

FIRST REGULAR SESSION

HOUSE BILL NO. 840

102ND GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVE LEWIS (25).

0499H.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Section A. Sections 115.277, 115.279, and 115.283, RSMo, are repealed and three
2 new sections enacted in lieu thereof, to be known as sections 115.277, 115.279, and 115.283,
3 to read as follows:

115.277. 1. A registered voter of this state may cast an absentee ballot in person at a
2 location designated by the election authority for all candidates and issues for which such voter
3 is eligible to vote at the polling place if such voter expects to be prevented from going to the
4 polls to vote on election day ~~[due to one of the reasons listed in subsection 3 of this section].~~
5 A registered voter casting a ballot under the provisions of this subsection shall provide a form
6 of personal photo identification that is consistent with subsection 1 of section 115.427.
7 ~~[Beginning on the second Tuesday prior to an election, a reason listed under subsection 3 of~~
8 ~~this section shall not be required, provided that, the provisions of section 1.140 to the contrary~~
9 ~~notwithstanding, this sentence and section 115.427 shall be nonseverable, and if any~~
10 ~~provision of section 115.427 is for any reason held to be invalid, such decision shall~~
11 ~~invalidate this sentence.]~~

12 2. Except as provided in subsections **3, 4, and 5**~~[-and 6]~~ of this section, a registered
13 voter of this state may cast an absentee ballot not in person at a location designated by the
14 election authority for all candidates and issues for which such voter ~~[would be]~~ **is** eligible to
15 vote at the polling place ~~[if such voter expects to be prevented from going to the polls to vote~~
16 ~~on election day due to one of the reasons listed in subsection 3 of this section. An absentee~~

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.

17 ~~ballot that is not requested and completed in person at the office of the election authority with~~
18 ~~a form of personal photo identification that is consistent with subsection 1 of section 115.427~~
19 ~~shall have the statement on the ballot envelope notarized as required under section 115.283,~~
20 ~~except that absentee ballots requested under subdivisions (2) and (5) of subsection 3 of this~~
21 ~~section shall not require notarization. This subsection shall apply only in the case of absentee~~
22 ~~ballots that are not cast in person].~~

23 ~~[3. A voter may request an absentee ballot for any of the following reasons:~~

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

26 ~~(2) Incapacity or confinement due to illness or physical disability on election day,~~
27 ~~including a person who is primarily responsible for the physical care of a person who is~~
28 ~~incapacitated or confined due to illness or disability and resides at the same address;~~

29 ~~(3) Religious belief or practice;~~

30 ~~(4) Employment as:~~

31 ~~(a) An election authority, as a member of an election authority, or by an election~~
32 ~~authority at a location other than such voter's polling place;~~

33 ~~(b) A first responder;~~

34 ~~(c) A health care worker; or~~

35 ~~(d) A member of law enforcement;~~

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

37 ~~(6) Certified participation in the address confidentiality program established under~~
38 ~~sections 589.660 to 589.681 because of safety concerns.~~

39 ~~4.]~~ **3.** Any covered voter who is eligible to register and vote in this state may vote in
40 any election for federal office, statewide office, state legislative office, or statewide ballot
41 initiatives by submitting a federal postcard application to apply to vote by absentee ballot or
42 by submitting a federal postcard application at the polling place even though the person is not
43 registered. A federal postcard application submitted by a covered voter pursuant to this
44 subsection shall also serve as a voter registration application under section 115.908 and the
45 election authority shall, if satisfied that the applicant is entitled to register, place the voter's
46 name on the voter registration file. Each covered voter may vote by absentee ballot or, upon
47 submitting an affidavit that the person is qualified to vote in the election, may vote at the
48 person's polling place.

49 ~~[5.]~~ **4.** Any interstate former resident may vote by absentee ballot for presidential and
50 vice presidential electors.

51 ~~[6.]~~ **5.** Any new resident may vote by absentee ballot for presidential and vice
52 presidential electors after registering to vote in such resident's new jurisdiction of residence.

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

2. Notwithstanding section 115.284, no individual, group, or party shall solicit a voter into obtaining an absentee ballot application. Absentee ballot applications shall not have the information prefilled prior to it being provided to a voter. Nothing in this section shall be interpreted to prohibit a state or local election authority from assisting an individual voter.

