity or confinement due to the provisions of

10 section 115.284, illness or physical disability, [for an  
11 election that occurs during the year 2020, the voter has  
12 contracted or is in an at-risk category for contracting or  
13 transmitting severe acute respiratory syndrome coronavirus  
14 2, as defined in section 115.277,] or the voter is a covered  
15 voter as defined in section 115.902. If the voter is blind,  
16 unable to read or write the English language, or physically  
17 incapable of voting the ballot, the voter may be assisted by  
18 a person of the voter's own choosing. Any person assisting  
19 a voter who is not entitled to such assistance, and any  
20 person who assists a voter and in any manner coerces or  
21 initiates a request or a suggestion that the voter vote for  
22 or against or refrain from voting on any question, ticket or  
23 candidate, shall be guilty of a class one election offense.  
24 If, upon counting, challenge or election contest, it is  
25 ascertained that any absentee ballot was voted with unlawful  
26 assistance, the ballot shall be rejected. [For purposes of  
27 this subsection, the voters who are in an at-risk category  
28 for contracting or transmitting severe acute respiratory  
29 syndrome coronavirus 2 are voters who:

- 30 (1) Sixty-five years of age or older;
- 31 (2) Live in a long-term care facility licensed under  
32 chapter 198;
- 33 (3) Have chronic lung disease or moderate to severe  
34 asthma;
- 35 (4) Have serious heart conditions;
- 36 (5) Are immunocompromised;
- 37 (6) Have diabetes;
- 38 (7) Have chronic kidney disease and are undergoing  
39 dialysis; or
- 40 (8) Have liver disease.]



41           2. Except as provided in subsection 4 of this section,  
42 each absentee ballot that is not cast by the voter in person  
43 in the office of the election authority shall be returned to  
44 the election authority in the ballot envelope and shall only  
45 be returned by the voter in person, or in person by a  
46 relative of the voter who is within the second degree of  
47 consanguinity or affinity, by mail or registered carrier or  
48 by a team of deputy election authorities; except that  
49 covered voters, when sent from a location determined by the  
50 secretary of state to be inaccessible on election day, shall  
51 be allowed to return their absentee ballots cast by use of  
52 facsimile transmission or under a program approved by the  
53 Department of Defense for electronic transmission of  
54 election materials.

55           3. In cases of an emergency declared by the President  
56 of the United States or the governor of this state where the  
57 conduct of an election may be affected, the secretary of  
58 state may provide for the delivery and return of absentee  
59 ballots by use of a facsimile transmission device or  
60 system. Any rule promulgated pursuant to this subsection  
61 shall apply to a class or classes of voters as provided for  
62 by the secretary of state.

63           4. No election authority shall refuse to accept and  
64 process any otherwise valid marked absentee ballot submitted  
65 in any manner by a covered voter solely on the basis of  
66 restrictions on envelope type.

115.427. 1. Persons seeking to vote in a public  
2 election shall establish their identity and eligibility to  
3 vote at the polling place, **or, if voting absentee in person,**  
4 **at the office of the election authority,** by presenting a  
5 form of personal identification to election officials. No  
6 form of personal identification other than the forms listed

7 in this section shall be accepted to establish a voter's  
8 qualifications to vote. Forms of personal identification  
9 that satisfy the requirements of this section are any one of  
10 the following:

11 (1) Nonexpired Missouri driver's license;

12 (2) Nonexpired or nonexpiring Missouri nondriver's  
13 license;

14 (3) A document that satisfies all of the following  
15 requirements:

16 (a) The document contains the name of the individual  
17 to whom the document was issued, and the name substantially  
18 conforms to the most recent signature in the individual's  
19 voter registration record;

20 (b) The document shows a photograph of the individual;

21 (c) The document includes an expiration date, and the  
22 document is not expired, or, if expired, the document  
23 expired after the date of the most recent general election;  
24 and

25 (d) The document was issued by the United States or  
26 the state of Missouri; or

27 (4) Any identification containing a photograph of the  
28 individual which is issued by the Missouri National Guard,  
29 the United States Armed Forces, or the United States  
30 Department of Veteran Affairs to a member or former member  
31 of the Missouri National Guard or the United States Armed  
32 Forces and that is not expired or does not have an  
33 expiration date.

