

# SENATE BILL NO. 470

103RD GENERAL ASSEMBLY

INTRODUCED BY SENATOR LEWIS.

1356S.01I

KRISTINA MARTIN, Secretary

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Section A. Sections 115.277, 115.279, and 115.283, RSMo, are repealed and three new sections enacted in lieu thereof, to be known as sections 115.277, 115.279, and 115.283, to read as follows:

115.277. 1. A registered voter of this state may cast an absentee ballot in person at a location designated by the election authority for all candidates and issues for which such voter is eligible to vote at the polling place [if such voter expects to be prevented from going to the polls to vote on election day due to one of the reasons listed in subsection 3 of this section]. A registered voter casting a ballot under the provisions of this subsection shall provide a form of personal photo identification that is consistent with subsection 1 of section 115.427. [Beginning on the second Tuesday prior to an election, a reason listed under subsection 3 of this section shall not be required, provided that, the provisions of section 1.140 to the contrary notwithstanding, this sentence and section 115.427 shall be nonseverable, and if any provision of section 115.427 is for any reason held to be invalid, such decision shall invalidate this sentence.]

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

18           2. Except as provided in subsections 3, 4, and 5[, and  
19 6] of this section, a registered voter of this state may  
20 cast an absentee ballot not in person at a location  
21 designated by the election authority for all candidates and  
22 issues for which such voter [would be] **is** eligible to vote  
23 at the polling place [if such voter expects to be prevented  
24 from going to the polls to vote on election day due to one  
25 of the reasons listed in subsection 3 of this section. An  
26 absentee ballot that is not requested and completed in  
27 person at the office of the election authority with a form  
28 of personal photo identification that is consistent with  
29 subsection 1 of section 115.427 shall have the statement on  
30 the ballot envelope notarized as required under section  
31 115.283, except that absentee ballots requested under  
32 subdivisions (2) and (5) of subsection 3 of this section  
33 shall not require notarization. This subsection shall apply  
34 only in the case of absentee ballots that are not cast in  
35 person].

36           3. [A voter may request an absentee ballot for any of  
37 the following reasons:

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

41           (2) Incapacity or confinement due to illness or  
42 physical disability on election day, including a person who  
43 is primarily responsible for the physical care of a person  
44 who is incapacitated or confined due to illness or  
45 disability and resides at the same address;

46           (3) Religious belief or practice;

47           (4) Employment as:

48 (a) An election authority, as a member of an election  
49 authority, or by an election authority at a location other  
50 than such voter's polling place;

51 (b) A first responder;

52 (c) A health care worker; or

53 (d) A member of law enforcement;

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

56 (6) Certified participation in the address  
57 confidentiality program established under sections 589.660  
58 to 589.681 because of safety concerns.

59 **4.]** Any covered voter who is eligible to register and  
60 vote in this state may vote in any election for federal  
61 office, statewide office, state legislative office, or  
62 statewide ballot initiatives by submitting a federal  
63 postcard application to apply to vote by absentee ballot or  
64 by submitting a federal postcard application at the polling  
65 place even though the person is not registered. A federal  
66 postcard application submitted by a covered voter pursuant  
67 to this subsection shall also serve as a voter registration  
68 application under section 115.908 and the election authority  
69 shall, if satisfied that the applicant is entitled to  
70 register, place the voter's name on the voter registration  
71 file. Each covered voter may vote by absentee ballot or,  
72 upon submitting an affidavit that the person is qualified to  
73 vote in the election, may vote at the person's polling place.

74 **[5.] 4.** Any interstate former resident may vote by  
75 absentee ballot for presidential and vice presidential  
76 electors.

77 **[6.] 5.** Any new resident may vote by absentee ballot  
78 for presidential and vice presidential electors after

79 registering to vote in such resident's new jurisdiction of  
80 residence.

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

8 2. Notwithstanding section 115.284, no individual,  
9 group, or party shall solicit a voter into obtaining an  
10 absentee ballot application. Absentee ballot applications  
11 shall not have the information prefilled prior to [it] being  
12 provided to a voter. Nothing in this section shall be  
13 interpreted to prohibit a state or local election authority  
14 from assisting an individual voter.

