

FIRST REGULAR SESSION
SENATE COMMITTEE SUBSTITUTE FOR
SENATE BILL NO. 116
97TH GENERAL ASSEMBLY

Reported from the Committee on Financial and Governmental Organizations and Elections, March 7, 2013, with recommendation that the Senate Committee Substitute do pass.

0630S.02C

TERRY L. SPIELER, Secretary.

AN ACT

To repeal sections 115.156, 115.159, 115.275, 115.277, 115.278, 115.281, 115.283, 115.287, 115.291, and 115.292, RSMo, and to enact in lieu thereof twenty-six new sections relating to voting procedures for uniformed services and overseas voters, with penalty provisions.

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

Section A. Sections 115.156, 115.159, 115.275, 115.277, 115.278, 115.281, 115.283, 115.287, 115.291, and 115.292, RSMo, are repealed and twenty-six new sections enacted in lieu thereof, to be known as sections 115.159, 115.275, 115.277, 115.281, 115.283, 115.287, 115.291, 115.900, 115.902, 115.904, 115.906, 115.908, 115.910, 115.912, 115.914, 115.916, 115.918, 115.920, 115.922, 115.924, 115.926, 115.928, 115.930, 115.932, 115.934, and 115.936, to read as follows:

115.159. 1. Any person who is qualified to register in Missouri shall, upon application, be entitled to register by mail. Upon request, application forms shall be furnished by the election authority or the secretary of state.

2. Notwithstanding any provision of law to the contrary, the election authority shall not deliver any absentee ballot to any person who registers to vote by mail until after such person has:

(1) Voted, in person, after presentation of a proper form of identification set out in section 115.427, for the first time following registration; or

(2) Provided a copy of identification set out in section 115.427 to the election authority. This subsection shall not apply to those persons identified in section 115.283 who are exempted from obtaining a notary seal or signature on their absentee ballots. An individual who has registered to vote by mail but who

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

13 does not meet the requirements of this subsection may cast a provisional ballot
14 by mail. Such ballot shall not be counted pursuant to this chapter, and the
15 individual shall be notified of the reason for not counting the ballot.

16 3. Subsection 2 of this section shall not apply in the case of a person:

17 (1) Who registers to vote by mail pursuant to Section 6 of the National
18 Voter Registration Act of 1993 and submits a copy of a current and valid photo
19 identification as part of such registration;

20 (2) Who registers to vote by mail pursuant to Section 6 of the National
21 Voter Registration Act of 1993 and:

22 (a) Submits with such registration either a driver's license number, or at
23 least the last four digits of the individual's Social Security number; and

24 (b) With respect to whom the secretary of state matches the information
25 submitted pursuant to paragraph (a) of this subdivision with an existing state
26 identification record bearing the same number, name, and date of birth as
27 provided in such registration;

28 (3) Who is:

29 (a) [Entitled to vote by absentee ballot pursuant to the Uniformed and
30 Overseas Citizens Absentee Voting Act] **A covered voter defined in section**
31 **115.902;**

32 (b) Provided the right to vote otherwise than in person pursuant to
33 Section 3(b)(2)(B)(ii) of the Voting Accessibility for the Elderly and Handicapped
34 Act; or

35 (c) Entitled to vote otherwise than in person pursuant to any other federal
36 law.

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) "Overseas voter" includes:

18 (a) An absent uniformed services voter who, by reason of active duty or
19 service is absent from the United States on the date of the election involved;

20 (b) A person who resides outside the United States and is qualified to vote
21 in the last place in which the person was domiciled before leaving the United
22 States; or

23 (c) A person who resides outside the United States and (but for such
24 residence) would be qualified to vote in the last place in which the person was
25 domiciled before leaving the United States;

26 (6) "Persons in federal service" includes:

27 (a) Members of the armed forces of the United States, while in active
28 service, and their spouses and dependents;

29 (b) Active members of the merchant marine of the United States and their
30 spouses and dependents;

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

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

35 (e) Persons who have been honorably discharged from the armed forces
36 or who have terminated their service or employment in any group mentioned in
37 this section within sixty days of an election, and their spouses and dependents].