34 2. (1) An individual who appears at a polling place  
35 without a form of personal identification described in  
36 subsection 1 of this section and who is otherwise qualified  
37 to vote at that polling place [may execute a statement,  
38 under penalty of perjury, averring that the individual is

39 the person listed in the precinct register; averring that  
40 the individual does not possess a form of personal  
41 identification described in subsection 1 of this section;  
42 acknowledging that the individual is eligible to receive a  
43 Missouri nondriver's license free of charge if desiring it  
44 in order to vote; and acknowledging that the individual is  
45 required to present a form of personal identification, as  
46 described in subsection 1 of this section, in order to  
47 vote. Such statement shall be executed and sworn to before  
48 the election official receiving the statement. Upon  
49 executing such statement, the individual may cast a regular  
50 ballot, provided such individual presents one of the  
51 following forms of identification:

52 (a) Identification issued by the state of Missouri, an  
53 agency of the state, or a local election authority of the  
54 state;

55 (b) Identification issued by the United States  
56 government or agency thereof;

57 (c) Identification issued by an institution of higher  
58 education, including a university, college, vocational and  
59 technical school, located within the state of Missouri;

60 (d) A copy of a current utility bill, bank statement,  
61 government check, paycheck, or other government document  
62 that contains the name and address of the individual;

63 (e) Other identification approved by the secretary of  
64 state under rules promulgated pursuant to this section.

65 (2) For any individual who appears at a polling place  
66 without a form of personal identification described in  
67 subsection 1 of this section and who is otherwise qualified  
68 to vote at that polling place, the election authority may  
69 take a picture of such individual and keep it as part of

70 that individual's voter registration file at the election  
71 authority.

72 (3) Any individual who chooses not to execute the  
73 statement described in subdivision (1) of this subsection  
74 may cast a provisional ballot. Such provisional ballot  
75 shall be counted, provided that it meets the requirements of  
76 subsection 4 of this section.

77 (4) For the purposes of this section, the term  
78 "election official" shall include any person working under  
79 the authority of the election authority.

80 3. The statement to be used for voting under  
81 subdivision (1) of subsection 2 of this section shall be  
82 substantially in the following form:

83 "State of \_\_\_\_\_

84 County of \_\_\_\_\_

85 I do solemnly swear (or affirm) that my name is  
86 \_\_\_\_\_; that I reside at \_\_\_\_\_; that I am the  
87 person listed in the precinct register under this  
88 name and at this address; and that, under penalty  
89 of perjury, I do not possess a form of personal  
90 identification approved for voting. As a person  
91 who does not possess a form of personal  
92 identification approved for voting, I acknowledge  
93 that I am eligible to receive free of charge a  
94 Missouri nondriver's license at any fee office if  
95 desiring it in order to vote. I furthermore  
96 acknowledge that I am required to present a form  
97 of personal identification, as prescribed by law,  
98 in order to vote.

99 I understand that knowingly providing false  
100 information is a violation of law and subjects me  
101 to possible criminal prosecution.

102 \_\_\_\_\_

103 Signature of voter

104 Subscribed and affirmed before me this \_\_\_\_\_ day  
105 of \_\_\_\_\_, 20\_\_\_\_\_  
106 \_\_\_\_\_  
107 Signature of election official"

108 4. A voter] shall be allowed to cast a provisional  
109 ballot [under section 115.430 even if the election judges  
110 cannot establish the voter's identity under this section]  
111 pursuant to this subsection. The election judges shall make  
112 a notation on the provisional ballot envelope to indicate  
113 that the voter's identity was not verified.

