

SECOND REGULAR SESSION
HOUSE COMMITTEE SUBSTITUTE FOR
HOUSE BILL NO. 1761
100TH GENERAL ASSEMBLY

3469H.02C

DANA RADEMAN MILLER, Chief Clerk

AN ACT

To repeal sections 115.277, 115.279, 115.283, and 115.637, RSMo, and to enact in lieu thereof four new sections relating to elections.

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

Section A. Sections 115.277, 115.279, 115.283, and 115.637, RSMo, are repealed and
2 four new sections enacted in lieu thereof, to be known as sections 115.277, 115.279, 115.283,
3 and 115.637, to read as follows:

115.277. 1. **(1) Except as provided in subsections 2, 3, 4, and 5 of this section, any**
2 **registered voter of this state may cast an absentee ballot in person at a location designated**
3 **by the election authority for all candidates and issues for which such voter is eligible to**
4 **vote at the polling place without providing a reason for the need to vote absentee.**

(2) Except as provided in subsections 2, 3, 4, and 5 of this section, any registered voter
6 of this state may ~~vote by~~ **cast an** absentee ballot **by mail** for all candidates and issues for which
7 such voter ~~would be~~ **is** eligible to vote at the polling place if such voter expects to be prevented
8 from going to the polls to vote on election day due to:

9 ~~(1)~~ **(a)** Absence on election day from the jurisdiction of the election authority in which
10 such voter is registered to vote;

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

14 ~~(3)~~ **(c)** Religious belief or practice;

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

17 ~~(5)~~ **(e)** Incarceration, provided all qualifications for voting are retained;

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 ~~[(6)]~~ (f) Certified participation in the address confidentiality program established under
19 sections 589.660 to 589.681 because of safety concerns.

20 2. Any covered voter~~[-as defined in section 115.275,]~~ who is eligible to register and vote
21 in this state may vote in any election for federal office, statewide office, state legislative office,
22 or statewide ballot initiatives by submitting a federal postcard application to apply to vote by
23 absentee ballot or by submitting a federal postcard application at the polling place even though
24 the person is not registered. A federal postcard application submitted by a covered voter
25 pursuant to this subsection shall also serve as a voter registration application under section
26 115.908 and the election authority shall, if satisfied that the applicant is entitled to register, place
27 the voter's name on the voter registration file. Each covered voter may vote by absentee ballot
28 or, upon submitting an affidavit that the person is qualified to vote in the election, may vote at
29 the person's polling place.

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

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

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

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

5 2. Each application shall be made to the election authority of the jurisdiction in which
6 the person is or would be registered. Each application shall be in writing and shall state the
7 applicant's name, address at which he or she is or would be registered, his or her reason for
8 voting an absentee ballot, **if casting an absentee ballot pursuant to subdivision (2) of**
9 **subsection 1 of section 115.277**, 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 **paragraph (f) of subdivision ~~[(6)] (2)~~** of subsection 1 of
13 section 115.277, the applicant shall state the voter's identification information provided by the
14 address 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 wishes
17 to receive. If any application fails to designate a ballot, the election authority shall, within three
18 working days after receiving the application, notify the applicant by mail that it will be unable
19 to deliver an absentee ballot until the applicant designates which political party ballot he or she
20 wishes to receive. If the applicant does not respond to the request for political party designation,
21 the election authority is authorized to provide the voter with that part of the ballot for which no
22 political party designation is required.

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

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

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

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

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

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

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

68 "STATE OF _____

69 COUNTY OF _____, ss.

70 I, _____, do solemnly swear that:

- 71 (1) Before becoming a resident of this state, I resided at _____ (residence address)
- 72 in _____ (town, township, village or city) of _____ County in the state of
- 73 _____;
- 74 (2) I moved to this state after the last day to register to vote in such general
- 75 presidential election and I am now residing in the county of _____, state of
- 76 Missouri;
- 77 (3) I believe I am entitled pursuant to the laws of this state to vote in the presidential
- 78 election to be held November _____, _____ (year);
- 79 (4) I hereby make application for a presidential and vice presidential ballot. I have
- 80 not voted and shall not vote other than by this ballot at such election.

81 Signed _____

82 (Applicant)

83 _____

84 (Residence Address)

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

86 Signed _____

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

88 7. The election authority in whose office an application is filed pursuant to subsection
89 6 of this section shall immediately send a duplicate of such application to the appropriate official
90 of the state in which the new resident applicant last resided and shall file the original of such
91 application in its office.

92 8. An application for an absentee ballot by an intrastate new resident shall be made in
93 person by the applicant in the office of the election authority in the election jurisdiction in which
94 such applicant resides. The application shall be received by the election authority no later than
95 7:00 p.m. on the day of the election. Such application shall be in the form of an affidavit,
96 executed in duplicate in the presence of the election authority or an authorized officer of the
97 election authority, and in substantially the following form:

98 "STATE OF _____
99 COUNTY OF _____, ss.

