

FIRST REGULAR SESSION

# SENATE BILL NO. 171

100TH GENERAL ASSEMBLY

INTRODUCED BY SENATOR SCHUPP.

Pre-filed December 12, 2018, and ordered printed.

ADRIANE D. CROUSE, Secretary.

0905S.01I

## AN ACT

To repeal sections 115.277, 115.279, and 115.283, RSMo, and to enact in lieu thereof three new sections relating to absentee voting.

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

Section A. Sections 115.277, 115.279, and 115.283, RSMo, are repealed  
2 and three new sections enacted in lieu thereof, to be known as sections 115.277,  
3 115.279, and 115.283, to read as follows:

115.277. 1. Except as provided in subsections 2, 3, 4, and 5 of this  
2 section, any registered voter of this state may vote by absentee ballot for all  
3 candidates and issues for which such voter [would be] is eligible to vote at the  
4 polling place [if such voter expects to be prevented from going to the polls to vote  
5 on election day due to:

6 (1) Absence on election day from the jurisdiction of the election authority  
7 in which such voter is registered to vote;

8 (2) Incapacity or confinement due to illness or physical disability,  
9 including a person who is primarily responsible for the physical care of a person  
10 who is incapacitated or confined due to illness or disability;

11 (3) Religious belief or practice;

12 (4) Employment as an election authority, as a member of an election  
13 authority, or by an election authority at a location other than such voter's polling  
14 place;

15 (5) Incarceration, provided all qualifications for voting are retained;

16 (6) Certified participation in the address confidentiality program  
17 established under sections 589.660 to 589.681 because of safety concerns].

18 2. Any covered voter[, as defined in section 115.275,] who is eligible to  
19 register and vote in this state may vote in any election for federal office,

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

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

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

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

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

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

6 2. Each application shall be made to the election authority of the  
7 jurisdiction in which the person is or would be registered. Each application shall  
8 be in writing and shall state the applicant's name, address at which he or she is  
9 or would be registered, [his or her reason for voting an absentee ballot,] **whether**  
10 **the applicant is incapacitated or confined due to illness or physical**  
11 **disability or is a person who is primarily responsible for the physical**  
12 **care of a person who is incapacitated or confined due to illness or**  
13 **physical disability**, the address to which the ballot is to be mailed, if mailing  
14 is requested, and for absent uniformed services and overseas applicants, the  
15 applicant's email address if electronic transmission is requested. If the [reason

16 for the applicant voting absentee is due to the reasons established under  
17 subdivision (6) of subsection 1 of section 115.277] **applicant is a certified**  
18 **participant in the address confidentiality program established under**  
19 **sections 589.660 to 589.681**, the applicant shall state the voter's identification  
20 information provided by the address confidentiality program in lieu of the  
21 applicant's name, address at which he or she is or would be registered, and  
22 address to which the ballot is to be mailed, if mailing is requested. Each  
23 application to vote in a primary election shall also state which ballot the  
24 applicant wishes to receive. If any application fails to designate a ballot, the  
25 election authority shall, within three working days after receiving the application,  
26 notify the applicant by mail that it will be unable to deliver an absentee ballot  
27 until the applicant designates which political party ballot he or she wishes to  
28 receive. If the applicant does not respond to the request for political party  
29 designation, the election authority is authorized to provide the voter with that  
30 part of the ballot for which no political party designation is required.

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

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

51         5. (1) Notwithstanding any law to the contrary, any resident of the state

52 of Missouri who resides outside the boundaries of the United States or who is on  
53 active duty with the Armed Forces of the United States or members of their  
54 immediate family living with them may request an absentee ballot for both the  
55 primary and subsequent general election with one application.

