

SECOND REGULAR SESSION

HOUSE BILL NO. 2044

101ST GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVE GUNBY.

3907H.011

DANA RADEMAN MILLER, 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.

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Section A. Sections 115.277, 115.279, and 115.283, RSMo, are repealed and three new sections enacted in lieu thereof, to be known as sections 115.277, 115.279, and 115.283, to read as follows: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; or~~

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

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

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

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

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

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

- 40 ~~(1) Are sixty five years of age or older;~~
41 ~~(2) Live in a long term care facility licensed under chapter 198;~~
42 ~~(3) Have chronic lung disease or moderate to severe asthma;~~
43 ~~(4) Have serious heart conditions;~~
44 ~~(5) Are immunocompromised;~~
45 ~~(6) Have diabetes;~~
46 ~~(7) Have chronic kidney disease and are undergoing dialysis; or~~
47 ~~(8) Have liver disease.]~~

115.279. 1. Application for an absentee ballot may be made by the applicant in
2 person, or by mail, or for the applicant, in person, by his or her guardian or a relative within
3 the second degree by consanguinity or affinity. The election authority shall accept
4 applications by facsimile transmission and by electronic mail within the limits of its
5 telecommunications capacity.

6 2. Each application shall be made to the election authority of the jurisdiction in which
7 the person is or would be registered. Each application shall be in writing and shall state the
8 applicant's name, address at which he or she is or would be registered, ~~[his or her reason for~~
9 ~~voting an absentee ballot]~~ **whether the applicant is incapacitated or confined due to illness**
10 **or physical disability or is a person who is primarily responsible for the physical care of**
11 **a person who is incapacitated or confined due to illness or physical disability**, the address
12 to which the ballot is to be mailed, if mailing is requested, and for absent uniformed services
13 and overseas applicants, the applicant's email address if electronic transmission is requested.
14 If the ~~[reason for the applicant voting absentee is due to the reasons established under~~
15 ~~subdivision (6) of subsection 1 of section 115.277]~~ **applicant is a certified participant in the**
16 **address confidentiality program established under sections 589.660 to 589.681**, the
17 applicant shall state the voter's identification information provided by the address
18 confidentiality program in lieu of the applicant's name, address at which he or she is or
19 would be registered, and address to which the ballot is to be mailed, if mailing is requested.
20 Each application to vote in a primary election shall also state which ballot the applicant
21 wishes to receive. If any application fails to designate a ballot, the election authority shall,
22 within three working days after receiving the application, notify the applicant by mail that it
23 will be unable to deliver an absentee ballot until the applicant designates which political party
24 ballot he or she wishes to receive. If the applicant does not respond to the request for political
25 party designation, the election authority is authorized to provide the voter with that part of the
26 ballot for which no political party designation is required.

27 3. ~~[Except as provided in subsection 3 of section 115.281,]~~ All applications for
28 absentee ballots received prior to the sixth Tuesday before an election shall be stored at the
29 office of the election authority until such time as the applications are processed in accordance
30 with section 115.281. No application for an absentee ballot received in the office of the
31 election authority by mail, by facsimile transmission, by electronic mail, or by a guardian or
32 relative after 5:00 p.m. on the second Wednesday immediately prior to the election shall be
33 accepted by any election authority. No application for an absentee ballot submitted by the
34 applicant in person after 5:00 p.m. on the day before the election shall be accepted by any
35 election authority, except as provided in subsections 6, 8 and 9 of this section.

36 4. Each application for an absentee ballot shall be signed by the applicant or, if the
37 application is made by a guardian or relative pursuant to this section, the application shall be
38 signed by the guardian or relative, who shall note on the application his or her relationship to
39 the applicant. If an applicant, guardian or relative is blind, unable to read or write the English
40 language or physically incapable of signing the application, he or she shall sign by mark,
41 witnessed by the signature of an election official or person of his or her own choosing. Any

42 person who knowingly makes, delivers or mails a fraudulent absentee ballot application shall
43 be guilty of a class one election offense.

44 5. (1) Notwithstanding any law to the contrary, any resident of the state of Missouri
45 who resides outside the boundaries of the United States or who is on active duty with the
46 Armed Forces of the United States or members of their immediate family living with them
47 may request an absentee ballot for both the primary and subsequent general election with one
48 application.

49 (2) The election authority shall provide each absent uniformed services voter and
50 each overseas voter who submits a voter registration application or an absentee ballot request,
51 if the election authority rejects the application or request, with the reasons for the rejection.

52 (3) Notwithstanding any other law to the contrary, if a standard oath regarding
53 material misstatements of fact is adopted for uniformed and overseas voters pursuant to the
54 Help America Vote Act of 2002, the election authority shall accept such oath for voter
55 registration, absentee ballot, or other election-related materials.

