

SECOND REGULAR SESSION

# SENATE BILL NO. 594

98TH GENERAL ASSEMBLY

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INTRODUCED BY SENATOR KRAUS.

Pre-filed December 1, 2015, and ordered printed.

ADRIANE D. CROUSE, Secretary.

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## AN ACT

To repeal sections 115.279, 115.290, 115.427, 115.430, 115.902, 115.906, and 115.914, RSMo, and to enact in lieu thereof seven new sections relating to voting procedures, with a contingent effective date.

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

Section A. Sections 115.279, 115.290, 115.427, 115.430, 115.902, 115.906, 2 and 115.914, RSMo, are repealed and seven new sections enacted in lieu thereof, 3 to be known as sections 115.279, 115.290, 115.427, 115.430, 115.902, 115.906, and 4 115.914, to read as follows:

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 within the 5 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

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

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

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

45 5. (1) Notwithstanding any law to the contrary, any resident of the state  
46 of Missouri who resides outside the boundaries of the United States or who is on  
47 active duty with the Armed Forces of the United States or members of their  
48 immediate family living with them may request an absentee ballot for both the  
49 primary and subsequent general election with one application.

50 (2) The election authority shall provide each absent uniformed services  
51 voter and each overseas voter who submits a voter registration application or an  
52 absentee ballot request, if the election authority rejects the application or request,

53 with the reasons for the rejection.

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

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

69 (5) As used in this section, the terms "absent uniformed services voter"  
70 and "overseas voter" shall have the meaning prescribed in 42 U.S.C. Section  
71 1973ff-6.

72 6. An application for an absentee ballot by a new resident, as defined in  
73 section 115.275, shall be submitted in person by the applicant in the office of the  
74 election authority in the election jurisdiction in which such applicant  
75 resides. The application shall be received by the election authority no later than  
76 7:00 p.m. on the day of the election. Such application shall be in the form of an  
77 affidavit, executed in duplicate in the presence of the election authority or any  
78 authorized officer of the election authority, and in substantially the following  
79 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,  
85 township, village or city) of ..... County in the state of  
86 .....

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

89 ....., state of Missouri;

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

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

95 Signed .....

96 (Applicant)

97 .....

98 (Residence Address)

99 Subscribed and sworn to before me this ..... day of ....., .....

100 Signed .....

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

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

106 8. An application for an absentee ballot by an intrastate new resident, as  
107 defined in section 115.275, shall be made in person by the applicant in the office  
108 of the election authority in the election jurisdiction in which such applicant  
109 resides. The application shall be received by the election authority no later than  
110 7:00 p.m. on the day of the election. Such application shall be in the form of an  
111 affidavit, executed in duplicate in the presence of the election authority or an  
112 authorized officer of the election authority, and in substantially the following  
113 form:

114 "STATE OF .....

115 COUNTY OF ....., ss.

116 I, ....., do solemnly swear that:

117 (1) Before becoming a resident of this election jurisdiction, I resided at  
118 ..... (residence address) in ..... (town, township,  
119 village or city) of ..... county in the state of .....

120 (2) I moved to this election jurisdiction after the last day to register to  
121 vote in such election;

122 (3) I believe I am entitled pursuant to the laws of this state to vote in the  
123 election to be held ..... (date);

124 (4) I hereby make application for an absentee ballot for candidates and

125 issues on which I am entitled to vote pursuant to the laws of this state. I have  
 126 not voted and shall not vote other than by this ballot at such election.

127 Signed .....

128 (Applicant)

129 .....

130 (Residence Address)

131 Subscribed and sworn to before me this ..... day of ....., .....

132 Signed .....

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

134 9. An application for an absentee ballot by an interstate former resident,  
 135 as defined in section 115.275, shall be received in the office of the election  
 136 authority where the applicant was formerly registered by 5:00 p.m. on the  
 137 Wednesday immediately prior to the election, unless the application is made in  
 138 person by the applicant in the office of the election authority, in which case such  
 139 application shall be made no later than 7:00 p.m. on the day of the election.

115.290. Any person registered by mail under the provisions of section  
 2 115.159 and voting by absentee ballot shall provide an affidavit subscribed and  
 3 sworn to as provided in section 115.291 regardless of the cause for requesting  
 4 such ballot unless the voter is exempt from such requirement under section  
 5 115.284 or section [1973ee-3] **20104**, title [42] **52**, United States Code.

