

FIRST REGULAR SESSION

SENATE BILL NO. 59

100TH GENERAL ASSEMBLY

INTRODUCED BY SENATOR ARTHUR.

Pre-filed December 1, 2018, and ordered printed.

ADRIANE D. CROUSE, Secretary.

0290S.011

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Section A. Sections 115.277, 115.279, and 115.283, RSMo, are repealed
2 and three new sections enacted in lieu thereof, to be known as sections 115.277,
3 115.279, and 115.283, to read as follows:

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

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

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

11 (3) Religious belief or practice;

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

15 (5) Incarceration, provided all qualifications for voting are retained;

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

18 2. Any covered voter[, as defined in section 115.275,] who is eligible to

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

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

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

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

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

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

6 2. Each application shall be made to the election authority of the
7 jurisdiction in which the person is or would be registered. Each application shall
8 be in writing and shall state the applicant's name, address at which he or she is
9 or would be registered, [his or her reason for voting an absentee ballot,] **whether**
10 **the applicant is incapacitated or confined due to illness or physical**
11 **disability or is a person who is primarily responsible for the physical**
12 **care of a person who is incapacitated or confined due to illness or**
13 **physical disability**, the address to which the ballot is to be mailed, if mailing
14 is requested, and for absent uniformed services and overseas applicants, the

15 applicant's email address if electronic transmission is requested. If the [reason
16 for the applicant voting absentee is due to the reasons established under
17 subdivision (6) of subsection 1 of section 115.277] **applicant is a certified**
18 **participant in the address confidentiality program established under**
19 **sections 589.660 to 589.681**, the applicant shall state the voter's identification
20 information provided by the address confidentiality program in lieu of the
21 applicant's name, address at which he or she is or would be registered, and
22 address to which the ballot is to be mailed, if mailing is requested. Each
23 application to vote in a primary election shall also state which ballot the
24 applicant wishes to receive. If any application fails to designate a ballot, the
25 election authority shall, within three working days after receiving the application,
26 notify the applicant by mail that it will be unable to deliver an absentee ballot
27 until the applicant designates which political party ballot he or she wishes to
28 receive. If the applicant does not respond to the request for political party
29 designation, the election authority is authorized to provide the voter with that
30 part of the ballot for which no political party designation is required.

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

42 4. Each application for an absentee ballot shall be signed by the applicant
43 or, if the application is made by a guardian or relative pursuant to this section,
44 the application shall be signed by the guardian or relative, who shall note on the
45 application his or her relationship to the applicant. If an applicant, guardian or
46 relative is blind, unable to read or write the English language or physically
47 incapable of signing the application, he or she shall sign by mark, witnessed by
48 the signature of an election official or person of his or her own choosing. Any
49 person who knowingly makes, delivers or mails a fraudulent absentee ballot
50 application shall be guilty of a class one election offense.

51 5. (1) Notwithstanding any law to the contrary, any resident of the state
52 of Missouri who resides outside the boundaries of the United States or who is on
53 active duty with the Armed Forces of the United States or members of their
54 immediate family living with them may request an absentee ballot for both the
55 primary and subsequent general election with one application.

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

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

65 (4) Not later than sixty days after the date of each regularly scheduled
66 general election for federal office, each election authority which administered the
67 election shall submit to the secretary of state in a format prescribed by the
68 secretary a report on the combined number of absentee ballots transmitted to,
69 and returned by, absent uniformed services voters and overseas voters for the
70 election. The secretary shall submit to the Election Assistance Commission a
71 combined report of such information not later than ninety days after the date of
72 each regularly scheduled general election for federal office and in a standardized
73 format developed by the commission pursuant to the Help America Vote Act of
74 2002. The secretary shall make the report available to the general public.

75 (5) As used in this section, the terms "absent uniformed services voter"
76 and "overseas voter" shall have the meaning prescribed in 52 U.S.C. Section
77 20310.

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

85 "STATE OF _____
86 COUNTY OF _____, ss.

