

FIRST REGULAR SESSION

SENATE BILL NO. 384

100TH GENERAL ASSEMBLY

INTRODUCED BY SENATOR SCHUPP.

Read 1st time February 13, 2019, and ordered printed.

ADRIANE D. CROUSE, Secretary.

0906S.03I

AN ACT

To repeal sections 115.133, 115.135, 115.275, 115.277, and 115.279, RSMo, and to enact in lieu thereof five new sections relating to the deadline to register to vote.

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

Section A. Sections 115.133, 115.135, 115.275, 115.277, and 115.279, RSMo, are repealed and five new sections enacted in lieu thereof, to be known as sections 115.133, 115.135, 115.275, 115.277, and 115.279, to read as follows:

115.133. 1. Except as provided in subsection 2 of this section, any citizen of the United States who is a resident of the state of Missouri and seventeen years and six months of age or older shall be entitled to register and to vote in any election which is held on or after his **or her** eighteenth birthday.

2. No person who is adjudged incapacitated shall be entitled to register or vote. No person shall be entitled to vote:

(1) While confined under a sentence of imprisonment;

(2) While on probation or parole after conviction of a felony, until finally discharged from such probation or parole; or

(3) After conviction of a felony or misdemeanor connected with the right of suffrage.

3. Except as provided in federal law or federal elections and in section 115.277 **and section 115.135**, no person shall be entitled to vote if the person has not registered to vote in the jurisdiction of his or her residence prior to the deadline to register to vote.

115.135. 1. Any person who is qualified to vote, or who shall become qualified to vote on or before the day of election, shall be entitled to register in

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

3 the jurisdiction within which he or she resides. In order to vote in any election
4 for which registration is required, a person [must] **shall** be registered to vote in
5 the jurisdiction of his or her residence no later than 5:00 p.m., or the normal
6 closing time of any public building where the registration is being held if such
7 time is later than 5:00 p.m., on the [fourth Wednesday] **second Tuesday** prior
8 to the election, unless the voter is an interstate former resident[, an intrastate
9 new resident, a new resident,] or a covered voter, as **such terms are** defined in
10 section 115.275. Except as provided in [subsection] **subsections 4 and 5** of this
11 section, in no case shall registration for an election extend beyond 10:00 p.m. on
12 the [fourth Wednesday] **second Tuesday** prior to the election. Any person
13 registering after such date shall be eligible to vote in subsequent elections.

14 2. A person applying to register with an election authority or a deputy
15 registration official shall identify himself or herself by presenting a copy of a
16 birth certificate, a Native American tribal document, other proof of United States
17 citizenship, a valid Missouri drivers license or other form of personal
18 identification at the time of registration.

19 3. Except as provided in federal law or federal elections and in section
20 115.277 **and subsection 5 of this section**, no person shall be entitled to vote
21 if the person has not registered to vote in the jurisdiction of his or her residence
22 prior to the deadline to register to vote.

23 4. A covered voter as defined in section 115.275 who has been discharged
24 from military service, has returned from a military deployment or activation, or
25 has separated from employment outside the territorial limits of the United States
26 after the deadline to register to vote, and who is otherwise qualified to register
27 to vote, may register to vote in an election in person before the election authority
28 until 5:00 p.m. on the Friday before such election. Such persons shall produce
29 sufficient documentation showing evidence of qualifying for late registration
30 pursuant to this section.

31 **5. (1) Notwithstanding subsection 1 of this section to the**
32 **contrary, any person who is qualified to vote on election day who has**
33 **not previously registered to vote by the deadline provided in**
34 **subsection 1 of this section may:**

35 **(a) Register and vote at his or her polling place on the day of the**
36 **election upon complying with the provisions of subsection 2 of this**
37 **section and section 115.155; or**

38 **(b) Register and vote an absentee ballot in person at the office**

39 of his or her election authority pursuant to section 115.279, upon
40 complying with the provisions of subsection 2 of this section and
41 section 115.155.

42 (2) Any person voting pursuant to this subsection shall receive
43 a provisional ballot. Such ballot shall be counted as provided in
44 section 115.430.

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) "Covered voter":

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

8 (b) A uniformed services voter defined in this section whose voting
9 residence is in this state and who otherwise satisfies this state's voter eligibility
10 requirements;

11 (c) An overseas voter;

12 (d) Civilian employees of the United States government working outside
13 the boundaries of the United States, and their spouses and dependents;

14 (e) Active members of religious or welfare organizations assisting
15 servicemen, and their spouses and dependents; or

16 (f) Persons who have been honorably discharged from the Armed Forces
17 or who have terminated their service or employment in any group mentioned in
18 this section within sixty days of an election, and their spouses and dependents;

19 (3) "Interstate former resident", a former resident and registered voter in
20 this state who moves from Missouri to another state after the deadline to register
21 to vote in any presidential election in the new state and who otherwise possesses
22 the qualifications to register and vote in such state;

23 (4) ["Intrastate new resident", a registered voter of this state who moves
24 from one election authority's jurisdiction in the state to another election
25 authority's jurisdiction in the state after the last day authorized in this chapter
26 to register to vote in an election and otherwise possesses the qualifications to
27 vote;

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

30 (6) "Overseas voter":

31 (a) A person who resides outside the United States and is qualified to vote
32 in the last place in which the person was domiciled before leaving the United
33 States; or

34 (b) A person who resides outside the United States and, but for such
35 residence, would be qualified to vote in the last place in which the person was
36 domiciled before leaving the United States;