114 (2) No person described in subdivision (1) of this  
115 subsection shall be entitled to receive a provisional ballot  
116 until such person has completed a provisional ballot  
117 affidavit on the provisional ballot envelope described in  
118 subdivision (3) of this subsection. All provisional ballots  
119 cast pursuant to this subsection shall be marked with a  
120 conspicuous stamp or mark that makes them distinguishable  
121 from other ballots.

122 (3) (a) The provisional ballot envelope shall be  
123 completed by the voter for use in determining the voter's  
124 eligibility to cast a ballot.

125 (b) The provisional ballot envelope shall provide a  
126 place for the voter's name, address, date of birth, and last  
127 four digits of his or her Social Security number, followed  
128 by a certificate in substantially the following form:

129 "I do solemnly swear that I am the person  
130 identified above and the information provided is  
131 correct. I understand that my vote will not be  
132 counted unless:

133 (1) I return to this polling place today between  
134 6:00 a.m. and 7:00 p.m. and provide one of the  
135 following forms of identification:

136 (a) Nonexpired Missouri driver's license;

137 (b) Nonexpired or nonexpiring Missouri nondriver's  
138 license;

139 (c) A document that satisfies all of the following  
140 requirements:

141 a. The document contains my name, in substantially  
142 the same form as the most recent signature on my  
143 voter registration record;

144 b. The document contains my photograph;

145 c. The document contains an expiration date and  
146 the document is not expired, or if expired, the  
147 document expired after the date of the most recent  
148 general election; and

149 d. The document was issued by the United States or  
150 the state of Missouri; or

151 (d) Identification containing my photograph issued  
152 to me by the Missouri National Guard, the United  
153 States Armed Forces, or the United States  
154 Department of Veteran Affairs as a member or former  
155 member of the Missouri National Guard or the United  
156 States Armed Forces and that is not expired or does  
157 not have an expiration date; or

158 (2) The election authority verifies my identity by  
159 comparing my signature on this envelope to the  
160 signature on file with the election authority and  
161 determines that I was eligible to cast a ballot at  
162 this polling place; and

163 (3) This provisional ballot otherwise qualifies to  
164 be counted under the laws of the state of Missouri.

165 \_\_\_\_\_  
166  
167 Signature of Voter Date  
168 \_\_\_\_\_

169

**Signatures of Elections Officials"**

170 **Once voted, the provisional ballot shall be sealed in the**  
171 **provisional ballot envelope and deposited in the ballot box.**

172 3. The provisional ballot cast by such voter shall not  
173 be counted unless:

174 (1) (a) The voter returns to the polling place during  
175 the uniform polling hours established by section 115.407 and  
176 provides a form of personal identification that allows the  
177 election judges to verify the voter's identity as provided  
178 in subsection 1 of this section; or

179 (b) The election authority verifies the identity of  
180 the individual by comparing that individual's signature to  
181 the signature on file with the election authority and  
182 determines that the individual was eligible to cast a ballot  
183 at the polling place where the ballot was cast; and

184 (2) The provisional ballot otherwise qualifies to be  
185 counted under section 115.430.

186 [5. The secretary of state shall provide advance  
187 notice of the personal identification requirements of  
188 subsection 1 of this section in a manner calculated to  
189 inform the public generally of the requirement for forms of  
190 personal identification as provided in this section. Such  
191 advance notice shall include, at a minimum, the use of  
192 advertisements and public service announcements in print,  
193 broadcast television, radio, and cable television media, as  
194 well as the posting of information on the opening pages of  
195 the official state internet websites of the secretary of  
196 state and governor.

197 [6.] 4. (1) Notwithstanding the provisions of section  
198 136.055 and section 302.181 to the contrary, the state and

199 all fee offices shall provide one nondriver's license at no  
200 cost to any otherwise qualified voter who does not already  
201 possess such identification and who desires the  
202 identification [in order to vote] **for voting**.