115.427. 1. **[Before receiving a ballot, voters] Persons seeking to vote**  
 2 **in a public election** shall establish their identity and eligibility to vote at the  
 3 polling place by presenting a form of personal identification **to election**  
 4 **officials.** ["Personal identification" shall mean only] **No form of personal**  
 5 **identification other than the forms listed in this section shall be**  
 6 **accepted to establish a voter's qualifications to vote. Forms of personal**  
 7 **identification that satisfy the requirements of this section are any one**  
 8 of the following:

9 (1) Nonexpired Missouri driver's license [showing the name and a  
 10 photograph or digital image of the individual]; [or]

11 (2) Nonexpired or nonexpiring Missouri nondriver's license [showing the  
 12 name and a photographic or digital image of the individual]; [or]

13 (3) **Any identification containing a photograph of the individual**  
 14 **that is issued by the Missouri National Guard, the United States Armed**  
 15 **Forces, or the United States Department of Veterans Affairs to a**  
 16 **member or former member of the Missouri National Guard or the**

17 **United States Armed Forces and that does not have an expiration date;**  
18 **or**

19 (4) A document that satisfies all of the following requirements:

20 (a) The document contains the name of the individual to whom the  
21 document was issued, and the name substantially conforms to the most recent  
22 signature in the individual's voter registration record;

23 (b) The document shows a [photographic or digital image] **photograph**  
24 of the individual;

25 (c) The document includes an expiration date, and the document is not  
26 expired, or if expired, **the document** expired [not before] **after** the date of the  
27 most recent general election; and

28 (d) The document was issued by the United States or the state of  
29 Missouri[]; or

30 (4) Any identification containing a photographic or digital image of the  
31 individual which is issued by the Missouri National Guard, the United States  
32 Armed Forces, or the United States Department of Veteran Affairs to a member  
33 or former member of the Missouri National Guard or the United States Armed  
34 Forces and that does not have an expiration date].

35 2. [The] **All election authority costs associated with the**  
36 **implementation of the photo identification requirements of this section**  
37 **shall be reimbursed from the general revenue of this state by an**  
38 **appropriation for that purpose. If there is no appropriation and**  
39 **distribution of state funds, then election authorities shall not enforce**  
40 **the photo identification requirements of this section.**

41 3. **Each** election authority shall post a clear and conspicuous notice at  
42 each polling place informing each voter who appears at the polling place without  
43 a form of personal identification that satisfies the requirements of subsection 1  
44 of this section that the voter may return to the polling place with a proper form  
45 of personal identification and vote a regular ballot after election judges have  
46 verified the voter's identity and eligibility under [subsection 1 of] this section. In  
47 addition to such posting, the election judges **at each polling place** may also  
48 inform such voters by written or oral communication of such information posted  
49 in the notice. Voters who return to the polling place during the uniform polling  
50 hours established by section 115.407 with a current and valid form of personal  
51 identification shall be given priority in any voting lines.

52 [3.] 4. An individual who appears at a polling place without **a form of**

53 **personal** identification [in the form] described in [subsection 1 of] this section  
 54 and who is otherwise qualified to vote at that polling place may execute an  
 55 affidavit averring that the voter is the person listed in the precinct register [and  
 56 that the voter], does not possess a form of **personal** identification specified in  
 57 this section and is unable to obtain a current and valid form of personal  
 58 identification because of:

59 (1) A physical or mental disability or handicap of the voter, if the voter  
 60 is otherwise competent to vote under Missouri law; [or]

61 (2) **The inability to pay for a birth certificate or other supporting**  
 62 **documentation that is necessary to obtain the identification required**  
 63 **to vote under this section;**

64 (3) A sincerely held religious belief against the forms of personal  
 65 identification described in [subsection 1 of] this section; or

66 [(3)] (4) The voter being born on or before January 1, 1941.

67 Upon executing such affidavit, the individual may cast a provisional ballot. Such  
 68 provisional ballot shall be counted, provided the election authority verifies the  
 69 identity of the individual by comparing that individual's signature to the  
 70 signature on file with the election authority and determines that the individual  
 71 was eligible to cast a ballot at the polling place where the ballot was cast.

72 [4.] 5. The affidavit to be used for voting under subsection [3] 4 of this  
 73 section shall be substantially in the following form:

74 "State of .....

75 County of .....

76 I do solemnly swear (or affirm) that my name is .....; that I reside at  
 77 .....; and that I am the person listed in the precinct register  
 78 under this name and at this address. I further swear (or affirm) that I am unable  
 79 to obtain a current and valid form of personal identification because of:

80  A physical or mental disability or handicap; [or]

81  **An inability to pay for a birth certificate or other supporting**  
 82 **documentation necessary to obtain the identification required to vote**  
 83 **under this section;**

84  A sincerely held religious belief; [or]

85  My being born on or before January 1, 1941.

86 I understand that knowingly providing false information is a violation of law and  
 87 subjects me to possible criminal prosecution.

