

SECOND REGULAR SESSION

HOUSE BILL NO. 2109

96TH GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVE SCHOELLER.

6316L.011

D. ADAM CRUMBLISS, Chief Clerk

AN ACT

To repeal sections 115.135, 115.279, and 115.291, RSMo, and to enact in lieu thereof three new sections relating to voter registration.

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

Section A. Sections 115.135, 115.279, and 115.291, RSMo, are repealed and three new sections enacted in lieu thereof, to be known as sections 115.135, 115.279, and 115.291, to read as follows:

115.135. 1. Any person who is qualified to vote, or who shall become qualified to vote on or before the day of election, shall be entitled to register in the jurisdiction within which he or she resides. In order to vote in any election for which registration is required, a person must be registered to vote in the jurisdiction of his or her residence no later than 5:00 p.m., or the normal closing time of any public building where the registration is being held if such time is later than 5:00 p.m., on the fourth Wednesday prior to the election, unless the voter is an interstate former resident, an intrastate new resident or a new resident, as defined in section 115.275. In no case shall registration for an election extend beyond 10:00 p.m. on the fourth Wednesday prior to the election. Any person registering after such date shall be eligible to vote in subsequent elections.

2. **(1)** A person applying to register with an election authority or a deputy registration official shall identify himself or herself by presenting **a form of personal identification that provides evidence of United States citizenship. All such forms presented under this subsection shall be kept confidential by the election authority, and shall include one of the following:**

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.

16 **(a)** A copy of a birth certificate[, a Native American tribal document, other proof of
17 United States citizenship,] **that verifies United States citizenship to the satisfaction of the**
18 **election authority;**

19 **(b)** A valid Missouri drivers license or [other form of personal identification at the time
20 of registration] **nondriver license, or a drivers license or nondriver identification card issued**
21 **by the equivalent governmental agency of another state if such license or card indicates**
22 **that the person has presented proof of United States citizenship upon application for such**
23 **license or card;**

24 **(c)** **Pertinent pages of the applicant's United States valid or expired passport**
25 **identifying the applicant and the applicant's passport number, or presentation to the**
26 **election authority of the applicant's United States passport;**

27 **(d)** **The applicant's United States naturalization documents or the number of the**
28 **certificate of naturalization. If only the number of the certificate of naturalization is**
29 **provided, the applicant shall not be included in the registration rolls until the number of**
30 **the certificate of naturalization is verified with the United States Citizenship and**
31 **Immigration Services, or its successor agency, by the election authority or the secretary of**
32 **state, under 8 U.S.C. Section 1373(c), as amended;**

33 **(e)** **Other documents or methods of proof of United States citizenship issued by the**
34 **federal government under the Immigration and Nationality Act of 1952, as amended;**

35 **(f)** **The applicant's Bureau of Indian Affairs card number, tribal treaty card**
36 **number or tribal enrollment number;**

37 **(g)** **The applicant's consular report of birth abroad of a citizen of the United States;**

38 **(h)** **The applicant's certificate of citizenship issued by the United States Citizenship**
39 **and Immigration Services;**

40 **(i)** **The applicant's certification of report of birth issued by the United States**
41 **Department of State;**

42 **(j)** **The applicant's American Indian card, with KIC classification, issued by the**
43 **United States Department of Homeland Security;**

44 **(k)** **The applicant's final adoption decree showing the applicant's name and United**
45 **States birthplace;**

46 **(l)** **The applicant's official United States military record of service showing the**
47 **applicant's place of birth in the United States;**

48 **(m)** **An extract from a United States hospital record of birth created at the time of**
49 **the applicant's birth indicating the applicant's place of birth in the United States.**

50 **(2)** **Any applicant who is a United States citizen but does not have any of the**
51 **documentation listed in this section as satisfactory evidence of United States citizenship**