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

65 (5) As used in this section, the terms "absent uniformed services voter" and "overseas
66 voter" shall have the meaning prescribed in 52 U.S.C. Section 20310.

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

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 _____ (residence address) in
77	_____ (town, township, village or city) of _____ County in the state of _____;

78 (2) I moved to this state after the last day to register to vote in such general
79 presidential election and I am now residing in the county of _____, state of
80 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
94 official of the state in which the new resident applicant last resided and shall file the original
95 of such application in its office.

96 8. An application for an absentee ballot by an intrastate new resident shall be made in
97 person by the applicant in the office of the election authority in the election jurisdiction in
98 which such applicant resides. The application shall be received by the election authority no
99 later than 7:00 p.m. on the day of the election. Such application shall be in the form of an
100 affidavit, executed in duplicate in the presence of the election authority or an authorized
101 officer of the election authority, and in substantially the following form:

102 "STATE OF _____
103 COUNTY OF _____, ss.
104 I, _____, do solemnly swear that:

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

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

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

112 (4) I hereby make application for an absentee ballot for candidates and issues on which
 113 I am entitled to vote pursuant to the laws of this state. I have not voted and shall not
 114 vote other than by this ballot at such election.
 115 Signed _____
 116 (Applicant)
 117 _____
 118 (Residence Address)
 119 Subscribed and sworn to before me this _____ day of _____, _____
 120 Signed _____
 121 (Title and name of officer authorized to administer oaths)"

122 9. An application for an absentee ballot by an interstate former resident shall be
 123 received in the office of the election authority where the applicant was formerly registered by
 124 5:00 p.m. on the second Wednesday immediately prior to the election, unless the application
 125 is made in person by the applicant in the office of the election authority, in which case such
 126 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~~] **applicant is a**
 5 **certified participant in the address confidentiality program established under sections**
 6 **589.660 to 589.681**, the voter shall state the voter's identification information provided by the
 7 address confidentiality program in lieu of the applicant's name, voting address, and mailing
 8 address. On the form, the voter shall also state under penalties of perjury that the voter is
 9 qualified to vote in the election, that the voter has not previously voted and will not vote again
 10 in the election, that the voter has personally marked the voter's ballot in secret or supervised
 11 the marking of the voter's ballot if the voter is unable to mark it, that the ballot has been
 12 placed in the ballot envelope and sealed by the voter or under the voter's supervision if the
 13 voter is unable to seal it, and that all information contained in the statement is true. In
 14 addition, any person providing assistance to the absentee voter shall include a statement on
 15 the envelope identifying the person providing assistance under penalties of perjury. Persons
 16 authorized to vote only for federal and statewide officers shall also state their former Missouri
 17 residence.

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

20 State of Missouri
 21 County (City) of _____

22 I, _____ (print name), a registered voter of _____ County (City of St. Louis, Kansas
 23 City), declare under the penalties of perjury [~~that I expect to be prevented from going to~~
 24 ~~the polls on election day due to (check one):~~]
 25 [~~_____] [absence on election day from the jurisdiction of the election authority in~~
 26 ~~which I am registered;]~~
 27 [~~_____] [incapacity or confinement due to illness or physical disability, including~~
 28 ~~earing for a person who is incapacitated or confined due to illness or~~
 29 ~~disability;]~~
 30 [~~_____] [religious belief or practice;]~~
 31 [~~_____] [employment as an election authority or by an election authority at a location~~
 32 ~~other than my polling place;]~~
 33 [~~_____] [incarceration, although I have retained all the necessary qualifications for~~
 34 ~~voting;]~~
 35 [~~_____] [certified participation in the address confidentiality program established~~
 36 ~~under sections 589.660 to 589.681 because of safety concerns;]~~
 37 [~~I hereby state under penalties of perjury]~~ that I am qualified to vote at this election; I
 38 have not voted and will not vote other than by this ballot at this election. I further state
 39 that I marked the enclosed ballot in secret or that I am blind, unable to read or write
 40 English, or physically incapable of marking the ballot, and the person of my choosing
 41 indicated below marked the ballot at my direction; all of the information on this
 42 statement is, to the best of my knowledge and belief, true.
 43 _____
 44 Signature of Voter
 45 _____
 46 Signature of Person
 47 Signed _____ Assisting Voter
 48 Signed _____ (if applicable)
 49 _____ day of _____, _____
 50 Address of Voter
 51 _____
 52 _____
 53 Mailing addresses
 54 (if different) Signature of notary or
 55 other officer
 56 authorized to
 administer oaths