115.277. 1. Except as provided in subsections 3, 4, and 5 of this section,
2 any registered voter of this state may vote by absentee ballot for all candidates
3 and issues for which such voter would be eligible to vote at the polling place if
4 such voter expects to be prevented from going to the polls to vote on election day
5 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] **115.902**, who is eligible to register and vote in this state but is not
18 registered may vote only in the election of presidential and vice presidential
19 electors, United States senator and representative in Congress even though the
20 person is not registered. Each [person in federal service] **covered voter** may
21 vote by absentee ballot, **federal write-in absentee ballot as defined in**
22 **section 115.902**, or, upon submitting an affidavit that the person is qualified to
23 vote in the election, may vote at the person's polling place.

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

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

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

115.281. 1. Except as provided in [subsection 3 of this] section **115.914**,
2 not later than the sixth Tuesday prior to each election, or within fourteen days
3 after candidates' names or questions are certified pursuant to section 115.125, the
4 election authority shall cause to have printed and made available a sufficient
5 quantity of absentee ballots, ballot envelopes and mailing envelopes. As soon as
6 possible after the proper officer calls a special state or county election, the
7 election authority shall cause to have printed and made available a sufficient
8 quantity of absentee ballots, ballot envelopes and mailing envelopes.

9 2. All absentee ballots for an election shall be in the same form as the
10 official ballots for the election, except that in lieu of the words "Official Ballot"
11 at the top of the ballot, the words "Official Absentee Ballot" shall appear.

12 [3. Not later than forty-five days before each general, primary, and special
13 election for federal office, the election authority shall cause to have printed and

14 made available a sufficient quantity of absentee ballots, ballot envelopes, and
 15 mailing envelopes for absent uniformed services voters and overseas voters and
 16 shall begin transmitting such ballots to absent uniformed services and overseas
 17 voters who have submitted an absentee ballot application.]

115.283. 1. Each ballot envelope shall bear a statement on which the
 2 voter shall state the voter's name, the voter's voting address, the voter's mailing
 3 address and the voter's reason for voting an absentee ballot. On the form, the
 4 voter shall also state under penalties of perjury that the voter is qualified to vote
 5 in the election, that the voter has not previously voted and will not vote again in
 6 the election, that the voter has personally marked the voter's ballot in secret or
 7 supervised the marking of the voter's ballot if the voter is unable to mark it, that
 8 the ballot has been placed in the ballot envelope and sealed by the voter or under
 9 the voter's supervision if the voter is unable to seal it, and that all information
 10 contained in the statement is true. In addition, any person providing assistance
 11 to the absentee voter shall include a statement on the envelope identifying the
 12 person providing assistance under penalties of perjury. Persons authorized to
 13 vote only for federal and statewide officers shall also state their former Missouri
 14 residence.

15 2. The statement for persons voting absentee ballots who are registered
 16 voters shall be in substantially the following form:

17 State of Missouri

18 County (City) of

19 I, (print name), a registered voter ofCounty (City of St.
 20 Louis, Kansas City), declare under the penalties of perjury that I expect to be
 21 prevented from going to the polls on election day due to (check one):

22 absence on election day from the jurisdiction of the
 23 election authority in which I am registered;

24 incapacity or confinement due to illness or physical
 25 disability, including caring for a person who is
 26 incapacitated or confined due to illness or disability;

27 religious belief or practice;

28 employment as an election authority or by an election
 29 authority at a location other than my polling place;

30 incarceration, although I have retained all the
 31 necessary qualifications for voting.

32 I hereby state under penalties of perjury that I am qualified to vote at this

33 election; I have not voted and will not vote other than by this ballot at this
34 election. I further state that I marked the enclosed ballot in secret or that I am
35 blind, unable to read or write English, or physically incapable of marking the
36 ballot, and the person of my choosing indicated below marked the ballot at my
37 direction; all of the information on this statement is, to the best of my knowledge
38 and belief, true.