15 3. Each application shall be made to the election  
16 authority of the jurisdiction in which the person is or  
17 would be registered. Each application shall be in writing  
18 and shall state the applicant's name, address at which he or  
19 she is or would be registered, [his or her reason for voting  
20 an absentee ballot,] the address to which the ballot is to  
21 be mailed, if mailing is requested, and for absent uniformed  
22 services and overseas applicants, the applicant's email  
23 address if electronic transmission is requested. If the  
24 [reason for the applicant voting absentee is due to the  
25 reasons established under subdivision (6) of subsection 3 of  
26 section 115.277] **applicant is a certified participant in the  
27 address confidentiality program established under sections  
28 589.660 to 589.681**, the applicant shall state the voter's  
29 identification information provided by the address  
30 confidentiality program in lieu of the applicant's name,

31 address at which he or she is or would be registered, and  
32 address to which the ballot is to be mailed, if mailing is  
33 requested. Each application to vote in a primary election  
34 shall also state which ballot the applicant wishes to  
35 receive. If any application fails to designate a ballot,  
36 the election authority shall, within three working days  
37 after receiving the application, notify the applicant by  
38 mail that it will be unable to deliver an absentee ballot  
39 until the applicant designates which political party ballot  
40 he or she wishes to receive. If the applicant does not  
41 respond to the request for political party designation, the  
42 election authority is authorized to provide the voter with  
43 that part of the ballot for which no political party  
44 designation is required.

45 4. All applications for absentee ballots received  
46 prior to the sixth Tuesday before an election shall be  
47 stored at the office of the election authority until such  
48 time as the applications are processed in accordance with  
49 section 115.281. No application for an absentee ballot  
50 received in the office of the election authority by mail, by  
51 facsimile transmission, by electronic mail, or by a guardian  
52 or relative after 5:00 p.m. on the second Wednesday  
53 immediately prior to the election shall be accepted by any  
54 election authority. No application for an absentee ballot  
55 submitted by the applicant in person after 5:00 p.m. on the  
56 day before the election shall be accepted by any election  
57 authority, except as provided in subsections 7, 8, and 9 of  
58 this section.

59 5. Each application for an absentee ballot shall be  
60 signed by the applicant or, if the application is made by a  
61 guardian or relative pursuant to this section, the  
62 application shall be signed by the guardian or relative, who

63 shall note on the application his or her relationship to the  
64 applicant. If an applicant, guardian or relative is blind,  
65 unable to read or write the English language or physically  
66 incapable of signing the application, he or she shall sign  
67 by mark, witnessed by the signature of an election official  
68 or person of his or her own choosing. Any person who  
69 knowingly makes, delivers or mails a fraudulent absentee  
70 ballot application shall be guilty of a class one election  
71 offense.

72 6. (1) Notwithstanding any law to the contrary, any  
73 resident of the state of Missouri who resides outside the  
74 boundaries of the United States or who is on active duty  
75 with the Armed Forces of the United States or members of  
76 their immediate family living with them may request an  
77 absentee ballot for both the primary and subsequent general  
78 election with one application.

79 (2) The election authority shall provide each absent  
80 uniformed services voter and each overseas voter who submits  
81 a voter registration application or an absentee ballot  
82 request, if the election authority rejects the application  
83 or request, with the reasons for the rejection.

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

90 (4) Not later than sixty days after the date of each  
91 regularly scheduled general election for federal office,  
92 each election authority which administered the election  
93 shall submit to the secretary of state in a format  
94 prescribed by the secretary a report on the combined number

95 of absentee ballots transmitted to, and returned by, absent  
96 uniformed services voters and overseas voters for the  
97 election. The secretary shall submit to the Election  
98 Assistance Commission a combined report of such information  
99 not later than ninety days after the date of each regularly  
100 scheduled general election for federal office and in a  
101 standardized format developed by the commission pursuant to  
102 the Help America Vote Act of 2002. The secretary shall make  
103 the report available to the general public.

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

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

117 "STATE OF \_\_\_\_\_

118 COUNTY OF \_\_\_\_\_, ss.

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

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

124 (2) I moved to this state after the last day to  
125 register to vote in such general presidential

126 election and I am now residing in the county of  
127 \_\_\_\_\_, state of Missouri;

128 (3) I believe I am entitled pursuant to the laws of  
129 this state to vote in the presidential election  
130 to be held November \_\_\_\_\_, \_\_\_\_\_ (year);

131 (4) I hereby make application for a presidential  
132 and vice presidential ballot. I have not voted  
133 and shall not vote other than by this ballot at  
134 such election.

135 Signed \_\_\_\_\_

136 (Applicant)

137 \_\_\_\_\_

138 (Residence Address)

139 [Subscribed and sworn to before me this \_\_\_\_\_ day  
140 of \_\_\_\_\_, \_\_\_\_\_]

141 Signed \_\_\_\_\_

142 (Title and name of officer authorized to  
143 administer oaths)]"

144 8. The election authority in whose office an  
145 application is filed pursuant to subsection 7 of this  
146 section shall immediately send a duplicate of such  
147 application to the appropriate official of the state in  
148 which the new resident applicant last resided and shall file  
149 the original of such application in its office.