88 .....

89 Signature of voter

90 Subscribed and affirmed before me this ..... day of ....., 20...

91 .....

92 Signature of election official"

93 [5.] 6. A voter shall be allowed to cast a provisional ballot under section  
94 115.430 even if the election judges cannot establish the voter's identity **and**  
95 **eligibility** under [subsection 1 of] this section. The election judges shall make  
96 a notation on the provisional ballot envelope to indicate that the voter's identity  
97 was not verified. The provisional ballot cast by such voter shall not be counted  
98 unless:

99 (1) The voter returns to the polling place during the uniform polling hours  
100 established by section 115.407 and provides a form of personal identification that  
101 allows the election judges to verify the voter's identity as provided in [subsection  
102 1 of] this section; and

103 (2) The provisional ballot otherwise qualifies to be counted under section  
104 115.430.

105 [6.] 7. The [secretary of state] **election authority** shall provide advance  
106 notice of the personal identification requirements of [subsection 1 of] this section  
107 in a manner calculated to inform the public generally of the requirement for  
108 [photographic] **forms of** personal identification as provided in this  
109 section[. Such advance notice shall include, at a minimum, the use of  
110 advertisements and public service announcements in print, broadcast television,  
111 radio, and cable television media, as well as the posting of information on the  
112 opening pages of the official state internet websites of the secretary of state and  
113 governor] **to be included in the notice required under sections 115.127**  
114 **and 115.129.**

115 [7.] 8. The provisions of section 136.055 and section 302.181  
116 notwithstanding, **the state shall provide at least one such form of the**  
117 **personal identification required to vote at no cost to any otherwise**  
118 **qualified voter who does not already possess such identification and**  
119 **who desires the identification in order to vote.** Any applicant who  
120 requests a nondriver's license with a photograph or digital image for the purpose  
121 of voting shall not be required to pay a fee if the applicant executes an affidavit  
122 averring that the applicant does not have any other form of [photographic]  
123 personal identification that meets the requirements of [subsection 1 of] this



124 section. The state of Missouri shall pay the legally required fees for any such  
 125 applicant. The director shall design an affidavit to be used for this  
 126 purpose. [However, any disabled or elderly person otherwise competent to vote  
 127 shall be issued a nondriver's license photo identification through a mobile  
 128 processing system operated by the Missouri department of revenue upon request  
 129 if the individual is physically unable to otherwise obtain a nondriver's license  
 130 photo identification. The department of revenue shall make nondriver's license  
 131 photo identifications available through its mobile processing system only at  
 132 facilities licensed under chapter 198 and other public places accessible to and  
 133 frequented by disabled and elderly persons. The department shall provide  
 134 advance notice of the times and places when the mobile processing system will be  
 135 available. At least nine mobile units housed under the office of administration  
 136 shall remain available for dispatch upon the request of the department of revenue  
 137 to fulfill the requirements of this section.] The total cost associated with  
 138 nondriver's license photo identification under this subsection shall be borne by  
 139 the state of Missouri from funds appropriated to the department of revenue for  
 140 that specific purpose. The department of revenue and a local election authority  
 141 may enter into a contract that allows the local election authority to assist the  
 142 department in issuing nondriver's license photo identifications.

143 [8.] 9. The director of the department of revenue shall, by January first  
 144 of each year, prepare and deliver to each member of the general assembly a report  
 145 documenting the number of individuals who have requested and received a  
 146 nondriver's license photo identification for the purposes of voting under this  
 147 section. The report shall also include the number of persons requesting a  
 148 nondriver's license for purposes of voting under this section, but not receiving  
 149 such license, and the reason for the denial of the nondriver's license.

150 [9.] 10. The precinct register shall serve as the voter identification  
 151 certificate. The following form shall be printed at the top of each page of the  
 152 precinct register:

153 VOTER'S IDENTIFICATION CERTIFICATE  
 154 Warning: It is against the law for anyone to vote, or attempt to vote, without  
 155 having a lawful right to vote.  
 156 PRECINCT  
 157 WARD OR TOWNSHIP .....  
 158 GENERAL (SPECIAL, PRIMARY) ELECTION  
 159 Held ....., 20....

160

Date

161 I hereby certify that I am qualified to vote at this election by signing my name  
162 and verifying my address by signing my initials next to my address.

163 [10.] 11. The secretary of state shall promulgate rules to effectuate the  
164 provisions of this section.