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

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

65 (4) Not later than sixty days after the date of each regularly scheduled  
66 general election for federal office, each election authority which administered the  
67 election shall submit to the secretary of state in a format prescribed by the  
68 secretary a report on the combined number of absentee ballots transmitted to,  
69 and returned by, absent uniformed services voters and overseas voters for the  
70 election. The secretary shall submit to the Election Assistance Commission a  
71 combined report of such information not later than ninety days after the date of  
72 each regularly scheduled general election for federal office and in a standardized  
73 format developed by the commission pursuant to the Help America Vote Act of  
74 2002. The secretary shall make the report available to the general public.

75 (5) As used in this section, the terms "absent uniformed services voter"  
76 and "overseas voter" shall have the meaning prescribed in 52 U.S.C. Section  
77 20310.

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

85 "STATE OF \_\_\_\_\_  
86 COUNTY OF \_\_\_\_\_, ss.

87 I, \_\_\_\_\_, do solemnly swear that:

- 88 (1) Before becoming a resident of this state, I resided at \_\_\_\_\_  
 89 (residence address) in \_\_\_\_\_ (town, township, village or  
 90 city) of \_\_\_\_\_ County in the state of \_\_\_\_\_;
- 91 (2) I moved to this state after the last day to register to vote in  
 92 such general presidential election and I am now residing in  
 93 the county of \_\_\_\_\_, state of Missouri;
- 94 (3) I believe I am entitled pursuant to the laws of this state to  
 95 vote in the presidential election to be held November \_\_\_\_\_,  
 96 \_\_\_\_\_ (year);
- 97 (4) I hereby make application for a presidential and vice  
 98 presidential ballot. I have not voted and shall not vote other  
 99 than by this ballot at such election.

100 Signed \_\_\_\_\_

101 (Applicant)

102 \_\_\_\_\_

103 (Residence Address)

104 Subscribed and sworn to before me this \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_

105 Signed \_\_\_\_\_

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

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

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

118 "STATE OF \_\_\_\_\_

119 COUNTY OF \_\_\_\_\_, ss.

120 I, \_\_\_\_\_, do solemnly swear that:

- 121 (1) Before becoming a resident of this election jurisdiction, I  
 122 resided at \_\_\_\_\_ (residence address) in \_\_\_\_\_ (town,  
 123 township, village or city) of \_\_\_\_\_ county in the state of

124 \_\_\_\_\_;

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

127 (3) I believe I am entitled pursuant to the laws of this state to  
128 vote in the election to be held \_\_\_\_\_ (date);

129 (4) I hereby make application for an absentee ballot for  
130 candidates and issues on which I am entitled to vote  
131 pursuant to the laws of this state. I have not voted and  
132 shall not vote other than by this ballot at such election.

133 Signed \_\_\_\_\_

134 (Applicant)

135 \_\_\_\_\_

136 (Residence Address)

137 Subscribed and sworn to before me this \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_

138 Signed \_\_\_\_\_

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

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

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, **and** the voter's  
3 mailing address [and the voter's reason for voting an absentee ballot]. If the  
4 [reason for the voter voting absentee is due to the reasons established under  
5 subdivision (6) of subsection 1 of section 115.277,] **applicant is a certified**  
6 **participant in the address confidentiality program established under**  
7 **sections 589.660 to 589.681** the voter shall state the voter's identification  
8 information provided by the address confidentiality program in lieu of the  
9 applicant's name, voting address, and mailing address. On the form, the voter  
10 shall also state under penalties of perjury that the voter is qualified to vote in the  
11 election, that the voter has not previously voted and will not vote again in the  
12 election, that the voter has personally marked the voter's ballot in secret or  
13 supervised the marking of the voter's ballot if the voter is unable to mark it, that  
14 the ballot has been placed in the ballot envelope and sealed by the voter or under

15 the voter's supervision if the voter is unable to seal it, and that all information  
16 contained in the statement is true. In addition, any person providing assistance  
17 to the absentee voter shall include a statement on the envelope identifying the  
18 person providing assistance under penalties of perjury. Persons authorized to  
19 vote only for federal and statewide officers shall also state their former Missouri  
20 residence.