39
40 Signature of Voter	Signature of Person
41	Assisting Voter
42	(if applicable)
43	
44 Signed	Subscribed and sworn to
45 Signed	before me this day
46 Address of Voter	of,
47
48
49 Mailing addresses	Signature of notary or
50 (if different)	other officer authorized
51	to administer oaths

52 3. The statement for persons voting absentee ballots pursuant to the
53 provisions of [subsection] **subsections** 2, 3, 4, or 5 of section 115.277 without
54 being registered shall be in substantially the following form:

55 State of Missouri
56 County (City) of

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

63 (1) I am a resident of the state of Missouri [and (check one):

64 am a member of the U.S. armed forces in active service;

65 am an active member of the U.S. merchant marine;

66 am a civilian employee of the U.S. government working
67 outside the United States;

68 am an active member of a religious or welfare organization

69 assisting servicemen;
 70 have been honorably discharged or terminated my service in
 71 one of the groups mentioned above within sixty days of
 72 this election;
 73 am a spouse or dependent of one of the above;
 74 am a registered voter in County and moved
 75 from that county to County, Missouri,
 76 after the last day to register to vote in this election.];

77 OR (check if applicable)

78 (2) I am an interstate former resident of Missouri and
 79 authorized to vote for presidential and vice presidential electors. I further state
 80 under penalties of perjury that I have not voted and will not vote other than by
 81 this ballot at this election; I marked the enclosed ballot in secret or am blind,
 82 unable to read or write English, or physically incapable of marking the ballot, and
 83 the person of my choosing indicated below marked the ballot at my direction; all
 84 of the information on this statement is, to the best of my knowledge and belief,
 85 true.

86	Subscribed to and sworn
87 Signature of Voter	before me this day
88	of,
89
90
91 Address of Voter	Signature of notary or
92	other officer authorized
93	to administer oaths
94
95 Mailing Address (if different)
96
97 Signature of Person	Address of Last
98 Assisting Voter	Missouri Residence
99	(if applicable)

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

103 State of Missouri
 104 County (City) of

105 I, (print name), declare under the penalties of perjury
106 that I expect to be prevented from going to the polls on election day due to (check
107 one):

- 108 absence on election day from the jurisdiction of the
- 109 election authority in which I am directed to vote;
- 110 incapacity or confinement due to illness or physical disability, including
- 111 caring for a person who is incapacitated or confined due to illness or
- 112 disability;
- 113 religious belief or practice;
- 114 employment as an election authority or by an election authority at a
- 115 location other than my polling place;
- 116 incarceration, although I have retained all the necessary qualifications of
- 117 voting.

118 I hereby state under penalties of perjury that I own property in the
119 district and am qualified to vote at this election; I have not voted and will not
120 vote other than by this ballot at this election. I further state that I marked the
121 enclosed ballot in secret or that I am blind, unable to read and write English, or
122 physically incapable of marking the ballot, and the person of my choosing
123 indicated below marked the ballot at my direction; all of the information on this
124 statement is, to the best of my knowledge and belief, true.

125 Subscribed and sworn
126 Signature of Voter to before me this day of
127 ,

128
129
130 Address

131 Signature of notary or
132 other officer authorized
133 to administer oaths

134 Signature of Person
135 Assisting Voter
136 (if applicable)

137 5. The statement for persons providing assistance to absentee voters shall
138 be in substantially the following form:

139 The voter needed assistance in marking the ballot and signing above, because of
140 blindness, other physical disability, or inability to read or to read English. I

141 marked the ballot enclosed in this envelope at the voter's direction, when I was
142 alone with the voter, and I had no other communication with the voter as to how
143 he or she was to vote. The voter swore or affirmed the voter affidavit above and
144 I then signed the voter's name and completed the other voter information
145 above. Signed under the penalties of perjury.

146 Reason why voter needed assistance:

147 ASSISTING PERSON SIGN HERE

148 1. (signature of assisting person)

149 2. (assisting person's name printed)

150 3. (assisting person's residence)

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

152 6. Notwithstanding any other provision of this section, any [resident of
153 the state of Missouri who resides outside the boundaries of the United States or
154 who is on active duty with the armed forces of the United States or members of
155 their immediate family living with them] **covered voter as defined in section**
156 **115.902** or persons who have declared themselves to be permanently disabled
157 pursuant to section 115.284, otherwise entitled to vote, shall not be required to
158 obtain a notary seal or signature on his or her absentee ballot.