150 9. An application for an absentee ballot by an  
151 interstate former resident shall be received in the office  
152 of the election authority where the applicant was formerly  
153 registered by 5:00 p.m. on the second Wednesday immediately  
154 prior to the election, unless the application is made in  
155 person by the applicant in the office of the election  
156 authority, in which case such application shall be made no  
157 later than 7:00 p.m. on the day of the election.



115.283. 1. Each ballot envelope shall bear a  
2 statement on which the voter shall state the voter's name,  
3 the voter's voting address, **and** the voter's mailing address  
4 [and the voter's reason for voting an absentee ballot]. If  
5 the [reason for the voter voting absentee is due to the  
6 reasons established under subdivision (6) of subsection 3 of  
7 section 115.277] **applicant is a certified participant in the  
8 address confidentiality program established under sections  
9 589.660 to 589.681**, the voter shall state the voter's  
10 identification information provided by the address  
11 confidentiality program in lieu of the applicant's name,  
12 voting address, and mailing address. On the form, the voter  
13 shall also state under penalties of perjury that the voter  
14 is qualified to vote in the election, that the voter has not  
15 previously voted and will not vote again in the election,  
16 that the voter has personally marked the voter's ballot in  
17 secret or supervised the marking of the voter's ballot if  
18 the voter is unable to mark it, that the ballot has been  
19 placed in the ballot envelope and sealed by the voter or  
20 under the voter's supervision if the voter is unable to seal  
21 it, and that all information contained in the statement is  
22 true. In addition, any person providing assistance to the  
23 absentee voter shall include a statement on the envelope  
24 identifying the person providing assistance under penalties  
25 of perjury. Persons authorized to vote only for federal and  
26 statewide officers shall also state their former Missouri  
27 residence.

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

31 State of Missouri

32 County (City) of \_\_\_\_\_

33 I, \_\_\_\_\_ (print name), a registered voter of  
34 \_\_\_\_\_ County (City of St. Louis, Kansas City),  
35 declare under the penalties of perjury that I am  
36 voting in person at a location designated by the  
37 local election authority or I expect to be  
38 prevented from going to the polls on election day  
39 [due to (check one):

40 \_\_\_\_\_ absence on election day from the  
41 jurisdiction of the election authority in  
42 which I am registered;

43 \_\_\_\_\_ incapacity or confinement due to illness  
44 or physical disability on election day,  
45 including caring for a person who is  
46 incapacitated or confined due to illness  
47 or disability and resides at the same  
48 address;

49 \_\_\_\_\_ religious belief or practice;

50 \_\_\_\_\_ employment as an election authority, by an  
51 election authority at a location other  
52 than my polling place, as a first  
53 responder, as a health care worker, or as  
54 a member of law enforcement;

55 \_\_\_\_\_ incarceration, although I have retained  
56 all the necessary qualifications for  
57 voting;

58 \_\_\_\_\_ certified participation in the address  
59 confidentiality program established under  
60 sections 589.660 to 589.681 because of  
61 safety concerns.

62 I hereby state under penalties of perjury] **and** that  
63 I am qualified to vote at this election; I have not  
64 voted and will not vote other than by this ballot  
65 at this election. I further state that I marked the  
66 enclosed ballot in secret or that I am blind,  
67 unable to read or write English, or physically  
68 incapable of marking the ballot, and the person of  
69 my choosing indicated below marked the ballot at my  
70

71 direction; all of the information on this statement  
 72 is, to the best of my knowledge and belief, true.

73 \_\_\_\_\_  
 74 Signature of Voter Signature of Person  
 75 Assisting Voter  
 76 (if applicable)  
 77 Signed \_\_\_\_\_ [Subscribed and sworn]  
 78 Signed \_\_\_\_\_ [to before me this]  
 79 Address of Voter [ day of ,  
 80 ]  
 81 [ ]  
 82 [ ]  
 83 Mailing Addresses [Signature of notary  
 or]  
 84 (if different) [other officer  
 85 authorized to  
 86 administer oaths ]

87 3. The statement for persons voting absentee ballots  
 88 pursuant to the provisions of subsection 4, 5, or 6 of  
 89 section 115.277 without being registered shall be in  
 90 substantially the following form:

91 State of Missouri  
 92 County (City) of \_\_\_\_\_

93 I, \_\_\_\_\_ (print name), declare under the penalties  
 94 of perjury that I am a citizen of the United States  
 95 and eighteen years of age or older. I am not  
 96 adjudged incapacitated by any court of law, and if  
 97 I have been convicted of a felony or of a  
 98 misdemeanor connected with the right of suffrage, I  
 99 have had the voting disabilities resulting from  
 100 such conviction removed pursuant to law. I hereby

101 state under penalties of perjury that I am  
102 qualified to vote at this election.

