

SECOND REGULAR SESSION

HOUSE BILL NO. 2047

96TH GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVES DAVIS (Sponsor) AND DAY (Co-sponsor).

6262L.011

D. ADAM CRUMBLISS, Chief Clerk

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-seven new sections relating to uniform military 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A. Sections 115.156, 115.159, 115.275, 115.277, 115.278, 115.281, 115.283, 2 115.287, 115.291, and 115.292, RSMo, are repealed and twenty-seven new sections enacted in 3 lieu thereof, to be known as sections 115.159, 115.275, 115.277, 115.281, 115.283, 115.287, 4 115.291, 115.900, 115.902, 115.904, 115.906, 115.908, 115.910, 115.912, 115.914, 115.916, 5 115.918, 115.920, 115.922, 115.924, 115.926, 115.928, 115.930, 115.932, 115.934, 115.936, and 6 115.938, to read as follows:

115.159. 1. Any person who is qualified to register in Missouri shall, upon application, 2 be entitled to register by mail. Upon request, application forms shall be furnished by the election 3 authority or the secretary of state.

4 2. Notwithstanding any provision of law to the contrary, the election authority shall not 5 deliver any absentee ballot to any person who registers to vote by mail until after such person 6 has:

7 (1) Voted, in person, after presentation of a proper form of identification set out in 8 section 115.427, for the first time following registration; or

9 (2) Provided a copy of identification set out in section 115.427 to the election authority. 10 This subsection shall not apply to those persons identified in section 115.283 who are exempted 11 from obtaining a notary seal or signature on their absentee ballots. An individual who has 12 registered to vote by mail but who does not meet the requirements of this subsection may cast

EXPLANATION — Matter enclosed in bold-faced brackets [thus] in the above bill is not enacted and is intended to be omitted from the law. Matter in **bold-face** type in the above bill is proposed language.

13 a provisional ballot by mail. Such ballot shall not be counted pursuant to this chapter, and the
14 individual shall be notified of the reason for not counting the ballot.

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

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

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

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

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

26 (3) Who is:

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

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

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

115.275. As used in sections 115.275 to 115.304, unless the context clearly indicates
2 otherwise, the following terms shall mean:

3 (1) "Absentee ballot", any of the ballots a person is authorized to cast away from a
4 polling place pursuant to the provisions of sections 115.275 to 115.304;

5 (2) "Interstate former resident", a former resident and registered voter in this state who
6 moves from Missouri to another state after the deadline to register to vote in any presidential
7 election in the new state and who otherwise possesses the qualifications to register and vote in
8 such state;

9 (3) "Intrastate new resident", a registered voter of this state who moves from one election
10 authority's jurisdiction in the state to another election authority's jurisdiction in the state after the
11 last day authorized in this chapter to register to vote in an election and otherwise possesses the
12 qualifications to vote;

13 (4) "New resident", a person who moves to this state after the last date authorized in this
14 chapter to register to vote in any presidential election[;

15 (5) "Overseas voter" includes:

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

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

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

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

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

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

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

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

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

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

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

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

10 (3) Religious belief or practice;

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

13 (5) Incarceration, provided all qualifications for voting are retained.

14 2. Any [person in federal service] **covered voter**, as defined in section [115.275]
15 **115.902**, who is eligible to register and vote in this state but is not registered may vote only in
16 the election of presidential and vice presidential electors, United States senator and
17 representative in Congress even though the person is not registered. Each [person in federal
18 service] **covered voter** may vote by absentee ballot, **federal write-in absentee ballot as defined**

19 **in section 115.902**, or, upon submitting an affidavit that the person is qualified to vote in the
20 election, may vote at the person's polling place.

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

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

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

115.281. 1. Except as provided in [subsection 3 of this] section **115.916**, not later than
2 the sixth Tuesday prior to each election, or within fourteen days after candidates' names or
3 questions are certified pursuant to section 115.125, the election authority shall cause to have
4 printed and made available a sufficient quantity of absentee ballots, ballot envelopes and mailing
5 envelopes. As soon as possible after the proper officer calls a special state or county election,
6 the election authority shall cause to have printed and made available a sufficient quantity of
7 absentee ballots, ballot envelopes and mailing envelopes.