100 I, _____, do solemnly swear that:

- 101 (1) Before becoming a resident of this election jurisdiction, I resided at _____
102 (residence address) in _____ (town, township, village or city) of _____ county
103 in the state of _____;
- 104 (2) I moved to this election jurisdiction after the last day to register to vote in such
105 election;
- 106 (3) I believe I am entitled pursuant to the laws of this state to vote in the election to
107 be held _____ (date);
- 108 (4) I hereby make application for an absentee ballot for candidates and issues on
109 which I am entitled to vote pursuant to the laws of this state. I have not voted and
110 shall not vote other than by this ballot at such election.

111 Signed _____
112 (Applicant)

113 _____
114 (Residence Address)

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

116 Signed _____
117 (Title and name of officer authorized to administer oaths)"

118 9. An application for an absentee ballot by an interstate former resident shall be received
119 in the office of the election authority where the applicant was formerly registered by 5:00 p.m.
120 on the second Wednesday immediately prior to the election, unless the application is made in
121 person by the applicant in the office of the election authority, in which case such application shall
122 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 the voter's name, the voter's voting address, the voter's mailing address and, **if casting an absentee ballot pursuant to subdivision (2) of subsection 1 of section 115.277**, the voter's reason for voting an absentee ballot. If the reason for the voter voting absentee is due to the reasons established under **paragraph (f) of subdivision [(6)] (2) of subsection 1 of section 115.277**, the voter shall state the voter's identification information provided by the address confidentiality program in lieu of the applicant's name, voting address, and mailing address. On the form, the voter shall also state under penalties of perjury that the voter is qualified to vote in the election, that the voter has not previously voted and will not vote again in the election, that the voter has personally marked the voter's ballot in secret or supervised the marking of the voter's ballot if the voter is unable to mark it, that the ballot has been placed in the ballot envelope and sealed by the voter or under the voter's supervision if the voter is unable to seal it, and that all information contained in the statement is true. In addition, any person providing assistance to the absentee voter shall include a statement on the envelope identifying the person providing assistance under penalties of perjury. Persons authorized to vote only for federal and statewide officers shall also state their former Missouri residence.

2. **The statement for persons voting absentee ballots pursuant to subdivision (1) of subsection 1 of section 115.277 who are registered voters shall be in substantially the following form:**

"State of Missouri
 County (City) of _____
 I, _____ (print name), a registered voter of _____ County (City of St. Louis, Kansas City), hereby state under penalties of perjury that I am qualified to vote at this election; I have not voted and will not vote other than by this ballot at this election. I further state that I marked the enclosed ballot in secret or that I am blind, unable to read or write English, or physically incapable of marking the ballot, and the person of my choosing indicated below marked the ballot at my direction; all of the information on this statement is, to the best of my knowledge and belief, true.

_____	_____
Signature of Voter	Signature of Person Assisting Voter (if applicable)
Signed _____	Subscribed and sworn to before me this _____ day of _____, _____
Signed _____	
Address of Voter	

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**Mailing addresses
(if different)**

**Signature of notary or
other officer
authorized to
administer oaths"**

3. The statement for persons voting absentee ballots pursuant to subdivision (2) of subsection 1 of section 115.277 who are registered voters shall be in substantially the following form:

"State of Missouri

County (City) of _____

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

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

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

_____ religious belief or practice;

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

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

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

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

Signature of Voter

Signature of Person
Assisting Voter
(if applicable)

73 Signed _____

Subscribed and sworn

74 Signed _____

to before me this

75 Address of Voter

_____ day of _____, _____

76 _____

77 _____

78 Mailing addresses

Signature of notary or

79 (if different)

other officer

80

authorized to

81

administer oaths"

82 [3-] 4. The statement for persons voting absentee ballots pursuant to the provisions of
83 subsection 2, 3, 4, or 5 of section 115.277 without being registered shall be in substantially the
84 following form:

85 "State of Missouri

86 County (City) of _____

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

93 I am (check one):

94 _____ a resident of the state of Missouri and a registered voter in _____
95 County and moved from that county to _____ County, Missouri, after
96 the last day to register to vote in this election.

97 _____ an interstate former resident of Missouri and authorized to vote for
98 presidential and vice presidential electors.