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

60	State of Missouri	
61	County (City) of _____	
62	I, _____ (print name), declare under the penalties of perjury that I am a citizen of the	
63	United States and eighteen years of age or older. I am not adjudged incapacitated by any	
64	court of law, and if I have been convicted of a felony or of a misdemeanor connected	
65	with the right of suffrage, I have had the voting disabilities resulting from such	
66	conviction removed pursuant to law. I hereby state under penalties of perjury that I am	
67	qualified to vote at this election.	
68	I am (check one):	
69	_____ a resident of the state of Missouri and a registered voter in _____ County	
70	and moved from that county to _____ County, Missouri, after the last day to	
71	register to vote in this election.	
72	_____ an interstate former resident of Missouri and authorized to vote for	
73	presidential and vice presidential electors.	
74	I further state under penalties of perjury that I have not voted and will not vote other than	
75	by this ballot at this election; I marked the enclosed ballot in secret or am blind, unable	
76	to read or write English, or physically incapable of marking the ballot, and the person of	
77	my choosing indicated below marked the ballot at my direction; all of the information on	
78	this statement is, to the best of my knowledge and belief, true.	
79	_____	Subscribed to and
80	Signature of Voter	sworn before me this
81		_____ day of
82		_____, _____
83	_____	
84	_____	_____
85	Address of Voter	Signature of notary or
86		other officer
87		authorized to
88		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	State of Missouri	
100	County (City) of _____	
101	I, _____ (print name), declare under the penalties of perjury [that I expect to be	
102	prevented from going to the polls on election day due to (check one):]	
103	<input type="checkbox"/>	[absence on election day from the jurisdiction of the election authority in
104		which I am directed to vote;]
105	<input type="checkbox"/>	[incapacity or confinement due to illness or physical disability, including
106		earing for a person who is incapacitated or confined due to illness or
107		disability;]
108	<input type="checkbox"/>	[religious belief or practice;]
109	<input type="checkbox"/>	[employment as an election authority or by an election authority at a location
110		other than my polling place;]
111	<input type="checkbox"/>	[incarceration, although I have retained all the necessary qualifications of
112		voting;]
113	<input type="checkbox"/>	[certified participation in the address confidentiality program established
114		under sections 589.660 to 589.681 because of safety concerns.]
115	[I hereby state under penalties of perjury] that I own property in the _____ district and	
116	am qualified to vote at this election; I have not voted and will not vote other than by this	
117	ballot at this election. I further state that I marked the enclosed ballot in secret or that I	
118	am blind, unable to read and write English, or physically incapable of marking the ballot,	
119	and the person of my choosing indicated below marked the ballot at my direction; all of	
120	the information on this statement is, to the best of my knowledge and belief, true.	
121	_____	Subscribed and sworn
122	Signature of Voter	to before me this
123		_____ day of
124		_____, _____
125	_____	
126	_____	
127	Address	Signature of notary or
128		other officer
129		authorized to

130	administer oaths
131	_____
132	Signature of Person
133	Assisting Voter
134	(if applicable)

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

137	The voter needed assistance in marking the ballot and signing above, because of
138	blindness, other physical disability, or inability to read or to read English. I marked the
139	ballot enclosed in this envelope at the voter's direction, when I was alone with the voter,
140	and I had no other communication with the voter as to how he or she was to vote. The
141	voter swore or affirmed the voter affidavit above and I then signed the voter's name and
142	completed the other voter information above. Signed under the penalties of perjury.
143	Reason why voter needed assistance: _____
144	ASSISTING PERSON SIGN HERE
145	1. _____ (signature of assisting person)
146	2. _____ (assisting person's name printed)
147	3. _____ (assisting person's residence)
148	4. _____ (assisting person's home city or town).

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

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

156 [8-] 7. Notwithstanding any other provision of this section or section 115.291 to the
 157 contrary, the subscription, signature and seal of a notary or other officer authorized to
 158 administer oaths shall not be required on any ballot, ballot envelope, or statement required by
 159 this section if the [reason for the] voter voting absentee is [due to the reasons established
 160 pursuant to subdivision (2) or (7) of subsection 1 of section 115.277] **incapacitated or**
 161 **confined due to illness or physical disability, including a voter who is primarily**
 162 **responsible for the physical care of a person who is incapacitated or confined due to**
 163 **illness or physical disability.**

164 [9-] 8. No notary shall charge or collect a fee for notarizing the signature on any
 165 absentee ballot or absentee voter registration.

166 ~~[10.]~~ **9.** A notary public who charges more than the maximum fee specified or who
167 charges or collects a fee for notarizing the signature on any absentee ballot or absentee voter
168 registration is guilty of official misconduct.

✓