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

11 [3. Not later than forty-five days before each general, primary, and special election for
12 federal office, the election authority shall cause to have printed and made available a sufficient
13 quantity of absentee ballots, ballot envelopes, and mailing envelopes for absent uniformed
14 services voters and overseas voters and shall begin transmitting such ballots to absent uniformed
15 services and overseas voters who have submitted an absentee ballot application.]

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

10 identifying the person providing assistance under penalties of perjury. Persons authorized to vote
11 only for federal and statewide officers shall also state their former Missouri residence.

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

14 State of Missouri

15 County (City) of

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

19 absence on election day from the jurisdiction of the
20 election authority in which I am registered;

21 incapacity or confinement due to illness or physical
22 disability, including caring for a person who is
23 incapacitated or confined due to illness or disability;

24 religious belief or practice;

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

27 incarceration, although I have retained all the
28 necessary qualifications for voting.

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

35

36 Signature of Voter Signature of Person

37 Assisting Voter

38 (if applicable)

39 Signed Subscribed and sworn to

40 Signed before me this day

41 Address of Voter of,

42

43
 44 Mailing addresses Signature of notary or
 45 (if different) other officer authorized
 46 to administer oaths

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

50 State of Missouri
 51 County (City) of

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

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

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

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

60 am a civilian employee of the U.S. government working
 61 outside the United States;

62 am an active member of a religious or welfare organization
 63 assisting servicemen;

64 have been honorably discharged or terminated my service in
 65 one of the groups mentioned above within sixty days of
 66 this election;

67 am a spouse or dependent of one of the above;

68 am a registered voter in County and moved
 69 from that county to County, Missouri,
 70 after the last day to register to vote in this election.]

71 OR (check if applicable)

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

78 Subscribed to and sworn
 79 Signature of Voter before me this day
 80 of,
 81
 82
 83 Address of Voter Signature of notary or
 84 other officer authorized
 85 to administer oaths
 86
 87 Mailing Address (if different)
 88
 89 Signature of Person Address of Last
 90 Assisting Voter Missouri Residence
 91 (if applicable)

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

95 State of Missouri
 96 County (City) of

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

- 99 absence on election day from the jurisdiction of the
- 100 election authority in which I am directed to vote;
- 101 incapacity or confinement due to illness or physical disability, including caring for a
- 102 person who is incapacitated or confined due to illness or disability;
- 103 religious belief or practice;
- 104 employment as an election authority or by an election authority at a location other than
- 105 my polling place;
- 106 incarceration, although I have retained all the necessary qualifications of voting.

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

113 Subscribed and sworn
 114 Signature of Voter to before me this day of,

115
 116
 117 Address Signature of notary or
 118 other officer authorized
 119 to administer oaths

120
 121 Signature of Person
 122 Assisting Voter
 123 (if applicable)
 124

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

127 The voter needed assistance in marking the ballot and signing above, because of blindness, other
 128 physical disability, or inability to read or to read English. I marked the ballot enclosed in this
 129 envelope at the voter's direction, when I was alone with the voter, and I had no other
 130 communication with the voter as to how he or she was to vote. The voter swore or affirmed the
 131 voter affidavit above and I then signed the voter's name and completed the other voter
 132 information above. Signed under the penalties of perjury.

133 Reason why voter needed assistance:

134 ASSISTING PERSON SIGN HERE

- 135 1. (signature of assisting person)
- 136 2. (assisting person's name printed)
- 137 3. (assisting person's residence)
- 138 4. (assisting person's home city or town).

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

145 7. Notwithstanding any other provision of this section or section 115.291 to the contrary,
 146 the subscription, signature and seal of a notary or other officer authorized to administer oaths
 147 shall not be required on any ballot, ballot envelope, or statement required by this section if the

148 reason for the voter voting absentee is due to the reasons established pursuant to subdivision (2)
149 of subsection 1 of section 115.277.

