

SECOND REGULAR SESSION

# HOUSE BILL NO. 1455

## 101ST GENERAL ASSEMBLY

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INTRODUCED BY REPRESENTATIVE BILLINGTON.

4000H.011

DANA RADEMAN MILLER, Chief Clerk

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### AN ACT

To repeal sections 115.279 and 115.637, RSMo, and to enact in lieu thereof two new sections relating to absentee ballot request forms, with penalty provisions.

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

Section A. Sections 115.279 and 115.637, RSMo, are repealed and two new sections  
2 enacted in lieu thereof, to be known as sections 115.279 and 115.637, to read as follows:

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, the address to which the ballot is to be mailed, if mailing is  
10 requested, and for absent uniformed services and overseas applicants, the applicant's email  
11 address if electronic transmission is requested. If the reason for the applicant voting absentee  
12 is due to the reasons established under subdivision (6) of subsection 1 of section 115.277, the  
13 applicant shall state the voter's identification information provided by the address  
14 confidentiality program in lieu of the applicant's name, address at which he or she is or  
15 would be registered, and address to which the ballot is to be mailed, if mailing is requested.  
16 Each application to vote in a primary election shall also state which ballot the applicant  
17 wishes to receive. If any application fails to designate a ballot, the election authority shall,

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.

18 within three working days after receiving the application, notify the applicant by mail that it  
19 will be unable to deliver an absentee ballot until the applicant designates which political party  
20 ballot he or she wishes to receive. If the applicant does not respond to the request for political  
21 party designation, the election authority is authorized to provide the voter with that part of the  
22 ballot for which no political party designation is required.

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

32 4. Each application for an absentee ballot shall be signed by the applicant or, if the  
33 application is made by a guardian or relative pursuant to this section, the application shall be  
34 signed by the guardian or relative, who shall note on the application his or her relationship to  
35 the applicant. If an applicant, guardian or relative is blind, unable to read or write the English  
36 language or physically incapable of signing the application, he or she shall sign by mark,  
37 witnessed by the signature of an election official or person of his or her own choosing. Any  
38 person who knowingly makes, delivers or mails a fraudulent absentee ballot application shall  
39 be guilty of a class one election offense.

40 5. (1) Notwithstanding any law to the contrary, any resident of the state of Missouri  
41 who resides outside the boundaries of the United States or who is on active duty with the  
42 Armed Forces of the United States or members of their immediate family living with them  
43 may request an absentee ballot for both the primary and subsequent general election with one  
44 application.

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

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

52 (4) Not later than sixty days after the date of each regularly scheduled general  
53 election for federal office, each election authority which administered the election shall  
54 submit to the secretary of state in a format prescribed by the secretary a report on the

55 combined number of absentee ballots transmitted to, and returned by, absent uniformed  
 56 services voters and overseas voters for the election. The secretary shall submit to the Election  
 57 Assistance Commission a combined report of such information not later than ninety days after  
 58 the date of each regularly scheduled general election for federal office and in a standardized  
 59 format developed by the commission pursuant to the Help America Vote Act of 2002. The  
 60 secretary shall make the report available to the general public.

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

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

69	"STATE OF _____
70	COUNTY OF _____, ss.
71	I, _____, do solemnly swear that:
72	(1) Before becoming a resident of this state, I resided at _____
73	(residence address) in _____ (town, township, village or city) of
74	_____ County in the state of _____;
75	(2) I moved to this state after the last day to register to vote in such
76	general presidential election and I am now residing in the county
77	of _____, state of Missouri;
78	(3) I believe I am entitled pursuant to the laws of this state to vote in
79	the presidential election to be held November _____, _____
80	(year);
81	(4) I hereby make application for a presidential and vice presidential
82	ballot. I have not voted and shall not vote other than by this ballot
83	at such election.
84	Signed _____
85	(Applicant)
86	_____
87	(Residence Address)
88	Subscribed and sworn to before me this _____ day of _____, _____
89	—
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
106	at _____ (residence address) in _____ (town, township, village
107	or city) of _____ county in the state of _____;
108	(2) I moved to this election jurisdiction after the last day to register to
109	vote in such election;
110	(3) I believe I am entitled pursuant to the laws of this state to vote in
111	the election to be held _____ (date);
112	(4) I hereby make application for an absentee ballot for candidates
113	and issues on which I am entitled to vote pursuant to the laws of
114	this state. I have not voted and shall not vote other than by this
115	ballot at such election.
116	Signed _____
117	(Applicant)
118	_____
119	(Residence Address)
120	Subscribed and sworn to before me this _____ day of _____, _____
121	—
122	Signed _____
123	(Title and name of officer authorized to administer oaths)"

124 9. An application for an absentee ballot by an interstate former resident shall be  
125 received in the office of the election authority where the applicant was formerly registered by  
126 5:00 p.m. on the second Wednesday immediately prior to the election, unless the application  
127 is made in person by the applicant in the office of the election authority, in which case such  
128 application shall be made no later than 7:00 p.m. on the day of the election.