159 7. Notwithstanding any other provision of this section or section 115.291
160 to the contrary, the subscription, signature and seal of a notary or other officer
161 authorized to administer oaths shall not be required on any ballot, ballot
162 envelope, or statement required by this section if the reason for the voter voting
163 absentee is due to the reasons established pursuant to subdivision (2) of
164 subsection 1 of section 115.277.

165 8. No notary shall charge or collect a fee for notarizing the signature on
166 any absentee ballot or absentee voter registration.

167 9. A notary public who charges more than the maximum fee specified or
168 who charges or collects a fee for notarizing the signature on any absentee ballot
169 or absentee voter registration is guilty of official misconduct.

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, or in
10 the case of [absent uniformed services voters and overseas voters, by electronic
11 transmission if electronic transmission is requested by the voter] **a covered**
12 **voter as defined in section 115.902, the method of transmission**
13 **prescribed in section 115.914.** Where the election authority is a county clerk,
14 the members of bipartisan teams representing the political party other than that
15 of county clerk shall be selected from a list of persons submitted to the county
16 clerk by the county chairman of that party. If no list is provided by the time that
17 absentee ballots are to be made available, the county clerk may select a person
18 or persons from lists provided in accordance with section 115.087. If the election
19 authority is not satisfied that any applicant is entitled to vote by absentee ballot,
20 it shall not deliver an absentee ballot to the applicant. Within three working
21 days of receiving such an application, the election authority shall notify the
22 applicant and state the reason he or she is not entitled to vote by absentee
23 ballot. The applicant may appeal the decision of the election authority to the
24 circuit court in the manner provided in section 115.223.

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

44 ballot signed or voted pursuant to this subsection.

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

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

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 [an absent uniformed services voter or an overseas voter] **a**
9 **covered voter as defined in section 115.902**. If the voter is blind, unable to
10 read or write the English language, or physically incapable of voting the ballot,
11 the voter may be assisted by a person of the voter's own choosing. Any person
12 assisting a voter who is not entitled to such assistance, and any person who
13 assists a voter and in any manner coerces or initiates a request or a suggestion
14 that the voter vote for or against or refrain from voting on any question, ticket
15 or candidate, shall be guilty of a class one election offense. If, upon counting,
16 challenge or election contest, it is ascertained that any absentee ballot was voted
17 with unlawful assistance, the ballot shall be rejected.

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

37 [5. As provided in the Military and Overseas Voter Empowerment Act, the
38 secretary of state shall, in coordination with local election authorities, develop a
39 free access system by which an absent uniformed services voter or overseas voter
40 may determine whether the voter's absentee ballot has been received by the
41 appropriate election authority.]

115.900. Sections 115.900 to 115.936 may be cited as the
2 "Uniformed Military and Overseas Voters Act".

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

3 (1) "Covered voter":

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

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

9 (c) An overseas voter;

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

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

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

18 (5) "Military-overseas ballot":

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

20 (b) A ballot specifically prepared or distributed for use by a
21 covered voter in accordance with sections 115.900 to 115.936; and

22 (c) A ballot cast by a covered voter in accordance with sections
23 115.900 to 115.936;

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

25 **(a) A voter who is absent from the United States on the date of**
26 **the election involved, would have been last eligible to vote in this state**
27 **before leaving the United States, and is otherwise qualified to vote in**
28 **this state; or**

29 **(b) A voter who is absent from the United States on the date of**
30 **the election involved, would have been last eligible to vote in this state**
31 **before leaving the United States had the voter been of voting age, and**
32 **is otherwise qualified to vote in this state;**

33 **(7) "State", a state of the United States, the District of Columbia,**
34 **Puerto Rico, the United States Virgin Islands, or any territory or**
35 **insular possession subject to the jurisdiction of the United States;**

36 **(8) "Uniformed services":**

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

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

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

43 **(9) "Uniformed services voter", an individual who is qualified to**
44 **vote and is:**

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

48 **(b) A member of the Merchant Marine, the commissioned corps**
49 **of the Public Health Service, or the commissioned corps of the National**
50 **Oceanic and 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**
53 **subdivision;**

54 **(10) "United States", used in the territorial sense, the several**
55 **states, the District of Columbia, Puerto Rico, the United States Virgin**
56 **Islands, and any territory or insular possession subject to the**
57 **jurisdiction of the United States.**

 115.904. The voting procedures in sections 115.900 to 115.936
2 shall apply to:

3 **(1) A general, special, presidential preference, or primary**

4 election for federal office;

5 (2) A general, special, or primary election for statewide or state
6 legislative office or state ballot measure; and

7 (3) Any election in which absentee voting is conducted pursuant
8 to sections 115.275 to 115.304.