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

23 State of Missouri

24 County (City) of \_\_\_\_\_

25 I, \_\_\_\_\_ (print name), a registered voter of \_\_\_\_\_ County (City of

26 St. Louis, Kansas City), declare under the penalties of perjury [that

27 I expect to be prevented from going to the polls on election day due

28 to (check one):

29 \_\_\_\_\_ absence on election day from the jurisdiction of the  
30 election authority in which I am registered;

31 \_\_\_\_\_ incapacity or confinement due to illness or physical  
32 disability, including caring for a person who is  
33 incapacitated or confined due to illness or disability;

34

35 \_\_\_\_\_ religious belief or practice;

36 \_\_\_\_\_ employment as an election authority or by an  
37 election authority at a location other than my polling  
38 place;

39 \_\_\_\_\_ incarceration, although I have retained all the  
40 necessary qualifications for voting;

41 \_\_\_\_\_ certified participation in the address confidentiality  
42 program established under sections 589.660 to  
43 589.681 because of safety concerns.

44 I hereby state under penalties of perjury] that I am qualified to  
45 vote at this election; I have not voted and will not vote other than  
46 by this ballot at this election. I further state that I marked the  
47 enclosed ballot in secret or that I am blind, unable to read or write  
48 English, or physically incapable of marking the ballot, and the  
49 person of my choosing indicated below marked the ballot at my  
50 direction; all of the information on this statement is, to the best of

51 my knowledge and belief, true.

52 \_\_\_\_\_

53 Signature of Voter

\_\_\_\_\_

Signature of Person

54

Assisting Voter

55

(if applicable)

56 Signed \_\_\_\_\_

Subscribed and sworn

57 Signed \_\_\_\_\_

to before me this

58 Address of Voter

\_\_\_\_\_ day of \_\_\_\_\_,

59

\_\_\_\_\_

60

\_\_\_\_\_

\_\_\_\_\_

61

\_\_\_\_\_

\_\_\_\_\_

62 Mailing addresses

Signature of notary or

63 (if different)

other officer

64

authorized to

65

administer oaths

66 3. The statement for persons voting absentee ballots pursuant to the  
67 provisions of subsection 2, 3, 4, or 5 of section 115.277 without being registered  
68 shall be in substantially the following form:

69 State of Missouri

70 County (City) of \_\_\_\_\_

71 I, \_\_\_\_\_ (print name), declare under the penalties of perjury that

72 I am a citizen of the United States and eighteen years of age or

73 older. I am not adjudged incapacitated by any court of law, and if

74 I have been convicted of a felony or of a misdemeanor connected

75 with the right of suffrage, I have had the voting disabilities

76 resulting from such conviction removed pursuant to law. I hereby

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

78 election.

79 I am (check one):

80 \_\_\_\_\_ a resident of the state of Missouri and a registered

81 voter in \_\_\_\_\_ County and moved from that county

82 to \_\_\_\_\_ County, Missouri, after the last day to

83 register to vote in this election.

84 \_\_\_\_\_ an interstate former resident of Missouri and

85 authorized to vote for presidential and vice

86 presidential electors.



87 I further state under penalties of perjury that I have not voted and  
 88 will not vote other than by this ballot at this election; I marked the  
 89 enclosed ballot in secret or am blind, unable to read or write  
 90 English, or physically incapable of marking the ballot, and the  
 91 person of my choosing indicated below marked the ballot at my  
 92 direction; all of the information on this statement is, to the best of  
 93 my knowledge and belief, true.