129           **10. No individual or organization, including local election authorities and boards**  
130 **of election, shall distribute unsolicited applications for absentee ballots by mail, email,**  
131 **or any other means. Violation of the provisions of this subsection shall be a class four**  
132 **election offense.**

          115.637. The following offenses, and any others specifically so described by law,  
2 shall be class four election offenses and are deemed misdemeanors not connected with the  
3 exercise of the right of suffrage. Conviction for any of these offenses shall be punished by  
4 imprisonment of not more than one year or by a fine of not more than two thousand five  
5 hundred dollars or by both such imprisonment and fine:

6           (1) Stealing or willfully concealing, defacing, mutilating, or destroying any sample  
7 ballots that may be furnished by an organization or individual at or near any voting place on  
8 election day, except that this subdivision shall not be construed so as to interfere with the right  
9 of an individual voter to erase or cause to be erased on a sample ballot the name of any  
10 candidate and substituting the name of the person for whom he or she intends to vote; or to  
11 dispose of the received sample ballot;

12           (2) Printing, circulating, or causing to be printed or circulated, any false and  
13 fraudulent sample ballots which appear on their face to be designed as a fraud upon voters;

14           (3) Purposefully giving a printed or written sample ballot to any qualified voter which  
15 is intended to mislead the voter;

16           (4) On the part of any candidate for election to any office of honor, trust, or profit,  
17 offering or promising to discharge the duties of such office for a less sum than the salary, fees,  
18 or emoluments as fixed by law or promising to pay back or donate to any public or private  
19 interest any portion of such salary, fees, or emolument as an inducement to voters;

20           (5) On the part of any canvasser appointed to canvass any registration list, willfully  
21 failing to appear, refusing to continue, or abandoning such canvass or willfully neglecting to  
22 perform his duties in making such canvass or willfully neglecting any duties lawfully  
23 assigned to him or her;

24           (6) On the part of any employer, making, enforcing, or attempting to enforce any  
25 order, rule, or regulation or adopting any other device or method to prevent an employee from  
26 engaging in political activities, accepting candidacy for nomination to, election to, or the  
27 holding of, political office, holding a position as a member of a political committee, soliciting  
28 or receiving funds for political purpose, acting as chairman or participating in a political  
29 convention, assuming the conduct of any political campaign, signing, or subscribing his or her  
30 name to any initiative, referendum, or recall petition, or any other petition circulated pursuant  
31 to law;

32           (7) On the part of any person authorized or employed to print official ballots, or any  
33 person employed in printing ballots, giving, delivering, or knowingly permitting to be taken

34 any ballot to or by any person other than the official under whose direction the ballots are  
35 being printed, any ballot in any form other than that prescribed by law, or with unauthorized  
36 names, with names misspelled, or with the names of candidates arranged in any way other  
37 than that authorized by law;

38 (8) On the part of any election authority or official charged by law with the duty of  
39 distributing the printed ballots, or any person acting on his or her behalf, knowingly  
40 distributing or causing to be distributed any ballot in any manner other than that prescribed by  
41 law;

42 (9) Any person having in his or her possession any official ballot, except in the  
43 performance of his or her duty as an election authority or official, or in the act of exercising  
44 his or her individual voting privilege;

45 (10) Willfully mutilating, defacing, or altering any ballot before it is delivered to a  
46 voter;

47 (11) On the part of any election judge, being willfully absent from the polls on  
48 election day without good cause or willfully detaining any election material or equipment and  
49 not causing it to be produced at the voting place at the opening of the polls or within fifteen  
50 minutes thereafter;

51 (12) On the part of any election authority or official, willfully neglecting, refusing, or  
52 omitting to perform any duty required of him or her by law with respect to holding and  
53 conducting an election, receiving and counting out the ballots, or making proper returns;

54 (13) On the part of any election judge, or party watcher or challenger, furnishing any  
55 information tending in any way to show the state of the count to any other person prior to the  
56 closing of the polls;

57 (14) On the part of any voter, except as otherwise provided by law, allowing his or her  
58 ballot to be seen by any person with the intent of letting it be known how he or she is about to  
59 vote or has voted, or knowingly making a false statement as to his or her inability to mark a  
60 ballot;

61 (15) On the part of any election judge, disclosing to any person the name of any  
62 candidate for whom a voter has voted;

63 (16) Interfering, or attempting to interfere, with any voter inside a polling place;

64 (17) On the part of any person at any registration site, polling place, counting location  
65 or verification location, causing any breach of the peace or engaging in disorderly conduct,  
66 violence, or threats of violence whereby such registration, election, count or verification is  
67 impeded or interfered with;

68 (18) Exit polling, surveying, sampling, electioneering, distributing election literature,  
69 posting signs or placing vehicles bearing signs with respect to any candidate or question to be  
70 voted on at an election on election day inside the building in which a polling place is located

71 or within twenty-five feet of the building's outer door closest to the polling place, or, on the  
72 part of any person, refusing to remove or permit removal from property owned or controlled  
73 by such person, any such election sign or literature located within such distance on such day  
74 after request for removal by any person;

75 (19) Stealing or willfully defacing, mutilating, or destroying any campaign yard sign  
76 on private property, except that this subdivision shall not be construed to interfere with the  
77 right of any private property owner to take any action with regard to campaign yard signs on  
78 the owner's property and this subdivision shall not be construed to interfere with the right of  
79 any candidate, or the candidate's designee, to remove the candidate's campaign yard sign from  
80 the owner's private property after the election day;

81 (20) **Distributing by mail, email, or any other means unsolicited absentee ballot**  
82 **applications.**

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