3. Each application shall be made to the election authority of the jurisdiction in which the person is or would be registered. Each application shall be in writing and shall state the applicant's name, address at which he or she is or would be registered, ~~[his or her reason for voting an absentee ballot,]~~ **whether the applicant is incapacitated or confined due to illness or physical disability or is a person who is primarily responsible for the physical care of a person who is incapacitated or confined due to illness or physical disability**, the address to which the ballot is to be mailed, if mailing is requested, and for absent uniformed services and overseas applicants, the applicant's email address if electronic transmission is requested. If the ~~[reason for the applicant voting absentee is due to the reasons established under subdivision (6) of subsection 3 of section 115.277]~~ **applicant is a certified participant in the address confidentiality program established under sections 589.660 to 589.681**, the applicant shall state the voter's identification information provided by the address confidentiality program in lieu of the applicant's name, address at which he or she is or would be registered, and address to which the ballot is to be mailed, if mailing is requested. Each application to vote in a primary election shall also state which ballot the applicant wishes to receive. If any application fails to designate a ballot, the election authority shall, within three working days after receiving the application, notify the applicant by mail that it will be unable to deliver an absentee ballot until the applicant designates which political party ballot he or she wishes to receive. If the applicant does not respond to the request for political party designation, the election authority is authorized to provide the voter with that part of the ballot for which no political party designation is required.

4. All applications for absentee ballots received prior to the sixth Tuesday before an election shall be stored at the office of the election authority until such time as the applications are processed in accordance with section 115.281. No application for an absentee ballot received in the office of the election authority by mail, by facsimile transmission, by electronic mail, or by a guardian or relative after 5:00 p.m. on the second Wednesday immediately prior to the election shall be accepted by any election authority. No application for an absentee ballot submitted by the applicant in person after 5:00 p.m. on the

38 day before the election shall be accepted by any election authority, except as provided in
39 subsections 7, 8, and 9 of this section.

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

48 6. (1) Notwithstanding any law to the contrary, any resident of the state of Missouri
49 who resides outside the boundaries of the United States or who is on active duty with the
50 Armed Forces of the United States or members of their immediate family living with them
51 may request an absentee ballot for both the primary and subsequent general election with one
52 application.

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

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

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

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

71 7. An application for an absentee ballot by a new resident shall be submitted in person
72 by the applicant in the office of the election authority in the election jurisdiction in which
73 such applicant resides. The application shall be received by the election authority no later
74 than 7:00 p.m. on the day of the election. Such application shall be in the form of an affidavit,

75 executed in duplicate in the presence of the election authority or any authorized officer of the
 76 election authority, and in substantially the following form:

77 "STATE OF _____

78 COUNTY OF _____, ss.

79 I, _____, do solemnly swear that:

80 (1) Before becoming a resident of this state, I resided at _____
 81 (residence address) in _____ (town, township, village or city) of
 82 _____ County in the state of _____;

83 (2) I moved to this state after the last day to register to vote in such
 84 general presidential election and I am now residing in the county
 85 of _____, state of Missouri;

86 (3) I believe I am entitled pursuant to the laws of this state to vote in
 87 the presidential election to be held November _____, _____
 88 (year);

89 (4) I hereby make application for a presidential and vice presidential
 90 ballot. I have not voted and shall not vote other than by this ballot
 91 at such election.

92 Signed _____

93 (Applicant)

94 _____

95 (Residence Address)

96 ~~[Subscribed and sworn to before me this _____ day of _____, _____~~

97 ~~]~~

98 ~~[Signed _____]~~

99 ~~[(Title and name of officer authorized to administer oaths)]"~~

100 8. The election authority in whose office an application is filed pursuant to subsection
 101 7 of this section shall immediately send a duplicate of such application to the appropriate
 102 official of the state in which the new resident applicant last resided and shall file the original
 103 of such application in its office.

104 9. An application for an absentee ballot by an interstate former resident shall be
 105 received in the office of the election authority where the applicant was formerly registered by
 106 5:00 p.m. on the second Wednesday immediately prior to the election, unless the application
 107 is made in person by the applicant in the office of the election authority, in which case such
 108 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 3 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
 23 St. Louis, Kansas City), declare under the penalties of perjury that I am
 24 voting in person at a location designated by the local election authority
 25 or I expect to be prevented from going to the polls on election day, [~~due~~
 26 ~~to (check one):~~]

27 [~~_____ [absence on election day from the jurisdiction of the election~~
 28 ~~—] authority in which I am registered;~~]

29 [~~_____ [incapacity or confinement due to illness or physical disability~~
 30 ~~—] on election day, including caring for a person who is~~
 31 ~~incapacitated or confined due to illness or disability and~~
 32 ~~resides at the same address;~~]

33 [~~_____~~
 34 ~~—] [religious belief or practice;~~]