165 [11.] 12. Any rule or portion of a rule, as that term is defined in section  
166 536.010, that is created under the authority delegated in this section shall  
167 become effective only if it complies with and is subject to all of the provisions of  
168 chapter 536 and, if applicable, section 536.028. This section and chapter 536 are  
169 nonseverable and if any of the powers vested with the general assembly pursuant  
170 to chapter 536 to review, to delay the effective date or to disapprove and annul  
171 a rule are subsequently held unconstitutional, then the grant of rulemaking  
172 authority and any rule proposed or adopted after August 28, 2002, shall be  
173 invalid and void.

174 [12.] 13. If any voter is unable to sign his name at the appropriate place  
175 on the certificate or computer printout, an election judge shall print the name and  
176 address of the voter in the appropriate place on the precinct register, the voter  
177 shall make his mark in lieu of signature, and the voter's mark shall be witnessed  
178 by the signature of an election judge.

179 [13. For any election held on or before November 1, 2008, an individual  
180 who appears at a polling place without identification in the form described in  
181 subsection 1 of this section, and who is otherwise qualified to vote at that polling  
182 place, may cast a provisional ballot after:

183 (1) Executing an affidavit which is also signed by two supervising election  
184 judges, one from each major political party, who attest that they have personal  
185 knowledge of the identity of the voter, provided that the two supervising election  
186 judges who sign an affidavit under this subdivision shall not be involved or  
187 participate in the verification of the voter's eligibility by the election authority  
188 after the provisional ballot is cast; or

189 (2) (a) Executing an affidavit affirming his or her identity; and

190 (b) Presenting a form of identification from the following list:

191 a. Identification issued by the state of Missouri, an agency of the state,  
192 or a local election authority of the state;

193 b. Identification issued by the United States government or agency  
194 thereof;

195 c. Identification issued by an institution of higher education, including a

196 university, college, vocational and technical school, located within the state of  
 197 Missouri;

198 d. A copy of a current utility bill, bank statement, government check,  
 199 paycheck, or other government document that contains the name and address of  
 200 the voter; or

201 e. Driver's license or state identification card issued by another  
 202 state. Such provisional ballot shall be entitled to be counted, provided the  
 203 election authority verifies the identity of the individual by comparing that  
 204 individual's signature to the current signature on file with the election authority  
 205 and determines that the individual was otherwise eligible to cast a ballot at the  
 206 polling place where the ballot was cast.

207 14. The affidavit to be used for voting under subsection 13 of this section  
 208 shall be substantially in the following form:

209 "State of .....

210 County of .....

211 I do solemnly swear (or affirm) that my name is .....; that I reside at  
 212 .....; and that I am the person listed in the precinct register under  
 213 this name and at this address.

214 I understand that knowingly providing false information is a violation of law and  
 215 subjects me to possible criminal prosecution.

216 .....

217 Signature of voter

218 Subscribed and affirmed before me this ..... day of ....., 20....

219 .....

220 Signature of Election Official".

221 15. The provisions of subsections 1 to 5 and 8 to 14 of this section shall  
 222 become effective August 28, 2006, and this subsection shall expire September 1,  
 223 2006.]

115.430. 1. This section shall apply [to primary and general elections  
 2 where candidates for federal or statewide offices are nominated or elected and  
 3 any election where statewide issue or issues are submitted to the voters.

4 **2.] in all elections. However, provisional ballots shall not be**  
 5 **available for absentee voting.**

6 (1) A voter claiming to be properly registered in the jurisdiction of the  
 7 election authority and eligible to vote in an election, but whose eligibility at that  
 8 precinct cannot be immediately established upon examination of the precinct

9 register, shall be entitled to vote a provisional ballot after providing a form of  
10 personal identification required pursuant to section 115.427 or upon executing an  
11 affidavit under section 115.427, or may vote at a central polling place as  
12 established in section 115.115 where the voter may vote his or her appropriate  
13 ballot for his or her precinct of residence upon verification of eligibility or vote a  
14 provisional ballot if eligibility cannot be determined. The provisional ballot  
15 provided to a voter under this section shall be the ballot provided to a resident  
16 of the voter's precinct determined by reference to the affidavit provided for in this  
17 section. If the voter declares that the voter is eligible to vote and the election  
18 authority determines that the voter is eligible to vote at another polling place, the  
19 voter shall be directed to the correct polling place or a central polling place as  
20 established by the election authority pursuant to subsection 5 of section 115.115.  
21 If the voter refuses to go to the correct polling place or a central polling place, the  
22 voter shall be permitted to vote a provisional ballot at the incorrect polling place,  
23 but such ballot shall not be counted if the voter was not eligible to vote at that  
24 polling place.