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

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

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

16 4. The secretary of state shall:

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

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

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

33 **declaration, is a prominent part of all balloting materials for which the**
34 **declaration is required.**

115.908. 1. **To apply to register to vote, in addition to any other**
2 **approved method, a covered voter may use a federal postcard**
3 **application, or the application's electronic equivalent.**

4 **2. A covered voter may use the declaration accompanying a**
5 **federal write-in absentee ballot to apply to register to vote**
6 **simultaneously with the submission of the federal write-in absentee**
7 **ballot, if the declaration is received no later than 5:00 p.m. on the**
8 **fourth Tuesday prior to the election. If the declaration is received**
9 **after that date, it shall be treated as an application to register to vote**
10 **for subsequent elections.**

11 **3. The secretary of state shall ensure that the electronic**
12 **transmission system described in subdivision (3) of section 115.906 is**
13 **capable of accepting both a federal postcard application and any other**
14 **approved electronic registration application sent to the appropriate**
15 **election official. The voter may use the electronic transmission system**
16 **or any other approved method to register to vote.**

115.910. 1. **A covered voter who is registered to vote in this state**
2 **may apply for a military-overseas ballot using either the application for**
3 **absentee ballot under section 115.279 or the federal postcard**
4 **application or the application's electronic equivalent.**

5 **2. A covered voter who is not registered to vote in this state may**
6 **use a federal postcard application or the application's electronic**
7 **equivalent to apply simultaneously to register to vote under section**
8 **115.908 and for a military-overseas ballot.**

9 **3. The secretary of state shall ensure that the electronic**
10 **transmission system described in section 115.906 is capable of accepting**
11 **the submission of both a federal postcard application and any other**
12 **approved electronic military-overseas ballot application sent to the**
13 **appropriate election official. The voter may use the electronic**
14 **transmission system or any other approved method to apply for a**
15 **military-overseas ballot.**

16 **4. A covered voter may use the declaration accompanying a**
17 **federal write-in absentee ballot as an application for a military-**
18 **overseas ballot simultaneously with the submission of the federal write-**
19 **in absentee ballot, if the declaration is received by the appropriate**

20 election official by 5:00 p.m. on the Wednesday immediately prior to the
21 election.

22 5. To receive the benefits of sections 115.900 to 115.936, a covered
23 voter shall inform the election authority that the voter is a covered
24 voter. Methods of informing the election authority that a voter is a
25 covered voter include:

26 (1) The use of a federal postcard application or federal write-in
27 absentee ballot;

28 (2) The use of an overseas address on an approved voter
29 registration application or ballot application; and

30 (3) The inclusion on an approved voter registration application
31 or ballot application of other information sufficient to identify the
32 voter as a covered voter.

115.912. An application for a military-overseas ballot is timely if
2 received by 5:00 p.m. on the Wednesday prior to the election. An
3 application for a military-overseas ballot for a primary election,
4 whether or not timely, shall be effective as an application for a
5 military-overseas ballot for the general election.

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

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

18 3. If a ballot application from a covered voter arrives after the
19 jurisdiction begins transmitting ballots and balloting materials to

20 voters, the election authority charged with distributing a ballot and
21 balloting materials shall transmit them to the voter not later than two
22 business days after the application arrives.

115.916. To be valid, a military-overseas ballot shall be received
2 by the appropriate local election official not later than the close of the
3 polls, or the voter shall submit the ballot for mailing, or other
4 authorized means of delivery not later than 12:01 a.m., at the place
5 where the voter completes the ballot, on the date of the election.

115.918. A covered voter may use a federal write-in absentee
2 ballot to vote for all offices and ballot measures in an election
3 described in section 115.904.