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

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

115.287. 1. Upon receipt of a signed application for an absentee ballot and if satisfied
2 the applicant is entitled to vote by absentee ballot, the election authority shall, within three
3 working days after receiving the application, or if absentee ballots are not available at the time
4 the application is received, within five working days after they become available, deliver to the
5 voter an absentee ballot, ballot envelope and such instructions as are necessary for the applicant
6 to vote. Delivery shall be made to the voter personally in the office of the election authority or
7 by bipartisan teams appointed by the election authority, or by first class, registered, or certified
8 mail at the discretion of the election authority, or in the case of [absent uniformed services voters
9 and overseas voters, by electronic transmission if electronic transmission is requested by the
10 voter] **a covered voter as defined in section 115.902, the method of transmission prescribed**
11 **in section 115.916.** Where the election authority is a county clerk, the members of bipartisan
12 teams representing the political party other than that of county clerk shall be selected from a list
13 of persons submitted to the county clerk by the county chairman of that party. If no list is
14 provided by the time that absentee ballots are to be made available, the county clerk may select
15 a person or persons from lists provided in accordance with section 115.087. If the election
16 authority is not satisfied that any applicant is entitled to vote by absentee ballot, it shall not
17 deliver an absentee ballot to the applicant. Within three working days of receiving such an
18 application, the election authority shall notify the applicant and state the reason he or she is not
19 entitled to vote by absentee ballot. The applicant may appeal the decision of the election
20 authority to the circuit court in the manner provided in section 115.223.

21 2. If, after 5:00 p.m. on the Wednesday before an election, any voter from the jurisdiction
22 has become hospitalized, becomes confined due to illness or injury, or is confined in an adult
23 boarding facility, intermediate care facility, residential care facility, or skilled nursing facility,
24 as defined in section 198.006, in the county in which the jurisdiction is located or in the
25 jurisdiction or an adjacent election authority within the same county, the election authority shall
26 appoint a team to deliver, witness the signing of and return the voter's application and deliver,
27 witness the voting of and return the voter's absentee ballot. In counties with a charter form of
28 government and in cities not within a county, and in each city which has over three hundred
29 thousand inhabitants, and is situated in more than one county, if the election authority receives

30 ten or more applications for absentee ballots from the same address it may appoint a team to
31 deliver and witness the voting and return of absentee ballots by voters residing at that address,
32 except when such addresses are for an apartment building or other structure wherein individual
33 living units are located, each of which has its own separate cooking facilities. Each team
34 appointed pursuant to this subsection shall consist of two registered voters, one from each major
35 political party. Both members of any team appointed pursuant to this subsection shall be present
36 during the delivery, signing or voting and return of any application or absentee ballot signed or
37 voted pursuant to this subsection.

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

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

115.291. 1. Upon receiving an absentee ballot in person or by mail, the voter shall mark
2 the ballot in secret, place the ballot in the ballot envelope, seal the envelope and fill out the
3 statement on the ballot envelope. The affidavit of each person voting an absentee ballot shall
4 be subscribed and sworn to before the election official receiving the ballot, a notary public or
5 other officer authorized by law to administer oaths, unless the voter is voting absentee due to
6 incapacity or confinement due to the provisions of section 115.284, illness or physical disability,
7 or the voter is [an absent uniformed services voter or an overseas voter] **a covered voter as**
8 **defined in section 115.902**. If the voter is blind, unable to read or write the English language,
9 or physically incapable of voting the ballot, the voter may be assisted by a person of the voter's
10 own choosing. Any person assisting a voter who is not entitled to such assistance, and any
11 person who assists a voter and in any manner coerces or initiates a request or a suggestion that
12 the voter vote for or against or refrain from voting on any question, ticket or candidate, shall be
13 guilty of a class one election offense. If, upon counting, challenge or election contest, it is
14 ascertained that any absentee ballot was voted with unlawful assistance, the ballot shall be
15 rejected.

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

24 3. In cases of an emergency declared by the President of the United States or the
25 governor of this state where the conduct of an election may be affected, the secretary of state may
26 provide for the delivery and return of absentee ballots by use of a facsimile transmission device
27 or system. Any rule promulgated pursuant to this subsection shall apply to a class or classes of
28 voters as provided for by the secretary of state.

29 4. No election authority shall refuse to accept and process any otherwise valid marked
30 absentee ballot submitted in any manner by an absent uniformed services voter or overseas voter
31 solely on the basis of restrictions on envelope type.