25 (2) The following steps shall be taken to establish a voter's eligibility to  
26 vote at a polling place:

27 (a) The election judge shall examine the precinct register as provided in  
28 section 115.425. If the voter is registered and eligible to vote at the polling place,  
29 the voter shall receive a regular ballot;

30 (b) If the voter's eligibility cannot be immediately established by  
31 examining the precinct register, the election judge shall contact the election  
32 authority. If the election authority cannot immediately establish that the voter  
33 is registered and eligible to vote at the polling place upon examination of the  
34 Missouri voter registration system, or if the election judge is unable to make  
35 contact with the election authority immediately, the voter shall be notified that  
36 the voter is entitled to a provisional ballot.

37 (3) The voter shall have the duty to appear and vote at the correct polling  
38 place. If an election judge determines that the voter is not eligible to vote at the  
39 polling place at which a voter presents himself or herself, and if the voter appears  
40 to be eligible to vote at another polling place, the voter shall be informed that he  
41 or she may cast a provisional ballot at the current polling place or may travel to  
42 the correct polling place or a central polling place, as established by the election  
43 authority under subsection 5 of section 115.115, where the voter may cast a  
44 regular ballot or provisional ballot if the voter's eligibility still cannot be

45 determined. Provisional ballots cast at a polling place shall be counted only if the  
46 voter was eligible to vote at such polling place as provided in subsection 5 of this  
47 section.

48 (4) For a voter requesting an absentee ballot in person, such voter shall  
49 be entitled to cast a provisional ballot when the voter's eligibility cannot be  
50 immediately established upon examination of the precinct registers or the  
51 Missouri voter registration system.

52 (5) Prior to accepting any provisional ballot at the polling place, the  
53 election judges shall determine that the information provided on the provisional  
54 ballot envelope by the provisional voter is consistent with the identification  
55 provided by such person under section 115.427.

56 [3.] 2. (1) No person shall be entitled to receive a provisional ballot until  
57 such person has completed a provisional ballot affidavit on the provisional ballot  
58 envelope.

59 (2) The secretary of state shall produce appropriate sizes of provisional  
60 ballot envelopes and distribute them to each election authority according to their  
61 tabulating system. All provisional ballot envelopes shall be printed on a  
62 distinguishable color of paper that is different from the color of the regular  
63 ballot. The provisional ballot envelope shall be in the form required by  
64 subsection 4 of this section. All provisional ballots shall be marked with a  
65 conspicuous stamp or other distinguishing mark that makes them readily  
66 distinguishable from the regular ballots.

67 (3) Once voted, the provisional ballot shall be placed and sealed in a  
68 provisional ballot envelope.

69 [4.] 3. The provisional ballot in its envelope shall be deposited in the  
70 ballot box. The provisional ballot envelope shall be completed by the voter for use  
71 in determining eligibility. The provisional ballot envelope specified in this section  
72 shall contain a voter's certificate which shall be in substantially the following  
73 form:

74 STATE OF .....

75 COUNTY OF .....

76 I do solemnly swear (or affirm) that my name is .....; that my date  
77 of birth is .....; that the last four digits of my Social Security Number are  
78 .....; that I am registered to vote in ..... County or City (if a City  
79 not within a County), Missouri; that I am a qualified voter of said County (or City  
80 not within a County); that I am eligible to vote at this polling place; and that I

81 have not voted in this election.

82 I understand that if the above-provided information is not correct and the  
83 election authority determines that I am not registered and eligible to vote, my  
84 vote will not be counted. I further understand that knowingly providing false  
85 information is a violation of law and subjects me to possible criminal prosecution.

86 .....

87 (Signature of Voter)

88 .....

89 (Current Address)

90 Subscribed and affirmed before me this ..... day of ....., 20.....

91 .....

92 (Signature of Election Official)

93 The voter may provide additional information to further assist the election  
94 authority in determining eligibility, including the place and date the voter  
95 registered to vote, if known.

96 [5.] 4. (1) Prior to counting any provisional ballot, the election authority  
97 shall determine if the voter is registered and eligible to vote and if the vote was  
98 properly cast. The eligibility of provisional votes shall be determined according  
99 to the requirements for a voter to cast a ballot in the election as set forth in  
100 sections 115.133 and 115.135. A provisional voter ballot shall not be eligible to  
101 be counted until the election authority has determined that:

102 (a) The voter cast such provisional ballot at a polling place established for  
103 the voter or the central polling place established by the election authority under  
104 subsection 5 of section 115.115;

105 (b) The individual who cast the provisional ballot is an individual  
106 registered to vote in the respective election at the polling place where the ballot  
107 was cast;

108 (c) The voter did not otherwise vote in the same election by regular ballot,  
109 absentee ballot, or otherwise; and

110 (d) The information on the provisional ballot envelope is found to be  
111 correct, complete, and accurate.