35 [~~_____ [employment as an election authority, by an election authority~~
 36 ~~—] at a location other than my polling place, as a first responder,~~
 37 ~~as a health care worker, or as a member of law enforcement;~~]

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

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

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

51 _____
 52 _____

53 Signature of Voter _____ Signature of Person
 54 Assisting Voter
 55 (if applicable)

56 ~~[Subscribed and~~
 57 Signed _____ ~~sworn]~~

58 Signed _____ ~~[to before me this]~~

59 _____ ~~[_____ day of _____~~
 60 Address of Voter _____ ~~], _____]~~

61 _____
 62 _____ ~~_____]~~

63 _____
 64 _____ ~~_____]~~

65 ~~[Signature of notary~~
 66 Mailing Addresses _____ ~~or]~~

67 (if different) _____ ~~[other officer]~~

68 _____ ~~[authorized to]~~

69 _____ ~~[administer oaths]~~

70 3. The statement for persons voting absentee ballots pursuant to the provisions of
 71 subsection 4, 5, or 6 of section 115.277 without being registered shall be in substantially the
 72 following form:

73 State of Missouri
 74 County (City) of _____

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

82 I am an interstate former resident of Missouri and authorized to vote
 83 for presidential and vice presidential electors.

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

91 _____ [~~Subscribed to and-~~
 92 Signature of Voter [~~sworn before me this-~~
 93 _____ day of]
 94 _____,

95 _____
 96 _____
 97 _____

98 _____
 99 Address of Voter _____
 100 _____

101 _____
 102 _____
 103 _____

104 _____
 105 _____

106 _____
 107 _____

108 _____
 109 _____

110 _____

[~~Signature of notary
 or
 other officer
 authorized to
 administer oaths~~

Address of Last
 Missouri Residence
 (if applicable)

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

114 State of Missouri
115 County (City) of _____

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

119 ~~[_____ [absence on election day from the jurisdiction of the election~~
120 ~~authority in which I am directed to vote;]~~

121 ~~[_____ [incapacity or confinement due to illness or physical disability~~
122 ~~on election day, including caring for a person who is~~
123 ~~incapacitated or confined due to illness or disability and~~
124 ~~resides at the same address;]~~

125 ~~[_____~~
126 ~~religious belief or practice;]~~

127 ~~[_____ [employment as an election authority, by an election authority~~
128 ~~at a location other than my polling place, as a first responder,~~
129 ~~as a health care worker, or as a member of law enforcement;]~~

130 ~~[_____ [incarceration, although I have retained all the necessary~~
131 ~~qualifications of voting;]~~

132 ~~[_____ [certified participation in the address confidentiality program~~
133 ~~established under sections 589.660 to 589.681 because of~~
134 ~~safety concerns;]~~

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

143 _____ [Subscribed and
144 _____ sworn]
145 Signature of Voter [to before me this]
146 [_____ day of]
147 [_____, _____]

148

149

[_____

150

—]

151

[~~Signature of notary~~

152

Address

~~or~~

153

[~~other officer~~

154

[~~authorized to~~

155

[~~administer oaths~~

156

157

Signature of Person

158

Assisting Voter

159

(if applicable)

160

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

161

substantially the following form:

162

The voter needed assistance in marking the ballot and signing above,

163

because of blindness, other physical disability, or inability to read or to

164

read English. I marked the ballot enclosed in this envelope at the

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voter's direction, when I was alone with the voter, and I had no other

166

communication with the voter as to how he or she was to vote. The

167

voter swore or affirmed the voter affidavit above and I then signed the

168

voter's name and completed the other voter information above. Signed

169

under the penalties of perjury.

170

Reason why voter needed assistance: _____

171

ASSISTING PERSON SIGN HERE

172

1. _____ (signature of assisting person)

173

2. _____ (assisting person's name printed)

174

3. _____ (assisting person's residence)

175

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

176

6. Notwithstanding any other provision of this section, any covered voter as defined

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in section 115.902 or persons who have declared themselves to be permanently disabled

178

pursuant to section 115.284, otherwise entitled to vote, shall not be required to obtain a notary

179

seal or signature on his or her absentee ballot.

180

7. Notwithstanding any other provision of this section or section 115.291 to the

181

contrary, the subscription, signature and seal of a notary or other officer authorized to

182

administer oaths shall not be required on any ballot, ballot envelope, or statement required by

183 this section if ~~[the reason for]~~ the voter is voting absentee ~~[is due to the reasons established~~
184 ~~pursuant to subdivision (2) of subsection 3 of section 115.277].~~

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

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

✓