115.920. 1. A valid military-overseas ballot cast in accordance
2 with section 115.916 shall be counted if it is delivered by the end of
3 business on the business day before the election authority convenes a
4 verification board under section 115.497 to the address of the
5 appropriate election authority.

6 2. If, at the time of completing a military-overseas ballot and
7 balloting materials, the voter has declared under penalty of perjury
8 that the ballot was timely submitted, the ballot shall not be rejected on
9 the basis that it has a late postmark, an unreadable postmark, or no
10 postmark.

115.922. A military-overseas ballot shall include or be
2 accompanied by a declaration signed by the voter that a material
3 misstatement of fact in completing the ballot may be grounds for a
4 conviction of perjury under the laws of the United States or this state.

115.924. The secretary of state, in coordination with local
2 election authorities, shall implement an electronic free-access system
3 by which a covered voter may determine:

4 (1) The voter's federal postcard application or other registration
5 or military-overseas ballot application has been received and accepted;
6 and

7 (2) The voter's military-overseas ballot has been received and the
8 current status of the ballot.

115.926. 1. The election authority shall request an electronic-
2 mail address from each covered voter who registers to vote. An
3 electronic-mail address provided by a covered voter shall not be made
4 available to the public or any individual or organization other than an

5 authorized agent of the local election authority and is exempt from
6 disclosure under the Missouri sunshine law contained in chapter
7 610. The address shall be used only for official communication with the
8 voter about the voting process, including transmitting military-overseas
9 ballots and election materials if the voter has requested electronic
10 transmission, and verifying the voter's mailing address and physical
11 location. The request for an electronic-mail address shall describe the
12 purposes for which the electronic-mail address may be used and
13 include a statement that any other use or disclosure of the electronic-
14 mail address is prohibited.

15 2. A covered voter who provides an electronic-mail address may
16 request that the voter's application for a military-overseas ballot be
17 considered a standing request for electronic delivery of a ballot for all
18 elections held through December thirty-first of the year following the
19 calendar year of the date of the application or another shorter period
20 the voter specifies. An election authority shall provide a military-
21 overseas ballot to a voter who makes a standing request for each
22 election to which the request is applicable. A covered voter who is
23 entitled to receive a military-overseas ballot for a primary election
24 under this subsection is entitled to receive a military-overseas ballot
25 for the general election.

115.928. 1. Not later than the tenth Tuesday before a regularly
2 scheduled election and as soon as practicable before an election not
3 regularly scheduled, the election authority in each jurisdiction charged
4 with printing and distributing ballots and balloting material shall
5 prepare an election notice for that jurisdiction, to be used in
6 conjunction with a federal write-in absentee ballot. The election notice
7 shall contain a list of all of the ballot measures and federal, state, and
8 local offices that, as of that date, the official expects to be on the ballot
9 on the date of the election. The notice also shall contain specific
10 instructions for how a voter is to indicate on the federal write-in
11 absentee ballot the voter's choice for each office to be filled and for
12 each ballot measure to be contested.

13 2. A covered voter may request a copy of an election notice. The
14 election authority charged with preparing the election notice shall send
15 the notice to the voter by facsimile, electronic mail, or regular mail, as
16 the voter requests.

17 **3. Not later than forty-five days prior to the election, the official**
18 **charged with preparing the election notice under subsection 1 of this**
19 **section shall update the notice with the certified candidates for each**
20 **office and ballot measure questions and make the updated notice**
21 **publicly available.**

22 **4. A local election jurisdiction that maintains an internet website**
23 **shall make the election notice prepared under subsection 1 of this**
24 **section and updated versions of the election notice regularly available**
25 **on the website.**

115.930. 1. If a voter's mistake or omission in the completion of
2 **a document under sections 115.900 to 115.936 does not prevent**
3 **determining whether a covered voter is eligible to vote, the mistake or**
4 **omission shall not invalidate the document. Failure to satisfy a**
5 **nonsubstantive requirement, such as using paper or envelopes of a**
6 **specified size or weight, shall not invalidate a document submitted**
7 **under sections 115.900 to 115.936. In a write-in ballot authorized by**
8 **sections 115.900 to 115.936 or in a vote for a write-in candidate on a**
9 **regular ballot, if the intention of the voter is discernable under this**
10 **state's uniform definition of what constitutes a vote, an abbreviation,**
11 **misspelling, or other minor variation in the form of the name of a**
12 **candidate or a political party shall be accepted as a valid vote.**