94 \_\_\_\_\_ Subscribed to and  
 95 \_\_\_\_\_ sworn before me this  
 96 Signature of Voter \_\_\_\_\_ day of  
 97 \_\_\_\_\_, \_\_\_\_\_

98 \_\_\_\_\_  
 99 \_\_\_\_\_

100 Address of Voter \_\_\_\_\_ Signature of notary or  
 101 other officer  
 102 authorized to  
 103 administer oaths

104 \_\_\_\_\_  
 105 Mailing Address (if different) \_\_\_\_\_  
 106 \_\_\_\_\_

107 Signature of Person \_\_\_\_\_ Address of Last  
 108 Assisting Voter \_\_\_\_\_ Missouri Residence  
 109 (if applicable)

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

113 State of Missouri  
 114 County (City) of \_\_\_\_\_

115 I, \_\_\_\_\_ (print name), declare under the penalties of perjury [that  
 116 I expect to be prevented from going to the polls on election day due  
 117 to (check one):

- 118 \_\_\_\_\_ absence on election day from the jurisdiction of the
- 119 election authority in which I am directed to vote;
- 120 \_\_\_\_\_ incapacity or confinement due to illness or physical
- 121 disability, including caring for a person who is
- 122 incapacitated or confined due to illness or disability;

123 \_\_\_\_\_ religious belief or practice;  
 124 \_\_\_\_\_ employment as an election authority or by an  
 125 election authority at a location other than my polling  
 126 place;  
 127 \_\_\_\_\_ incarceration, although I have retained all the  
 128 necessary qualifications of voting;  
 129 \_\_\_\_\_ certified participation in the address confidentiality  
 130 program established under sections 589.660 to  
 131 589.681 because of safety concerns.

132 I hereby state under penalties of perjury] that I own property in  
 133 the \_\_\_\_\_ district and am qualified to vote at this election; I have  
 134 not voted and will not vote other than by this ballot at this  
 135 election. I further state that I marked the enclosed ballot in secret  
 136 or that I am blind, unable to read and write English, or physically  
 137 incapable of marking the ballot, and the person of my choosing  
 138 indicated below marked the ballot at my direction; all of the  
 139 information on this statement is, to the best of my knowledge and  
 140 belief, true.

141 \_\_\_\_\_ Subscribed and sworn  
 142 Signature of Voter to before me this  
 143 \_\_\_\_\_ day of  
 144 \_\_\_\_\_, \_\_\_\_\_  
 145 \_\_\_\_\_  
 146 \_\_\_\_\_  
 147 Address Signature of notary or  
 148 other officer  
 149 authorized to  
 150 administer oaths

151 \_\_\_\_\_  
 152 Signature of Person  
 153 Assisting Voter  
 154 (if applicable)

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

157 The voter needed assistance in marking the ballot and signing above,  
 158 because of blindness, other physical disability, or inability to read or to

159 read English. I marked the ballot enclosed in this envelope at the voter's  
160 direction, when I was alone with the voter, and I had no other  
161 communication with the voter as to how he or she was to vote. The voter  
162 swore or affirmed the voter affidavit above and I then signed the voter's  
163 name and completed the other voter information above. Signed under the  
164 penalties of perjury.

165 Reason why voter needed assistance: \_\_\_\_\_

166 ASSISTING PERSON SIGN HERE

- 167 1. \_\_\_\_\_ (signature of assisting person)
- 168 2. \_\_\_\_\_ (assisting person's name printed)
- 169 3. \_\_\_\_\_ (assisting person's residence)
- 170 4. \_\_\_\_\_ (assisting person's home city or town).

171 6. Notwithstanding any other provision of this section, any covered voter  
172 as defined in section 115.902 or persons who have declared themselves to be  
173 permanently disabled pursuant to section 115.284, otherwise entitled to vote,  
174 shall not be required to obtain a notary seal or signature on his or her absentee  
175 ballot.

176 7. Notwithstanding any other provision of this section or section 115.291  
177 to the contrary, the subscription, signature and seal of a notary or other officer  
178 authorized to administer oaths shall not be required on any ballot, ballot  
179 envelope, or statement required by this section if the [reason for the] voter voting  
180 absentee is [due to the reasons established pursuant to subdivision (2) of  
181 subsection 1 of section 115.277] **incapacitated or confined due to illness or  
182 physical disability, including a person who is primarily responsible for  
183 the physical care of a person who is incapacitated or confined due to  
184 illness or physical disability.**

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

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

✓