112 (2) When the ballot boxes are delivered to the election authority from the  
113 polling places, the receiving teams shall separate the provisional ballots from the  
114 rest of the ballots and place the sealed provisional ballot envelopes in a separate  
115 container. Teams of election authority employees or teams of election judges with  
116 each team consisting of one member of each major political party shall photocopy

117 each provisional ballot envelope, such photocopy to be used by the election  
118 authority to determine provisional voter eligibility. The sealed provisional ballot  
119 envelopes shall be placed by the team in a sealed container and shall remain  
120 therein until tabulation.

121 (3) To determine whether a provisional ballot is valid and entitled to be  
122 counted, the election authority shall examine its records and verify that the  
123 provisional voter is properly registered and eligible to vote in the election. If the  
124 provisional voter has provided information regarding the registration agency  
125 where the provisional voter registered to vote, the election authority shall make  
126 an inquiry of the registration agency to determine whether the provisional voter  
127 is properly registered and eligible to vote in the election.

128 (4) If the election authority determines that the provisional voter is  
129 registered and eligible to vote in the election, the election authority shall provide  
130 documentation verifying the voter's eligibility. Such documentation shall be  
131 noted on the copy of the provisional ballot envelope and shall contain  
132 substantially the following information:

133 (a) The name of the provisional voter;

134 (b) The name of the reviewer;

135 (c) The date and time; and

136 (d) A description of evidence found that supports the voter's eligibility.

137 (5) The local election authority shall record on a provisional ballot  
138 acceptance/rejection list the provisional ballot identification number and a  
139 notation marking it as accepted.

140 (6) If the election authority determines that the provisional voter is not  
141 registered or eligible to vote in the election, the election authority shall provide  
142 documentation verifying the voter's ineligibility. Such documentation shall be  
143 noted on the copy of the provisional ballot envelope and shall contain  
144 substantially the following information:

145 (a) The name of the provisional voter;

146 (b) The name of the reviewer;

147 (c) The date and time;

148 (d) A description of why the voter is ineligible.

149 (7) The local election authority shall record on a provisional ballot  
150 acceptance/rejection list the provisional ballot identification number and notation  
151 marking it as rejected.

152 (8) If rejected, a photocopy of the envelope shall be made and used by the

153 election authority as a mail-in voter registration. The actual provisional ballot  
154 envelope shall be kept as ballot material, and the copy of the envelope shall be  
155 used by the election authority for registration record keeping.

156 [6.] 5. All provisional ballots cast by voters whose eligibility has been  
157 verified as provided in this section shall be counted in accordance with the rules  
158 governing ballot tabulation. Provisional ballots shall not be counted until all  
159 provisional ballots are determined either eligible or ineligible and all provisional  
160 ballots must be processed before the election is certified. The provisional ballot  
161 shall be counted only if the election authority determines that the voter is  
162 registered and eligible to vote. Provisional ballots voted in the wrong polling  
163 place shall not be counted. If the voter is not registered but is qualified to  
164 register for future elections, the affidavit shall be considered a mail-in application  
165 to register to vote pursuant to this chapter.

166 [7.] 6. (1) After the election authority completes its review of the  
167 provisional voter's eligibility under subsection 5 of this section, the election  
168 authority shall deliver the provisional ballots and copies of the provisional ballot  
169 envelopes that include eligibility information to bipartisan counting teams, which  
170 may be the board of verification, for review and tabulation. The election  
171 authority shall maintain a record of such delivery. The record shall include the  
172 number of ballots delivered to each team and shall include a signed receipt from  
173 two judges, one from each major political party. The election authority shall  
174 provide each team with a ballot box and material necessary for tabulation.

175 (2) If the person named on the provisional ballot affidavit is found to have  
176 been properly qualified and registered to cast a ballot in the election and the  
177 provisional ballot otherwise qualifies to be counted under the provisions of this  
178 section, the envelope shall be opened, and the ballot shall be placed in a ballot  
179 box to be counted.

180 (3) If the person named on the provisional ballot affidavit is found not to  
181 have been properly qualified and registered to cast a ballot in the election or if  
182 the election authority is unable to determine such person's right to vote, the  
183 envelope containing the provisional ballot shall not be opened, and the person's  
184 vote shall not be counted. The members of the team shall follow the procedures  
185 set forth in subsection [5] 4 of this section for rejected provisional ballots.