13 **2. Notarization shall not be required for the execution of a**
14 **document under sections 115.900 to 115.936. An authentication, other**
15 **than the declaration specified in section 115.922 or the declaration on**
16 **the federal postcard application and federal write-in absentee ballot,**
17 **shall not be required for execution of a document under sections**
18 **115.900 to 115.936. The declaration and any information in the**
19 **declaration may be compared with information on file to ascertain the**
20 **validity of the document.**

115.932. A court may issue an injunction or grant other equitable
2 **relief appropriate to ensure substantial compliance with, or enforce,**
3 **sections 115.900 to 115.936 on application by:**

4 **(1) A covered voter alleging a grievance under sections 115.900**
5 **to 115.936; or**

6 **(2) An election authority in this state.**

115.934. In applying and construing sections 115.900 to 115.936,
2 **consideration shall be given to the need to promote uniformity of the**

3 law with respect to its subject matter among states that enact it.

2 115.936. Sections 115.900 to 115.936 modify, limit, and supersede
3 the Electronic Signatures in Global and National Commerce Act, 15
4 U.S.C. Section 7001 et seq., but shall not modify, limit, or supersede
5 Section 101(c) of that act, 15 U.S.C. Section 7001(c), or authorize
6 electronic delivery of any of the notices described in Section 103(b) of
7 that act, 15 U.S.C. Section 7003(b).

8 [115.156. 1. The secretary of state shall establish
9 procedures for absent uniformed services voters and overseas
10 voters to request, by mail or electronically, that voter registration
11 applications be sent to the voter, and to request that such voter
12 registration applications be sent by mail or electronically in the
13 preferred method of transmission designated by the voter. The
14 secretary of state shall designate not less than one means of
15 electronic communication for use by absent uniformed services
16 voters and overseas voters to request voter registration
17 applications and to send such voter registration applications.

18 2. No election authority shall refuse to accept and process
19 any otherwise valid voter registration application submitted by an
20 absent uniformed services voter or an overseas voter solely on the
21 basis of restrictions on paper type.]

22 [115.278. The secretary of state shall establish procedures
23 for absent uniformed services voters and overseas voters to request,
24 by mail or electronically, that absentee ballot applications be sent
25 to the voter, and to request that such absentee ballot applications
26 be sent by mail or electronically in the preferred method of
27 transmission designated by the voter. The secretary of state shall
28 designate not less than one means of electronic communication for
29 use by absent uniformed services voters and overseas voters to
30 request absentee ballot applications, to send such absentee ballot
31 applications, and to provide related voting, balloting, and election
32 information to such voters.]

33 [115.292. 1. Notwithstanding any other provision of this
34 chapter, a qualified absentee voter may apply for a special write-in
35 absentee ballot within eighty days of a special, primary, or general
36 election for federal office. Such a ballot shall be for voting for all

5 offices being contested at such election.

6 2. A qualified absentee voter applying for a special write-in
7 absentee ballot pursuant to this section shall apply to the local
8 election authority of the area which contains his last residence in
9 this state for such ballot. The application for a special write-in
10 absentee ballot may be made on the federal postcard application
11 form, by letter, or on a form provided by the local election
12 authority.

13 3. Upon receipt of the application, the election authority
14 shall issue a special write-in absentee ballot. Such ballot shall
15 permit the voter to cast a ballot by writing in a party preference for
16 each office, the names of specific candidates, or the names of
17 persons whom the voter prefers.

18 4. The election authority shall issue a regular absentee
19 ballot as soon as such ballots are available. If both the regular
20 absentee ballot and the special write-in absentee ballot are
21 returned, the regular absentee ballot shall be counted and the
22 special write-in absentee ballot shall be voided.

23 5. The special write-in absentee ballot provided for in this
24 section shall be used instead of the federal write-in absentee ballot
25 in general, special, and primary elections for federal office as
26 authorized in Title 42, U.S.C. Section 1973ff-2(e), as amended.]

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