203 (2) This state and its agencies shall provide one copy  
204 of each of the following, free of charge, if needed by an  
205 individual seeking to obtain a form of personal  
206 identification described in subsection 1 of this section [in  
207 order to vote] **for voting**:

- 208 (a) A birth certificate;
- 209 (b) A marriage license or certificate;
- 210 (c) A divorce decree;
- 211 (d) A certificate of decree of adoption;
- 212 (e) A court order changing the person's name;
- 213 (f) A Social Security card reflecting an updated name;

214 and

215 (g) Naturalization papers or other documents from the  
216 United States Department of State proving citizenship.

217 Any individual seeking one of the above documents in order  
218 to obtain a form of personal identification described in  
219 subsection 1 of this section [in order to vote] **for voting**  
220 may request the secretary of state to facilitate the  
221 acquisition of such documents. The secretary of state shall  
222 pay any fee or fees charged by another state or its  
223 agencies, or any court of competent jurisdiction in this  
224 state or any other state, or the federal government or its  
225 agencies, in order to obtain any of the above documents from  
226 such state or the federal government.

227 (3) [All costs associated with the implementation of  
228 this section shall be reimbursed from the general revenue of  
229 this state by an appropriation for that purpose. If there



230 is not a sufficient appropriation of state funds, then the  
231 personal identification requirements of subsection 1 of this  
232 section shall not be enforced.

233 (4) Any applicant who requests a nondriver's license  
234 for [the purpose of] voting shall not be required to pay a  
235 fee [if the applicant executes a statement, under penalty of  
236 perjury, averring that the applicant does not have any other  
237 form of personal identification that meets the requirements  
238 of this section]. The state of Missouri shall pay the  
239 legally required fees for any such applicant. [The director  
240 of the department of revenue shall design a statement to be  
241 used for this purpose. The total cost associated with  
242 nondriver's license photo identification under this  
243 subsection shall be borne by the state of Missouri from  
244 funds appropriated to the department of revenue for that  
245 specific purpose.] The department of revenue and a local  
246 election authority may enter into a contract that allows the  
247 local election authority to assist the department in issuing  
248 nondriver's license photo identifications.

249 [7.] 5. The director of the department of revenue  
250 shall, by January first of each year, prepare and deliver to  
251 each member of the general assembly a report documenting the  
252 number of individuals who have requested and received a  
253 nondriver's license photo identification for the purposes of  
254 voting under this section. The report shall also include  
255 the number of persons requesting a nondriver's license for  
256 purposes of voting under this section, but not receiving  
257 such license, and the reason for the denial of the  
258 nondriver's license.

259 [8.] 6. The precinct register shall serve as the voter  
260 identification certificate. The following form shall be  
261 printed at the top of each page of the precinct register:

## 262 VOTER'S IDENTIFICATION CERTIFICATE

263 Warning: It is against the law for anyone to vote,  
 264 or attempt to vote, without having a lawful right  
 265 to vote.

266 PRECINCT

267 WARD OR TOWNSHIP \_\_\_\_\_

268 GENERAL (SPECIAL, PRIMARY) ELECTION

269 Held \_\_\_\_\_, 20\_\_\_\_\_

270 Date

271 I hereby certify that I am qualified to vote at  
 272 this election by signing my name and verifying my  
 273 address by signing my initials next to my address.

274 **[9.] 7.** The secretary of state shall promulgate rules  
 275 to effectuate the provisions of this section.

276 **[10.] 8.** Any rule or portion of a rule, as that term  
 277 is defined in section 536.010, that is created under the  
 278 authority delegated in this section shall become effective  
 279 only if it complies with and is subject to all of the  
 280 provisions of chapter 536 and, if applicable, section  
 281 536.028. This section and chapter 536 are nonseverable and  
 282 if any of the powers vested with the general assembly  
 283 pursuant to chapter 536 to review, to delay the effective  
 284 date or to disapprove and annul a rule are subsequently held  
 285 unconstitutional, then the grant of rulemaking authority and  
 286 any rule proposed or adopted after August 28, 2002, shall be  
 287 invalid and void.

