

FIRST REGULAR SESSION

HOUSE BILL NO. 736

101ST GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVE BARINGER.

1306H.011

DANA RADEMAN MILLER, Chief Clerk

AN ACT

To repeal section 115.287, RSMo, and to enact in lieu thereof one new section relating to absentee ballots.

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

Section A. Section 115.287, RSMo, is repealed and one new section enacted in lieu thereof, to be known as section 115.287, to read as follows:

115.287. 1. Upon receipt of a signed application for an absentee ballot and if satisfied the applicant is entitled to vote by absentee ballot, the election authority shall, within three working days after receiving the application, or if absentee ballots are not available at the time the application is received, within five working days after they become available, deliver to the voter an absentee ballot, ballot envelope and such instructions as are necessary for the applicant to vote. Delivery shall be made to the voter personally in the office of the election authority or by bipartisan teams appointed by the election authority, or by first class, registered, or certified mail at the discretion of the election authority, or in the case of a covered voter as defined in section 115.902, the method of transmission prescribed in section 115.914. Where the election authority is a county clerk, the members of bipartisan teams representing the political party other than that of county clerk shall be selected from a list of persons submitted to the county clerk by the county chairman of that party. If no list is provided by the time that absentee ballots are to be made available, the county clerk may select a person or persons from lists provided in accordance with section 115.087. If the election authority is not satisfied that any applicant is entitled to vote by absentee ballot, it shall not deliver an absentee ballot to the applicant. Within three working days of receiving such an application, the election authority shall notify the applicant and state the reason he or she is not entitled to vote by absentee ballot. The applicant

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 may file a complaint with the elections division of the secretary of state's office under and
19 pursuant to section 115.219.

20 2. If, after 5:00 p.m. on the second Wednesday before an election, any voter from the
21 jurisdiction has become hospitalized, becomes confined due to illness or injury, or is confined
22 in an intermediate care facility, residential care facility, or skilled nursing facility, as such terms
23 are defined in section 198.006, in the county in which the jurisdiction is located or in the
24 jurisdiction of an adjacent election authority within the same county, the election authority shall
25 appoint a team to deliver, witness the signing of and return the voter's application and deliver,
26 witness the voting of and return the voter's absentee ballot. In counties with a charter form of
27 government and in cities not within a county, and in each city which has over three hundred
28 thousand inhabitants, and is situated in more than one county, if the election authority receives
29 ten or more applications for absentee ballots from the same address it may appoint a team to
30 deliver and witness the voting and return of absentee ballots by voters residing at that address,
31 except when such addresses are for an apartment building or other structure wherein individual
32 living units are located, each of which has its own separate cooking facilities. Each team
33 appointed pursuant to this subsection shall consist of two registered voters, one from each major
34 political party. Both members of any team appointed pursuant to this subsection shall be present
35 during the delivery, signing or voting and return of any application or absentee ballot signed or
36 voted pursuant to this subsection.

37 3. On the mailing and ballot envelopes for each covered voter, the election authority
38 shall stamp prominently in black the words "FEDERAL BALLOT, STATE OF MISSOURI" and
39 "U.S. Postage Paid, 39 U.S.C. Section 3406".

40 4. No information which encourages a vote for or against a candidate or issue shall be
41 provided to any voter with an absentee ballot.

42 **5. In addition to the provisions of subsection 2 of this section, for voters who are**
43 **hospitalized, become confined due to illness or injury, or are confined in an intermediate**
44 **care facility, residential care facility, or skilled nursing facility, as such terms are defined**
45 **in section 198.006, the secretary of state shall appoint nonpartisan election judges who shall**
46 **deliver, witness the signing of, and return the voter's application and deliver, witness the**
47 **voting of, and return the voter's absentee ballot. The nonpartisan election judges shall**
48 **represent any election authority of the state, and the election authorities shall assist the**
49 **nonpartisan election judges in distributing appropriate ballots.**

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