

SECOND REGULAR SESSION

SENATE BILL NO. 847

95TH GENERAL ASSEMBLY

INTRODUCED BY SENATOR BARNITZ.

Read 1st time January 27, 2010, and ordered printed.

TERRY L. SPIELER, Secretary.

4239S.011

AN ACT

To repeal sections 115.287 and 115.293, RSMo, and to enact in lieu thereof two new sections relating to delivery and counting of absentee ballots.

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

Section A. Sections 115.287 and 115.293, RSMo, are repealed and two
2 new sections enacted in lieu thereof, to be known as sections 115.287 and
3 115.293, to read as follows:

115.287. 1. Upon receipt of a signed application for an absentee ballot
2 and if satisfied the applicant is entitled to vote by absentee ballot, the election
3 authority shall, within three working days after receiving the application, or if
4 absentee ballots are not available at the time the application is received, within
5 five working days after they become available, deliver to the voter an absentee
6 ballot, ballot envelope and such instructions as are necessary for the applicant
7 to vote. Delivery shall be made to the voter personally in the office of the election
8 authority or by bipartisan teams appointed by the election authority, or by first
9 class, registered, or certified mail at the discretion of the election authority,
10 **except that absentee ballots sent to persons in federal service, when**
11 **sent to a location determined by the secretary of state to be**
12 **inaccessible on election day, shall, upon the voter's request, be sent by**
13 **facsimile transmission or under a program approved by the United**
14 **States Department of Defense for electronic transmission of election**
15 **materials.** Where the election authority is a county clerk, the members of
16 bipartisan teams representing the political party other than that of county clerk
17 shall be selected from a list of persons submitted to the county clerk by the
18 county chairman of that party. If no list is provided by the time that absentee
19 ballots are to be made available, the county clerk may select a person or persons

20 from lists provided in accordance with section 115.087. If the election authority
21 is not satisfied that any applicant is entitled to vote by absentee ballot, it shall
22 not deliver an absentee ballot to the applicant. Within three working days of
23 receiving such an application, the election authority shall notify the applicant and
24 state the reason he or she is not entitled to vote by absentee ballot. The
25 applicant may appeal the decision of the election authority to the circuit court in
26 the manner provided in section 115.223.

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

47 3. On the mailing and ballot envelopes for each applicant in federal
48 service, the election authority shall stamp prominently in black the words
49 "FEDERAL BALLOT, STATE OF MISSOURI" and "U.S. Postage Paid, 39
50 U.S.C. 3406".

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

115.293. 1. All proper votes on each absentee ballot received by an
2 election authority at or before the time fixed by law for the closing of the polls on
3 election day shall be counted. No votes on any absentee ballot received by an

4 election authority after the time fixed by law for the closing of the polls on
5 election day shall be counted, **except that absentee ballots cast by absent**
6 **uniformed services voters that are postmarked on or before election**
7 **day and that are received by an election authority within seven days**
8 **of the election shall be counted.**

9 2. If sufficient evidence is shown to an election authority that any
10 absentee voter has died prior to the opening of the polls on election day, the ballot
11 of the deceased voter shall be rejected. Any ballot so rejected, still sealed in its
12 ballot envelope, shall be sealed with the application and any other papers
13 connected therewith in an envelope marked "Rejected ballot of,
14 an absentee voter of voting district". The reason for rejection shall
15 be noted on the envelope, which shall be kept by the election authority with the
16 other ballots from the election until the ballots are destroyed according to law.

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Bill

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