37 [(7)] **(5)** "Uniformed services":

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

40 (b) The Merchant Marine, the commissioned corps of the Public Health
41 Service, or the commissioned corps of the National Oceanic and Atmospheric
42 Administration of the United States; or

43 (c) The Missouri National Guard;

44 [(8)] **(6)** "Uniformed services voter", an individual who is qualified to vote
45 and is:

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

48 (b) A member of the Merchant Marine, the commissioned corps of the
49 Public Health Service, or the commissioned corps of the National Oceanic and
50 Atmospheric Administration of the United States;

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

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

53 [(9)] **(7)** "United States", used in the territorial sense, the several states,
54 the District of Columbia, Puerto Rico, the United States Virgin Islands, and any
55 territory or insular possession subject to the 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 (6) Certified participation in the address confidentiality program
17 established under sections 589.660 to 589.681 because of safety concerns.

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

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

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

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

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

6 2. Each application shall be made to the election authority of the
7 jurisdiction in which the person is or would be registered. Each application shall

8 be in writing and shall state the applicant's name, address at which he or she is
9 or would be registered, his or her reason for voting an absentee ballot, the
10 address to which the ballot is to be mailed, if mailing is requested, and for absent
11 uniformed services and overseas applicants, the applicant's email address if
12 electronic transmission is requested. If the reason for the applicant voting
13 absentee is due to the reasons established under subdivision (6) of subsection 1
14 of section 115.277, the applicant shall state the voter's identification information
15 provided by the address confidentiality program in lieu of the applicant's name,
16 address at which he or she is or would be registered, and address to which the
17 ballot is to be mailed, if mailing is requested. Each application to vote in a
18 primary election shall also state which ballot the applicant wishes to receive. If
19 any application fails to designate a ballot, the election authority shall, within
20 three working days after receiving the application, notify the applicant by mail
21 that it will be unable to deliver an absentee ballot until the applicant designates
22 which political party ballot he or she wishes to receive. If the applicant does not
23 respond to the request for political party designation, the election authority is
24 authorized to provide the voter with that part of the ballot for which no political
25 party designation is required.

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

37 4. Each application for an absentee ballot shall be signed by the applicant
38 or, if the application is made by a guardian or relative pursuant to this section,
39 the application shall be signed by the guardian or relative, who shall note on the
40 application his or her relationship to the applicant. If an applicant, guardian or
41 relative is blind, unable to read or write the English language or physically
42 incapable of signing the application, he or she shall sign by mark, witnessed by
43 the signature of an election official or person of his or her own choosing. Any

44 person who knowingly makes, delivers or mails a fraudulent absentee ballot
45 application shall be guilty of a class one election offense.

46 5. (1) Notwithstanding any law to the contrary, any resident of the state
47 of Missouri who resides outside the boundaries of the United States or who is on
48 active duty with the Armed Forces of the United States or members of their
49 immediate family living with them may request an absentee ballot for both the
50 primary and subsequent general election with one application.

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

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

60 (4) Not later than sixty days after the date of each regularly scheduled
61 general election for federal office, each election authority which administered the
62 election shall submit to the secretary of state in a format prescribed by the
63 secretary a report on the combined number of absentee ballots transmitted to,
64 and returned by, absent uniformed services voters and overseas voters for the
65 election. The secretary shall submit to the Election Assistance Commission a
66 combined report of such information not later than ninety days after the date of
67 each regularly scheduled general election for federal office and in a standardized
68 format developed by the commission pursuant to the Help America Vote Act of
69 2002. The secretary shall make the report available to the general public.

70 (5) As used in this section, the terms "absent uniformed services voter"
71 and "overseas voter" shall have the meaning prescribed in 52 U.S.C. Section
72 20310.

73 6. [An application for an absentee ballot by a new resident shall be
74 submitted in person by the applicant in the office of the election authority in the
75 election jurisdiction in which such applicant resides. The application shall be
76 received by the election authority no later than 7:00 p.m. on the day of the
77 election. Such application shall be in the form of an affidavit, executed in
78 duplicate in the presence of the election authority or any authorized officer of the
79 election authority, and in substantially the following form:

80 "STATE OF _____

81 COUNTY OF _____, ss.

82 I, _____, do solemnly swear that:

83 (1) Before becoming a resident of this state, I resided at
84 _____ (residence address) in _____ (town, township,
85 village or city) of _____ County in the state of
86 _____;

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

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

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

97 Signed _____

98 (Applicant)

99 _____

100 (Residence Address)

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

102 Signed _____

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

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

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

115 "STATE OF _____

116 COUNTY OF _____, ss.

117 I, _____, do solemnly swear that:

- 118 (1) Before becoming a resident of this election
- 119 jurisdiction, I resided at _____ (residence address)
- 120 in _____ (town, township, village or city) of _____
- 121 county in the state of _____;
- 122 (2) I moved to this election jurisdiction after the last day
- 123 to register to vote in such election;
- 124 (3) I believe I am entitled pursuant to the laws of this
- 125 state to vote in the election to be held _____ (date);
- 126 (4) I hereby make application for an absentee ballot for
- 127 candidates and issues on which I am entitled to vote
- 128 pursuant to the laws of this state. I have not voted
- 129 and shall not vote other than by this ballot at such
- 130 election.

131 Signed _____

132 (Applicant)

133 _____

134 (Residence Address)

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

136 Signed _____

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

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