288 **[11.] 9.** If any voter is unable to sign his name at  
 289 the appropriate place on the certificate or computer  
 290 printout, an election judge shall print the name and address  
 291 of the voter in the appropriate place on the precinct  
 292 register, the voter shall make his mark in lieu of

293 signature, and the voter's mark shall be witnessed by the  
294 signature of an election judge.

295 [12. This section shall become effective only upon the  
296 passage and approval by the voters of a constitutional  
297 amendment submitted to them by the general assembly  
298 regarding the authorization of photo identification  
299 requirements for elections by general law. If such  
300 constitutional amendment is approved by the voters, this  
301 section shall become effective June 1, 2017.]

2 [115.302. 1. Any registered voter of this  
3 state may cast a mail-in ballot as provided in  
4 this section. Nothing in this section shall  
5 prevent a voter from casting an absentee ballot,  
6 provided such person has not cast a ballot  
7 pursuant to this section. Application for a  
8 mail-in ballot may be made by the applicant in  
9 person, or by United States mail, or on behalf  
10 of the applicant by his or her guardian or  
11 relative within the second degree of  
12 consanguinity or affinity.

13 2. Each application for a mail-in ballot  
14 shall be made to the election authority of the  
15 jurisdiction in which the person is registered.  
16 Each application shall be in writing and shall  
17 state the applicant's name, address at which he  
18 or she is registered, the address to which the  
19 ballot is to be mailed.

20 3. All applications for mail-in ballots  
21 received prior to the sixth Tuesday before an  
22 election shall be stored at the office of the  
23 election authority until such time as the  
24 applications are processed under section  
25 115.281. No application for a mail-in ballot  
26 received in the office of the election authority  
27 after 5:00 p.m. on the second Wednesday  
28 immediately prior to the election shall be  
29 accepted by any election authority.

30 4. Each application for a mail-in ballot  
31 shall be signed by the applicant or, if the  
32 application is made by a guardian or relative  
33 under this section, the application shall be  
34 signed by the guardian or relative, who shall  
35 note on the application his or her relationship  
36 to the applicant. If an applicant, guardian, or  
37 relative is blind, unable to read or write the  
38 English language, or physically incapable of  
39 signing the application, he or she shall sign by  
40 mark that is witnessed by the signature of an  
41 election official or person of his or her  
choice. Knowingly making, delivering, or

42 mailing a fraudulent mail-in-ballot application  
43 is a class one election offense.

44 5. Not later than the sixth Tuesday prior  
45 to each election, or within fourteen days after  
46 candidate names or questions are certified under  
47 section 115.125, the election authority shall  
48 cause to have printed and made available a  
49 sufficient quantity of ballots, ballot  
50 envelopes, and mailing envelopes. As soon as  
51 possible after a proper official calls a special  
52 state or county election, the election authority  
53 shall cause to have printed and made available a  
54 sufficient quantity of mail-in ballots, ballot  
55 envelopes, and mailing envelopes.

56 6. Each ballot envelope shall bear a  
57 statement in substantially the same form  
58 described in subsection 9 of this section. In  
59 addition, any person providing assistance to the  
60 mail-in voter shall include a signature on the  
61 envelope identifying the person providing such  
62 assistance under penalties of perjury. Persons  
63 authorized to vote only for federal and  
64 statewide offices shall also state their former  
65 Missouri residence.

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

69 State of Missouri

70 County (City) of \_\_\_\_\_

71 I, \_\_\_\_\_ (print name), a registered  
72 voter of \_\_\_\_\_ County (City of St.  
73 Louis, Kansas City), declare under the  
74 penalties of perjury that: I am qualified  
75 to vote at this election; I have not voted  
76 and will not vote other than by this ballot  
77 at this election. I further state that I  
78 marked the enclosed ballot in secret or that  
79 I am blind, unable to read or write English,  
80 or physically incapable of marking the  
81 ballot, and the person of my choosing  
82 indicated below marked the ballot at my  
83 direction; all of the information on this  
84 statement is, to the best of my knowledge  
and belief, true.