103 I am an interstate former resident of Missouri and  
104 authorized to vote for presidential and vice  
105 presidential electors.

106 I further state under penalties of perjury that I  
107 have not voted and will not vote other than by this  
108 ballot at this election; I marked the enclosed  
109 ballot in secret or am blind, unable to read or  
110 write English, or physically incapable of marking  
111 the ballot, and the person of my choosing indicated  
112 below marked the ballot at my direction; all of the  
113 information on this statement is, to the best of my  
114 knowledge and belief, true.

115 \_\_\_\_\_ [Subscribed to and]

116 Signature of Voter [sworn before me this]

117 [\_\_\_\_\_ day of]

118 [\_\_\_\_\_, \_\_\_\_\_]

119 \_\_\_\_\_  
120 \_\_\_\_\_ [\_\_\_\_\_]

121 Address of Voter [Signature of notary or  
122 other officer  
123 authorized to  
124 administer oaths]

125 \_\_\_\_\_  
126 Mailing Address (if \_\_\_\_\_  
127 different) \_\_\_\_\_

128 \_\_\_\_\_  
129 \_\_\_\_\_

130 Signature of Person Address of Last

131 Assisting Voter Missouri Residence  
132 (if applicable)

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

137           State of Missouri

138           County (City) of \_\_\_\_\_

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

143           \_\_\_\_\_ absence on election day from the  
 144 jurisdiction of the election authority in  
 145 which I am directed to vote;

146           \_\_\_\_\_ incapacity or confinement due to illness  
 147 or physical disability on election day,  
 148 including caring for a person who is  
 149 incapacitated or confined due to illness  
 150 or disability and resides at the same  
 151 address;

152           \_\_\_\_\_ religious belief or practice;

153           \_\_\_\_\_ employment as an election authority, by an  
 154 election authority at a location other  
 155 than my polling place, as a first  
 156 responder, as a health care worker, or as  
 157 a member of law enforcement;

158           \_\_\_\_\_ incarceration, although I have retained  
 159 all the necessary qualifications of  
 160 voting;

161           \_\_\_\_\_ certified participation in the address  
 162 confidentiality program established under  
 163 sections 589.660 to 589.681 because of  
 164 safety concerns.

165           I hereby state under penalties of perjury that] I  
 166 own property in the \_\_\_\_\_ district and am  
 167 qualified to vote at this election; I have not  
 168 voted and will not vote other than by this ballot  
 169 at this election. I further state that I marked the

170 enclosed ballot in secret or that I am blind,  
 171 unable to read and write English, or physically  
 172 incapable of marking the ballot, and the person of  
 173 my choosing indicated below marked the ballot at my  
 174 direction; all of the information on this statement  
 175 is, to the best of my knowledge and belief, true.

176 \_\_\_\_\_  
 177 [Subscribed and sworn]  
 178 Signature of Voter [to before me this  
 179 \_\_\_\_\_ day of]  
 180 [\_\_\_\_\_, \_\_\_\_]

181 \_\_\_\_\_  
 182 \_\_\_\_\_ [\_\_\_\_\_] ]  
 183 Address [Signature of notary  
 184 or  
 185 other officer  
 186 authorized to  
 187 administer oaths]

188 \_\_\_\_\_  
 189 Signature of Person  
 190 Assisting Voter  
 191 (if applicable)

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

194 The voter needed assistance in marking the ballot  
 195 and signing above, because of blindness, other  
 196 physical disability, or inability to read or to  
 197 read English. I marked the ballot enclosed in this  
 198 envelope at the voter's direction, when I was  
 199 alone with the voter, and I had no other  
 200 communication with the voter as to how he or she  
 201 was to vote. The voter swore or affirmed the voter  
 202 affidavit above and I then signed the voter's name

203 and completed the other voter information above.  
204 Signed under the penalties of perjury.

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

206 ASSISTING PERSON SIGN HERE

- 207 1. \_\_\_\_\_ (signature of assisting person)  
208 2. \_\_\_\_\_ (assisting person's name printed)  
209 3. \_\_\_\_\_ (assisting person's residence)  
210 4. \_\_\_\_\_ (assisting person's home city or town).

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

217 7. Notwithstanding any other provision of this section  
218 or section 115.291 to the contrary, the subscription,  
219 signature and seal of a notary or other officer authorized  
220 to administer oaths shall not be required on any ballot,  
221 ballot envelope, or statement required by this section if  
222 [the reason for] the voter **is** voting absentee [is due to the  
223 reasons established pursuant to subdivision (2) of  
224 subsection 3 of section 115.277.

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

228 9. A notary public who charges more than the maximum  
229 fee specified or who charges or collects a fee for  
230 notarizing the signature on any absentee ballot or absentee  
231 voter registration is guilty of official misconduct].

✓