

FIRST REGULAR SESSION

# SENATE BILL NO. 105

98TH GENERAL ASSEMBLY

INTRODUCED BY SENATOR KRAUS.

Pre-filed December 2, 2014, and ordered printed.

ADRIANE D. CROUSE, Secretary.

0246S.011

## AN ACT

To repeal sections 115.275, 115.277, 115.291, and 115.940, RSMo, and to enact in lieu thereof three new sections relating to absentee ballots for military and overseas voters.

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

Section A. Sections 115.275, 115.277, 115.291, and 115.940, RSMo, are  
2 repealed and three new sections enacted in lieu thereof, to be known as sections  
3 115.275, 115.277, and 115.291, to read as follows:

115.275. As used in sections 115.275 to 115.304, unless the context clearly  
2 indicates otherwise, the following terms shall mean:

3 (1) "Absentee ballot", any of the ballots a person is authorized to cast  
4 away from a polling place pursuant to the provisions of sections 115.275 to  
5 115.304;

6 (2) "Interstate former resident", a former resident and registered voter in  
7 this state who moves from Missouri to another state after the deadline to register  
8 to vote in any presidential election in the new state and who otherwise possesses  
9 the qualifications to register and vote in such state;

10 (3) "Intrastate new resident", a registered voter of this state who moves  
11 from one election authority's jurisdiction in the state to another election  
12 authority's jurisdiction in the state after the last day authorized in this chapter  
13 to register to vote in an election and otherwise possesses the qualifications to  
14 vote;

15 (4) "New resident", a person who moves to this state after the last date  
16 authorized in this chapter to register to vote in any presidential election;

17 (5) ["Persons in federal service" includes:

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

18 (a) Members of the Armed Forces of the United States, while in active  
19 service, and their spouses and dependents;

20 (b) Active members of the Merchant Marine of the United States and their  
21 spouses and dependents;

22 (c) Civilian employees of the United States government working outside  
23 the boundaries of the United States, and their spouses and dependents;

24 (d) Active members of religious or welfare organizations assisting  
25 servicemen, and their spouses and dependents;

26 (e) Persons who have been honorably discharged from the Armed Forces  
27 or who have terminated their service or employment in any group mentioned in  
28 this section within sixty days of an election, and their spouses and dependents]

29 **"Covered voter":**

30 (a) **A uniformed services voter who is registered to vote in this**  
31 **state;**

32 (b) **A uniformed services voter defined in this section whose**  
33 **voting residence is in this state and who otherwise satisfies this state's**  
34 **voter eligibility requirements; or**

35 (c) **An overseas voter.**

36 (6) **"Overseas voter":**

37 (a) **A person who resides outside the United States and is**  
38 **qualified to vote in the last place in which the person was domiciled**  
39 **before leaving the United States; or**

40 (b) **A person who resides outside the United States and, but for**  
41 **such residence, would be qualified to vote in the last place in which the**  
42 **person was domiciled before leaving the United States.**

43 (7) **"Uniformed services":**

44 (a) **Active and reserve components of the Army, Navy, Air Force,**  
45 **Marine Corps, or Coast Guard of the United States;**

46 (b) **The Merchant Marine, the commissioned corps of the Public**  
47 **Health Service, or the commissioned corps of the National Oceanic and**  
48 **Atmospheric Administration of the United States; or**

49 (c) **The Missouri National Guard;**

50 (8) **"Uniformed services voter", an individual who is qualified to**  
51 **vote and is:**

52 (a) **A member of the active or reserve components of the Army,**  
53 **Navy, Air Force, Marine Corps, or Coast Guard of the United States who**  
54 **is on active duty;**

55           **(b) A member of the Merchant Marine, the commissioned corps**  
56 **of the Public Health Service, or the commissioned corps of the National**  
57 **Oceanic and Atmospheric Administration of the United States;**

58           **(c) A member on activated status of the National Guard; or**

59           **(d) A spouse or dependent of a member referred to in this**  
60 **subdivision;**