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

104 _____

Subscribed to and

105 Signature of Voter

sworn before me this

106

_____ day of

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_____, _____

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109	_____	_____
110	Address of Voter	Signature of notary or
111		other officer
112		authorized to
113		administer oaths
114	_____	_____
115	Mailing Address (if different)	_____
116	_____	_____
117	Signature of Person	Address of Last
118	Assisting Voter	Missouri Residence
119		(if applicable)"

120 [4.] 5. The statement for persons voting absentee ballots who are entitled to vote at the
 121 election pursuant to the provisions of subsection 2 of section 115.137 shall be in substantially
 122 the following form:

123 "State of Missouri
 124 County (City) of _____

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

- 127 _____ absence on election day from the jurisdiction of the election authority in
 128 which I am directed to vote;
- 129 _____ incapacity or confinement due to illness or physical disability, including
 130 caring for a person who is incapacitated or confined due to illness or
 131 disability;
- 132 _____ religious belief or practice;
- 133 _____ employment as an election authority or by an election authority at a
 134 location other than my polling place;
- 135 _____ incarceration, although I have retained all the necessary qualifications of
 136 voting;
- 137 _____ certified participation in the address confidentiality program established
 138 under sections 589.660 to 589.681 because of safety concerns.

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

145 _____
 146
 147 Signature of Voter
 148
 149 _____

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

150 _____
 151 Address

 Signature of notary or
 other officer
 authorized to
 administer oaths

155 _____
 156 Signature of Person
 157 Assisting Voter
 158 (if applicable)"

159 ~~[5-]~~ 6. The statement for persons providing assistance to absentee voters shall be in
 160 substantially the following form:

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

167 Reason why voter needed assistance: _____

168 ASSISTING PERSON SIGN HERE

- 169 1. _____ (signature of assisting person)
- 170 2. _____ (assisting person's name printed)
- 171 3. _____ (assisting person's residence)
- 172 4. _____ (assisting person's home city or town)."

173 ~~[6-]~~ 7. Notwithstanding any other provision of this section, any covered voter as defined
 174 in section 115.902 or persons who have declared themselves to be permanently disabled pursuant
 175 to section 115.284, otherwise entitled to vote, shall not be required to obtain a notary seal or
 176 signature on his or her absentee ballot.

177 ~~[7-]~~ 8. Notwithstanding any other provision of this section or section 115.291 to the
 178 contrary, the subscription, signature and seal of a notary or other officer authorized to administer
 179 oaths shall not be required on any ballot, ballot envelope, or statement required by this section

180 if the reason for the voter voting absentee is due to the reasons established pursuant to
181 **paragraph (b) of** subdivision (2) of subsection 1 of section 115.277.

182 ~~[8.]~~ **9.** No notary shall charge or collect a fee for notarizing the signature on any
183 absentee ballot or absentee voter registration.

184 ~~[9.]~~ **10.** A notary public who charges more than the maximum fee specified or who
185 charges or collects a fee for notarizing the signature on any absentee ballot or absentee voter
186 registration is guilty of official misconduct.

115.637. The following offenses, and any others specifically so described by law, shall
2 be class four election offenses and are deemed misdemeanors not connected with the exercise
3 of the right of suffrage. Conviction for any of these offenses shall be punished by imprisonment
4 of not more than one year or by a fine of not more than two thousand five hundred dollars or by
5 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 candidate
10 and substituting the name of the person for whom he or she intends to vote; or to dispose of the
11 received sample ballot;

12 (2) Printing, circulating, or causing to be printed or circulated, any false and fraudulent
13 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 assigned
23 to him or her;

24 (6) On the part of any employer, making, enforcing, or attempting to enforce any order,
25 rule, or regulation or adopting any other device or method to prevent an employee from engaging
26 in political activities, accepting candidacy for nomination to, election to, or the holding of,
27 political office, holding a position as a member of a political committee, soliciting or receiving
28 funds for political purpose, acting as chairman or participating in a political convention,

29 assuming the conduct of any political campaign, signing, or subscribing his or her name to any
30 initiative, referendum, or recall petition, or any other petition circulated pursuant to law;

31 (7) On the part of any person authorized or employed to print official ballots, or any
32 person employed in printing ballots, giving, delivering, or knowingly permitting to be taken any
33 ballot to or by any person other than the official under whose direction the ballots are being
34 printed, any ballot in any form other than that prescribed by law, or with unauthorized names,
35 with names misspelled, or with the names of candidates arranged in any way other than that
36 authorized by law;

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

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

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

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

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

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

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

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

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

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

65 (18) Exit polling, surveying, sampling, electioneering, distributing election literature,
66 posting signs or placing vehicles bearing signs with respect to any candidate or question to be
67 voted on at an election on election day inside the building in which a polling place is located or
68 within twenty-five feet of the building's outer door closest to the polling place, or, on the part of
69 any person, refusing to remove or permit removal from property owned or controlled by such
70 person, any such election sign or literature located within such distance on such day after request
71 for removal by any person;

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

78 (20) **On the part of any initiative or referendum petition circulator, gathering**
79 **signatures within one hundred feet of a polling place for any statewide ballot measure, as**
80 **that term is defined in section 116.010, that is approved for circulation pursuant to chapter**
81 **116.**

✓