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

**115.900. Sections 115.900 to 115.938 may be cited as the "Uniform Military and
2 Overseas Voters Act".**

115.902. As used in sections 115.900 to 115.938, the following terms shall mean:

2 **(1) "Covered voter":**

3 **(a) A uniformed-service voter or an overseas voter who is registered to vote in this
4 state;**

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

7 **(c) An overseas voter who, before leaving the United States, was last eligible to vote
8 in this state and, except for a state residency requirement, otherwise satisfies this state's
9 voter eligibility requirements;**

10 **(d) An overseas voter who, before leaving the United States, would have been last
11 eligible to vote in this state had the voter then been of voting age and, except for a state
12 residency requirement, otherwise satisfies this state's voter eligibility requirements; or**

13 **(e) An overseas voter who was born outside the United States, is not described in
14 paragraph (c) or (d) of this subdivision, and, except for a state residency requirement,
15 otherwise satisfies this state's voter eligibility requirements, if:**

16 **a. The last place where a parent or legal guardian of the voter was, or would have
17 been, eligible to vote before leaving the United States is within this state; and**

18 **b. The voter has not previously registered to vote in any other state;**

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

20 **(3) "Federal postcard application", the application prescribed under Section
21 101(b)(2) of the Uniformed and Overseas Citizens Absentee Voting Act, 42 U.S.C. Section
22 1973ff(b)(2);**

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

25 (5) "Military-overseas ballot":

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

27 (b) A ballot specifically prepared or distributed for use by a covered voter in
 28 accordance with sections 115.900 to 115.938; and

29 (c) A ballot cast by a covered voter in accordance with sections 115.900 to 115.938;

30 (6) "Overseas voter", a United States citizen who is outside the United States;

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

34 (8) "Uniformed service":

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

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

40 (c) The Missouri National Guard;

41 (9) "Uniformed-service voter" means an individual who is qualified to vote and is:

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

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

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

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

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

115.904. The voting procedures in sections 115.900 to 115.938 shall apply to:

2 (1) A general, special, presidential preference, or primary election for federal
 3 office;

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

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

115.906. 1. The secretary of state shall be responsible for implementing sections 2 115.900 to 115.938 and the state's responsibilities under the Uniformed and Overseas 3 Citizens Absentee Voting Act, 42 U.S.C. Section 1973ff et seq.

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

9 3. The secretary of state shall establish an electronic transmission system through 10 which a covered voter may apply for and receive voter registration materials, military- 11 overseas ballots, and other information under sections 115.900 to 115.938.

12 4. The secretary of state shall:

13 (1) Develop standardized absentee-voting materials, including privacy and 14 transmission envelopes and their electronic equivalents, authentication materials, and 15 voting instructions, to be used with the military-overseas ballot of a voter authorized to 16 vote in any jurisdiction in this state; and

17 (2) To the extent reasonably possible, coordinate with other states to carry out this 18 subsection.

19 5. The secretary of state shall prescribe the form and content of a declaration for 20 use by a covered voter to swear or affirm specific representations pertaining to the voter's 21 identity, eligibility to vote, status as a covered voter, and timely and proper completion of 22 an military-overseas ballot. The declaration shall be based on the declaration prescribed 23 to accompany a federal write-in absentee ballot, as modified to be consistent with sections 24 115.900 to 115.938. The secretary of state shall ensure that a form for the execution of the 25 declaration, including an indication of the date of execution of the declaration, is a 26 prominent part of all balloting materials for which the declaration is required.

115.908. In registering to vote, an overseas voter who is eligible to vote in this state 2 shall use and shall be assigned to the voting precinct of the address of the last place of 3 residence of the voter in this state, or, in the case of a voter described by paragraph (d) of 4 subdivision (1) of section 115.902, the address of the last place of residence in this state of 5 the parent or legal guardian of the voter. If that address is no longer a recognized 6 residential address, the voter shall be assigned an address for voting purposes.

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

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

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

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

4 **2. A covered voter who is not registered to vote in this state may use a federal**
5 **postcard application or the application's electronic equivalent to apply simultaneously to**
6 **register to vote under section 115.910 and for a military-overseas ballot.**

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

12 **4. A covered voter may use the declaration accompanying a federal write-in**
13 **absentee ballot as an application for a military-overseas ballot simultaneously with the**
14 **submission of the federal write-in absentee ballot, if the declaration is received by the**
15 **appropriate election official by 5:00 p.m. on the Wednesday immediately prior to the**
16 **election.**

17 **5. To receive the benefits of sections 115.900 to 115.938, a covered voter shall**
18 **inform the election authority that the voter is a covered voter. Methods of informing the**
19 **election authority that a voter is a covered voter include:**

20 **(1) The use of a federal postcard application or federal write-in absentee ballot;**
21 **(2) The use of an overseas address on an approved voter registration application**
22 **or ballot application; and**

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

115.914. An application for a military-overseas ballot is timely if received by 5:00
2 **p.m. on the Wednesday prior to the election. An application for a military-overseas ballot**

3 for a primary election, whether or not timely, shall be effective as an application for a
4 military-overseas ballot for the general election.