85 \_\_\_\_\_

86 Signature of Voter Signature of Person

87 Assisting Voter

88 (if applicable)

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

91

Signature of notary or other officer  
authorized to administer oaths.

92

93

94

Mailing addresses

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(if different)

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8. Upon receipt of a signed application for a mail-in ballot and if satisfied that the applicant is entitled to vote by mail-in ballot, the election authority shall, within three working days after receiving the application, or, if mail-in ballots are not available at the time the application is received, within five working days after such ballots become available, deliver to the voter a mail-in ballot, ballot envelope and such instructions as are necessary for the applicant to vote. If the election authority is not satisfied that any applicant is entitled to vote by mail-in ballot, the authority shall not deliver a mail-in ballot to the applicant. Within three working days of receiving such an application, the election authority shall notify the applicant and state the reason he or she is not entitled to vote by mail-in ballot. The applicant may file a complaint with the elections division of the secretary of state's office under section 115.219.

9. On the mailing and ballot envelopes for each covered voter, the election authority shall stamp the words "ELECTION BALLOT, STATE OF MISSOURI" and "U.S. Postage Paid, 39 U.S.C. Section 3406".

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

11. Upon receiving a mail-in ballot by mail, the voter shall mark the ballot in secret, place the ballot in the ballot envelope, seal the envelope and fill out the statement on the ballot envelope. The statement required under subsection 7 of this section shall be subscribed and sworn to before 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 who assists a voter and in any manner

141 coerces or initiates a request or suggestion  
142 that the voter vote for or against, or refrain  
143 from voting on, any question or candidate, shall  
144 be guilty of a class one election offense. If,  
145 upon counting, challenge, or election contest,  
146 it is ascertained that any mail-in ballot was  
147 voted with unlawful assistance, the ballot shall  
148 be rejected.

149 12. Each mail-in ballot shall be returned  
150 to the election authority in the ballot envelope  
151 and shall only be returned by the voter by  
152 United States mail.

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

166 14. All votes on each mail-in ballot  
167 received by an election authority at or before  
168 the time fixed by law for the closing of the  
169 polls on election day shall be counted. No  
170 votes on any mail-in ballot received by an  
171 election authority after the time fixed by law  
172 for the closing of the polls on election day  
173 shall be counted.

174 15. If sufficient evidence is shown to an  
175 election authority that any mail-in voter has  
176 died prior to the opening of the polls on  
177 election day, the ballot of the deceased voter  
178 shall be rejected if it is still sealed in the  
179 ballot envelope. Any such rejected ballot,  
180 still sealed in its ballot envelope, shall be  
181 sealed with the application and any other papers  
182 connected therewith in an envelope marked  
183 "Rejected ballot of \_\_\_\_\_,  
184 of \_\_\_\_\_ voting district". The reason for  
185 rejection shall be noted on the envelope, which  
186 shall be kept by the election authority with the  
187 other ballots from the election until the  
188 ballots are destroyed according to law.

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

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

196           18. Mail-in ballots shall be counted using  
197 the procedures set out in sections 115.297,  
198 115.299, 115.300, and 115.303.

199           19. The false execution of a mail-in  
200 ballot is a class one election offense. The  
201 attorney general or any prosecuting or circuit  
202 attorney shall have the authority to prosecute  
203 such offense either in the county of residence  
204 of the person or in the circuit court of Cole  
205 County.

206           20. The provisions of this section shall  
207 apply only to an election that occurs during the  
208 year 2020, to avoid the risk of contracting or  
209 transmitting severe acute respiratory syndrome  
210 coronavirus 2.

211           21. The provisions of this section  
212 terminate and shall be repealed on December 31,  
213 2020, and shall not apply to any election  
214 conducted after that date.]

✓