186 (4) The votes shall be tallied and the returns made as provided in sections  
187 115.447 to 115.525 for paper ballots. After the vote on all ballots assigned to a  
188 team have been counted, the ballots, ballot envelopes, and copies of ballot



189 envelopes with the eligibility information provided by the election authority shall  
190 be enclosed in sealed containers marked "Voted provisional ballots and ballot  
191 envelopes from the election held ....., 20...". All rejected provisional ballots,  
192 ballot envelopes, and copies of ballot envelopes with the eligibility information  
193 provided by the election authority shall be enclosed in sealed containers marked  
194 "Rejected provisional ballots and ballot envelopes from the election held  
195 ....., 20...". On the outside of each voted ballot and rejected ballot  
196 container, each member of the team shall write their name and all such  
197 containers shall be returned to the election authority. Upon receipt of the returns  
198 and ballots, the election authority shall tabulate the provisional votes.

199 [8.] 7. Challengers and watchers, as provided by sections 115.105 and  
200 115.107, may be present during all times that the bipartisan counting teams are  
201 reviewing or counting the provisional ballots, the provisional ballot envelopes, or  
202 copies of the provisional ballot envelopes that include eligibility information  
203 provided by the election authority. Challengers and watchers shall be permitted  
204 to observe the determination of the eligibility of all provisional ballots. The  
205 election authority shall notify the county chair of each major political party of the  
206 time and location when bipartisan counting teams will be reviewing or counting  
207 the provisional ballots, the provisional ballot envelopes, or the copies of the  
208 provisional ballot envelopes that include the eligibility information provided by  
209 the election authority.

210 [9.] 8. The certificate of ballot cards shall:

- 211 (1) Reflect the number of provisional envelopes delivered; and  
212 (2) Reflect the number of sealed provisional envelopes with voted ballots  
213 deposited in the ballot box.

214 [10.] 9. In counties where the voting system does not utilize a paper  
215 ballot, the election authority shall provide the appropriate provisional ballots to  
216 each polling place.

217 [11.] 10. The secretary of state may promulgate rules for purposes of  
218 ensuring the uniform application of this section. No rule or portion of a rule  
219 promulgated pursuant to the authority of this section shall become effective  
220 unless it has been promulgated pursuant to chapter 536.

221 [12.] 11. The secretary of state shall design and provide to the election  
222 authorities the envelopes and forms necessary to carry out the provisions of this  
223 section.

224 [13.] 12. Pursuant to the Help America Vote Act of 2002, the secretary

225 of state shall ensure a free access system is established, such as a toll-free  
 226 number or an internet website, that any individual who casts a provisional ballot  
 227 may access to discover whether the vote of that individual was counted, and, if  
 228 the vote was not counted, the reason that the vote was not counted. At the time  
 229 an individual casts a provisional ballot, the election authority shall give the voter  
 230 written information that states that any individual who casts a provisional ballot  
 231 will be able to ascertain under such free access system whether the vote was  
 232 counted, and if the vote was not counted, the reason that the vote was not  
 233 counted.

234 [14.] **13.** In accordance with the Help America Vote Act of 2002, any  
 235 individual who votes in an election as a result of a court order or any other order  
 236 extending the time established for closing the polls in section 115.407 may vote  
 237 only by using a provisional ballot, and such provisional ballot shall be separated  
 238 and held apart from other provisional ballots cast by those not affected by the  
 239 order. Such ballots shall not be counted until such time as the ballots are  
 240 determined to be valid. No state court shall have jurisdiction to extend the  
 241 polling hours established by law, including section 115.407.

115.902. As used in sections 115.900 to 115.936, the following terms shall  
 2 mean:

3 (1) "Covered voter":

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

5 (b) A uniformed services voter defined in this section whose voting  
 6 residence is in this state and who otherwise satisfies this state's voter eligibility  
 7 requirements; or

8 (c) An overseas voter;

9 (2) "Dependent", an individual recognized as a dependent by a uniformed  
 10 service;

11 (3) "Federal postcard application", the application prescribed under  
 12 Section 101(b)(2) of the Uniformed and Overseas Citizens Absentee Voting Act,  
 13 [42 U.S.C. Section 1973ff(b)(2)] **52 U.S.C. 20301(b)(2)**;

14 (4) "Federal write-in absentee ballot", the ballot described in Section 103  
 15 of the Uniformed and Overseas Citizens Absentee Voting Act, [42 U.S.C. Section  
 16 1973ff-2] **52 U.S.C. Section 20310**;

17 (5) "Military-overseas ballot":