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

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

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

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

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

115.922. 1. A valid military-overseas ballot cast in accordance with section 115.918
2 shall be counted if it is delivered by the end of business on the business day before the
3 election authority convenes a verification board under section 115.497 to the address of the
4 appropriate election authority.

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

115.924. A military-overseas ballot shall include or be accompanied by a
2 declaration signed by the voter that a material misstatement of fact in completing the ballot

3 may be grounds for a conviction of perjury under the laws of the United States or this
4 state.

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

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

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

115.928. 1. The election authority shall request an electronic-mail address from
2 each covered voter who registers to vote. An electronic-mail address provided by a covered
3 voter shall not be made available to the public or any individual or organization other than
4 an authorized agent of the local election authority and is exempt from disclosure under the
5 Missouri sunshine law contained in chapter 610. The address shall be used only for official
6 communication with the voter about the voting process, including transmitting military-
7 overseas ballots and election materials if the voter has requested electronic transmission,
8 and verifying the voter's mailing address and physical location. The request for an
9 electronic-mail address shall describe the purposes for which the electronic-mail address
10 may be used and include a statement that any other use or disclosure of the electronic-mail
11 address is prohibited.

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

115.930. 1. Not later than the tenth Tuesday before a regularly scheduled election
2 and as soon as practicable before an election not regularly scheduled, the election authority
3 in each jurisdiction charged with printing and distributing ballots and balloting material
4 shall prepare an election notice for that jurisdiction, to be used in conjunction with a
5 federal write-in absentee ballot. The election notice shall contain a list of all of the ballot
6 measures and federal, state, and local offices that, as of that date, the official expects to be
7 on the ballot on the date of the election. The notice also shall contain specific instructions

8 for how a voter is to indicate on the federal write-in absentee ballot the voter's choice for
9 each office to be filled and for each ballot measure to be contested.

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

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

17 4. A local election jurisdiction that maintains an internet website shall make the
18 election notice prepared under subsection 1 of this section and updated versions of the
19 election notice regularly available on the website.

115.932. 1. If a voter's mistake or omission in the completion of a document under
2 sections 115.900 to 115.938 does not prevent determining whether a covered voter is eligible
3 to vote, the mistake or omission shall not invalidate the document. Failure to satisfy a
4 nonsubstantive requirement, such as using paper or envelopes of a specified size or weight,
5 shall not invalidate a document submitted under sections 115.900 to 115.938. In a write-in
6 ballot authorized by sections 115.900 to 115.938 or in a vote for a write-in candidate on a
7 regular ballot, if the intention of the voter is discernable under this state's uniform
8 definition of what constitutes a vote, an abbreviation, misspelling, or other minor variation
9 in the form of the name of a candidate or a political party shall be accepted as a valid vote.

10 2. Notarization shall not be required for the execution of a document under sections
11 115.900 to 115.938. An authentication, other than the declaration specified in section
12 115.924 or the declaration on the federal postcard application and federal write-in absentee
13 ballot, shall not be required for execution of a document under sections 115.900 to 115.938.
14 The declaration and any information in the declaration may be compared with information
15 on file to ascertain the validity of the document.

115.934. A court may issue an injunction or grant other equitable relief appropriate
2 to ensure substantial compliance with, or enforce, sections 115.900 to 115.938 on
3 application by:

- 4 (1) A covered voter alleging a grievance under sections 115.900 to 115.938; or
- 5 (2) An election authority in this state.

115.936. In applying and construing sections 115.900 to 115.938, consideration shall
2 be given to the need to promote uniformity of the law with respect to its subject matter
3 among states that enact it.

115.938. Sections 115.900 to 115.938 modifies, limits, and supersedes the Electronic Signatures in Global and National Commerce Act, 15 U.S.C. Section 7001 et seq., but shall not modify, limit, or supersede Section 101(c) of that act, 15 U.S.C. Section 7001(c), or authorize electronic delivery of any of the notices described in Section 103(b) of that act, 15 U.S.C. Section 7003(b).

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

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

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

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

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

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

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

19 5. The special write-in absentee ballot provided for in this section shall
20 be used instead of the federal write-in absentee ballot in general, special, and
21 primary elections for federal office as authorized in Title 42, U.S.C. Section
22 1973ff-2(e), as amended.]

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