61           **(9) "United States", used in the territorial sense, the several**  
62 **states, the District of Columbia, Puerto Rico, the United States Virgin**  
63 **Islands, and any territory or insular possession subject to the**  
64 **jurisdiction of the United States.**

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 eligible to vote at the polling  
4 place if such voter expects to be prevented from going to the polls to vote on  
5 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           2. Any [person in federal service] **covered voter**, as defined in section  
17 115.275, who is eligible to register [and vote in this state but is not registered  
18 may vote only in the election of presidential and vice presidential electors, United  
19 States senator and representative in Congress] **may vote in any election for**  
20 **federal office, statewide office, state legislative office, or statewide**  
21 **ballot initiatives** even though the person is not registered. Each [person in  
22 federal service] **covered voter** may vote by absentee ballot or, upon submitting  
23 an affidavit that the person is qualified to vote in the election, may vote at the  
24 person's polling place.

25           3. Any interstate former resident, as defined in section 115.275, may vote  
26 by absentee ballot for presidential and vice presidential electors.

27           4. Any intrastate new resident, as defined in section 115.275, may vote  
28 by absentee ballot at the election for presidential and vice presidential electors,  
29 United States senator, representative in Congress, statewide elected officials and  
30 statewide questions, propositions and amendments from such resident's new  
31 jurisdiction of residence after registering to vote in such resident's new  
32 jurisdiction of residence.

33           5. Any new resident, as defined in section 115.275, may vote by absentee  
34 ballot for presidential and vice presidential electors after registering to vote in  
35 such resident's new jurisdiction of residence.

115.291. 1. Upon receiving an absentee ballot in person or by mail, the  
2 voter shall mark the ballot in secret, place the ballot in the ballot envelope, seal  
3 the envelope and fill out the statement on the ballot envelope. The affidavit of  
4 each person voting an absentee ballot shall be subscribed and sworn to before the  
5 election official receiving the ballot, a notary public or other officer authorized by  
6 law to administer oaths, unless the voter is voting absentee due to incapacity or  
7 confinement due to the provisions of section 115.284 illness or physical disability,  
8 or the voter is a covered voter as defined in section 115.902. If the voter is blind,  
9 unable to read or write the English language, or physically incapable of voting  
10 the ballot, the voter may be assisted by a person of the voter's own choosing. Any  
11 person assisting a voter who is not entitled to such assistance, and any person  
12 who assists a voter and in any manner coerces or initiates a request or a  
13 suggestion that the voter vote for or against or refrain from voting on any  
14 question, ticket or candidate, shall be guilty of a class one election offense. If,  
15 upon counting, challenge or election contest, it is ascertained that any absentee  
16 ballot was voted with unlawful assistance, the ballot shall be rejected.

17           2. Except as provided in subsection 4 of this section, each absentee ballot  
18 shall be returned to the election authority in the ballot envelope and shall only  
19 be returned by the voter in person, or in person by a relative of the voter who is  
20 within the second degree of consanguinity or affinity, by mail or registered carrier  
21 or by a team of deputy election authorities; except that [persons in federal  
22 service] **covered voters**, when sent from a location determined by the secretary  
23 of state to be inaccessible on election day, shall be allowed to return their  
24 absentee ballots cast by use of facsimile transmission or under a program  
25 approved by the Department of Defense for electronic transmission of election  
26 materials.

27           3. In cases of an emergency declared by the President of the United States

28 or the governor of this state where the conduct of an election may be affected, the  
29 secretary of state may provide for the delivery and return of absentee ballots by  
30 use of a facsimile transmission device or system. Any rule promulgated pursuant  
31 to this subsection shall apply to a class or classes of voters as provided for by the  
32 secretary of state.

33 4. No election authority shall refuse to accept and process any otherwise  
34 valid marked absentee ballot submitted in any manner by a covered voter solely  
35 on the basis of restrictions on envelope type.

[115.940. Notwithstanding any other provision of law, a  
2 person in the federal service as defined under section 115.275 may  
3 vote in the same manner, using the same technology and  
4 requirements, as an overseas voter under sections 115.900 to  
5 115.936.]

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Bill

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