87 I, _____, do solemnly swear that:

- 88 (1) Before becoming a resident of this state, I resided at _____
 89 (residence address) in _____ (town, township, village or
 90 city) of _____ County in the state of _____;
- 91 (2) I moved to this state after the last day to register to vote in
 92 such general presidential election and I am now residing in
 93 the county of _____, state of Missouri;
- 94 (3) I believe I am entitled pursuant to the laws of this state to
 95 vote in the presidential election to be held November _____,
 96 _____ (year);
- 97 (4) I hereby make application for a presidential and vice
 98 presidential ballot. I have not voted and shall not vote
 99 other than by this ballot at such election.

100 Signed _____

101 (Applicant)

102 _____

103 (Residence Address)

104 Subscribed and sworn to before me this _____ day of _____,

105 _____

106 Signed _____

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

108 7. The election authority in whose office an application is filed pursuant
 109 to subsection 6 of this section shall immediately send a duplicate of such
 110 application to the appropriate official of the state in which the new resident
 111 applicant last resided and shall file the original of such application in its office.

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

119 "STATE OF _____

120 COUNTY OF _____, ss.

121 I, _____, do solemnly swear that:

- 122 (1) Before becoming a resident of this election jurisdiction, I

123 resided at _____ (residence address) in _____ (town,
124 township, village or city) of _____ county in the state of
125 _____;

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

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

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

134 Signed _____

135 (Applicant)

136 _____

137 (Residence Address)

138 Subscribed and sworn to before me this _____ day of _____,

139 _____

140 Signed _____

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

142 9. An application for an absentee ballot by an interstate former resident
143 shall be received in the office of the election authority where the applicant was
144 formerly registered by 5:00 p.m. on the second Wednesday immediately prior to
145 the election, unless the application is made in person by the applicant in the
146 office of the election authority, in which case such application shall be made no
147 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
2 voter shall state the voter's name, the voter's voting address, **and** the voter's
3 mailing address [and the voter's reason for voting an absentee ballot]. If the
4 [reason for the voter voting absentee is due to the reasons established under
5 subdivision (6) of subsection 1 of section 115.277,] **applicant is a certified**
6 **participant in the address confidentiality program established under**
7 **sections 589.660 to 589.681** the voter shall state the voter's identification
8 information provided by the address confidentiality program in lieu of the
9 applicant's name, voting address, and mailing address. On the form, the voter
10 shall also state under penalties of perjury that the voter is qualified to vote in the
11 election, that the voter has not previously voted and will not vote again in the

12 election, that the voter has personally marked the voter's ballot in secret or
13 supervised the marking of the voter's ballot if the voter is unable to mark it, that
14 the ballot has been placed in the ballot envelope and sealed by the voter or under
15 the voter's supervision if the voter is unable to seal it, and that all information
16 contained in the statement is true. In addition, any person providing assistance
17 to the absentee voter shall include a statement on the envelope identifying the
18 person providing assistance under penalties of perjury. Persons authorized to
19 vote only for federal and statewide officers shall also state their former Missouri
20 residence.

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

23 State of Missouri

24 County (City) of _____

25 I, _____ (print name), a registered voter of _____ County (City of
26 St. Louis, Kansas City), declare under the penalties of perjury [that
27 I expect to be prevented from going to the polls on election day due
28 to (check one):

29 _____ absence on election day from the jurisdiction of the
30 election authority in which I am registered;

31 _____ incapacity or confinement due to illness or physical
32 disability, including caring for a person who is
33 incapacitated or confined due to illness or disability;

34 _____ religious belief or practice;

35 _____ employment as an election authority or by an
36 election authority at a location other than my polling
37 place;

38 _____ incarceration, although I have retained all the
39 necessary qualifications for voting;

40 _____ certified participation in the address confidentiality
41 program established under sections 589.660 to
42 589.681 because of safety concerns.

43 I hereby state under penalties of perjury] that I am qualified to
44 vote at this election; I have not voted and will not vote other than
45 by this ballot at this election. I further state that I marked the
46 enclosed ballot in secret or that I am blind, unable to read or write
47 English, or physically incapable of marking the ballot, and the

48 person of my choosing indicated below marked the ballot at my
49 direction; all of the information on this statement is, to the best of
50 my knowledge and belief, true.