18 (a) A federal write-in absentee ballot;

19 (b) A ballot specifically prepared or distributed for use by a covered voter

20 in accordance with sections 115.900 to 115.936; and

21 (c) A ballot cast by a covered voter in accordance with sections 115.900 to  
22 115.936;

23 (6) "Overseas voter":

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

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

30 (7) "State", a state of the United States, the District of Columbia, Puerto  
31 Rico, the United States Virgin Islands, or any territory or insular possession  
32 subject to the jurisdiction of the United States;

33 (8) "Uniformed services":

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

36 (b) The Merchant Marine, the commissioned corps of the Public Health  
37 Service, or the commissioned corps of the National Oceanic and Atmospheric  
38 Administration of the United States; or

39 (c) The Missouri National Guard;

40 (9) "Uniformed services voter", an individual who is qualified to vote and  
41 is:

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

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

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

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

49 (10) "United States", used in the territorial sense, the several states, the  
50 District of Columbia, Puerto Rico, the United States Virgin Islands, and any  
51 territory or insular possession subject to the jurisdiction of the United States.

115.906. 1. The secretary of state shall be responsible for implementing  
2 sections 115.900 to 115.936 and the state's responsibilities under the Uniformed  
3 and Overseas Citizens Absentee Voting Act, [42 U.S.C. Section 1973fff] **52 U.S.C.**  
4 **Section 20301**, et seq.

5           2. The secretary of state shall make available to covered voters  
6 information regarding voter registration procedures for covered voters and  
7 procedures for casting military-overseas ballots. The secretary of state may  
8 delegate the responsibility under this subsection only to the state office  
9 designated in compliance with Section 102(b)(1) of the Uniformed and Overseas  
10 Citizens Absentee Voting Act, [42 U.S.C. Section 1973ff-1(b)(1)] **52 U.S.C.**  
11 **Section 20302(b)(1).**

12           3. The secretary of state shall establish an electronic transmission system  
13 through which a covered voter may apply for and receive voter registration  
14 materials, military-overseas ballots, and other information under sections 115.900  
15 to 115.936.

16           4. The secretary of state shall:

17           (1) Develop standardized absentee-voting materials, including privacy and  
18 transmission envelopes and their electronic equivalents, authentication materials,  
19 and voting instructions, to be used with the military-overseas ballot of a voter  
20 authorized to vote in any jurisdiction in this state; and

21           (2) To the extent reasonably possible, coordinate with other states to carry  
22 out this subsection.

23           5. The secretary of state shall prescribe the form and content of a  
24 declaration for use by a covered voter to swear or affirm specific representations  
25 pertaining to the voter's identity, eligibility to vote, status as a covered voter, and  
26 timely and proper completion of a military-overseas ballot. The declaration shall  
27 be based on the declaration prescribed to accompany a federal write-in absentee  
28 ballot, as modified to be consistent with sections 115.900 to 115.936. The  
29 secretary of state shall ensure that a form for the execution of the declaration,  
30 including an indication of the date of execution of the declaration, is a prominent  
31 part of all balloting materials for which the declaration is required.

115.914. 1. For an election described in section 115.904 for which this  
2 state has not received a waiver under Section 579 of the Military and Overseas  
3 Voter Empowerment Act, [42 U.S.C. Section 1973ff-1(g)(2)] **52 U.S.C.**  
4 **20302(g)(2)**, not later than forty-five days before the election or, if the forty-fifth  
5 day before the election is a weekend or holiday, not later than the business day  
6 preceding the forty-fifth day, the election authority in each jurisdiction charged  
7 with distributing a ballot and balloting materials shall transmit a ballot and  
8 balloting materials to all covered voters who by that date submit a valid  
9 military-overseas ballot application.

10           2. A covered voter who requests that a ballot and balloting materials be  
11 sent to the voter by electronic transmission may choose facsimile transmission or  
12 electronic mail delivery, or, if offered by the voter's jurisdiction, internet  
13 delivery. The election authority in each jurisdiction charged with distributing a  
14 ballot and balloting materials shall transmit the ballot and balloting materials  
15 to the voter using the means of transmission chosen by the voter.

16           3. If a ballot application from a covered voter arrives after the jurisdiction  
17 begins transmitting ballots and balloting materials to voters, the election  
18 authority charged with distributing a ballot and balloting materials shall  
19 transmit them to the voter not later than two business days after the application  
20 arrives.

          Section B. Section A of this act shall become effective only upon the  
2 passage and approval by the voters of a constitutional amendment submitted to  
3 them by the general assembly regarding the authorization of photo identification  
4 for elections.

✓

Bill

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