51 _____

52 Signature of Voter

53 _____

54 Signature of Person

55 _____

56 Assisting Voter

57 _____

58 (if applicable)

59 Signed _____

60 Signed _____

61 Address of Voter _____ day of _____,

62 _____

63 _____

64 _____

65 _____

66 _____

67 _____

68 _____

69 _____

70 Mailing addresses

71 (if different)

72 _____

73 _____

74 _____

75 _____

76 _____

77 _____

78 _____

79 _____

80 _____

81 _____

82 _____

83 _____

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

68 State of Missouri

69 County (City) of _____

70 I, _____ (print name), declare under the penalties of perjury that

71 I am a citizen of the United States and eighteen years of age or

72 older. I am not adjudged incapacitated by any court of law, and if

73 I have been convicted of a felony or of a misdemeanor connected

74 with the right of suffrage, I have had the voting disabilities

75 resulting from such conviction removed pursuant to law. I hereby

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

77 election.

78 I am (check one):

79 _____ a resident of the state of Missouri and a registered

80 voter in _____ County and moved from that county

81 to _____ County, Missouri, after the last day to

82 register to vote in this election.

83 _____ an interstate former resident of Missouri and

84 authorized to vote for presidential and vice
85 presidential electors.

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

93 _____ Subscribed to and
94 Signature of Voter sworn before me this
95 _____ day of
96 _____, _____

97 _____
98 _____
99 Address of Voter Signature of notary or
100 other officer
101 authorized to
102 administer oaths

103 _____
104 Mailing Address (if different) _____
105 _____

106 _____
107 Signature of Person Address of Last
108 Assisting Voter Missouri Residence
109 (if applicable)

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

113 State of Missouri
114 County (City) of _____

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

118 _____ absence on election day from the jurisdiction of the
119 election authority in which I am directed to vote;

120 _____ incapacity or confinement due to illness or physical
 121 disability, including caring for a person who is
 122 incapacitated or confined due to illness or disability;
 123 _____ religious belief or practice;
 124 _____ employment as an election authority or by an
 125 election authority at a location other than my polling
 126 place;
 127 _____ incarceration, although I have retained all the
 128 necessary qualifications of voting;
 129 _____ certified participation in the address confidentiality
 130 program established under sections 589.660 to
 131 589.681 because of safety concerns.

132 I hereby state under penalties of perjury] that I own property in
 133 the _____ district and am qualified to vote at this election; I have
 134 not voted and will not vote other than by this ballot at this
 135 election. I further state that I marked the enclosed ballot in secret
 136 or that I am blind, unable to read and write English, or physically
 137 incapable of marking the ballot, and the person of my choosing
 138 indicated below marked the ballot at my direction; all of the
 139 information on this statement is, to the best of my knowledge and
 140 belief, true.

141 _____ Subscribed and sworn
 142 Signature of Voter to before me this
 143 _____ day of
 144 _____, _____

145 _____
 146 _____
 147 Address Signature of notary or
 148 other officer
 149 authorized to
 150 administer oaths

151 _____
 152 Signature of Person
 153 Assisting Voter
 154 (if applicable)

155 5. The statement for persons providing assistance to absentee voters shall

156 be in substantially the following form:

157 The voter needed assistance in marking the ballot and signing
 158 above, because of blindness, other physical disability, or inability
 159 to read or to read English. I marked the ballot enclosed in this
 160 envelope at the voter's direction, when I was alone with the voter,
 161 and I had no other communication with the voter as to how he or
 162 she was to vote. The voter swore or affirmed the voter affidavit
 163 above and I then signed the voter's name and completed the other
 164 voter information above. Signed under the penalties of perjury.

165 Reason why voter needed assistance: _____

166 ASSISTING PERSON SIGN HERE

167 1. _____ (signature of assisting person)

168 2. _____ (assisting person's name printed)

169 3. _____ (assisting person's residence)

170 4. _____ (assisting person's home city or town).

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

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

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

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

✓