52 may submit any evidence that such applicant believes demonstrates the applicant's United
53 States citizenship. Any applicant seeking an assessment of evidence under this subdivision
54 may directly contact the elections division of the secretary of state by submitting a voter
55 registration application or form as described by this section and any supporting evidence
56 of United States citizenship. Upon receipt of this information, the secretary of state shall
57 give the applicant an opportunity for a hearing and an opportunity to present any
58 additional evidence to the secretary of state. Notice of such hearing shall be given to the
59 applicant at least five days before the hearing date. An applicant shall have the
60 opportunity to be represented by counsel at such hearing. The secretary of state shall
61 assess the evidence provided by the applicant to determine whether the applicant has
62 provided satisfactory evidence of United States citizenship. If an applicant submits an
63 application and any supporting evidence before the close of registration for an election
64 cycle, a determination by the secretary of state shall be issued at least five days before such
65 election date. If the secretary of state finds that the evidence presented by such applicant
66 constitutes satisfactory evidence of United States citizenship, such applicant shall have met
67 the requirements under this subsection to provide satisfactory evidence of United States
68 citizenship. If the secretary of state finds that the evidence presented by an applicant does
69 not constitute satisfactory evidence of United States citizenship, such applicant shall have
70 the right to appeal such determination by the state election board by instituting an action
71 under 8 U.S.C. Section 1503, as amended. Any negative assessment of an applicant's
72 eligibility by the secretary of state shall be reversed if the applicant obtains a declaratory
73 judgment under 8 U.S.C. Section 1503, as amended, demonstrating that such applicant is
74 a national of the United States.

75 (3) The department of health and senior services shall not charge or accept any fee
76 for a certified copy of a birth certificate if the certificate is requested by any person who
77 is seventeen years of age or older for purposes of meeting the voter registration
78 requirements of this section. Such person shall submit an affidavit that such person plans
79 to register to vote in this state and that such person does not possess any of the documents
80 that constitute evidence of United States citizenship under this section. The affidavit shall
81 specifically list the documents that constitute evidence of United States citizenship under
82 this section. The department of health and senior services may promulgate rules to
83 implement the provisions of this subdivision.

84 (4) Any person who is registered in this state on the effective date of this section is
85 deemed to have provided satisfactory evidence of citizenship and shall not be required to
86 resubmit evidence of citizenship.

87 3. Except as provided in federal law or federal elections and in section 115.277, no
88 person shall be entitled to vote if the person has not registered to vote in the jurisdiction of his
89 or her residence prior to the deadline to register to vote.

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

5 2. Each application shall be made to the election authority of the jurisdiction in which
6 the person is or would be registered. Each application shall be in writing and shall state the
7 applicant's name, address at which he or she is or would be registered, his or her reason for
8 voting an absentee ballot, the address to which the ballot is to be mailed, if mailing is requested,
9 and for absent uniformed services and overseas applicants, the applicant's email address if
10 electronic transmission is requested. Each application to vote in a primary election shall also
11 state which ballot the applicant wishes to receive. If any application fails to designate a ballot,
12 the election authority shall, within three working days after receiving the application, notify the
13 applicant by mail that it will be unable to deliver an absentee ballot until the applicant designates
14 which political party ballot he or she wishes to receive. If the applicant does not respond to the
15 request for political party designation, the election authority is authorized to provide the voter
16 with that part of the ballot for which no political party designation is required. **Each applicant**
17 **shall also present an acceptable form of personal identification as provided in section**
18 **115.427.**

19 3. Except as provided in subsection 3 of section 115.281, all applications for absentee
20 ballots received prior to the sixth Tuesday before an election shall be stored at the office of the
21 election authority until such time as the applications are processed in accordance with section
22 115.281. No application for an absentee ballot received in the office of the election authority by
23 mail, by facsimile transmission or by a guardian or relative after 5:00 p.m. on the Wednesday
24 immediately prior to the election shall be accepted by any election authority. No application for
25 an absentee ballot submitted by the applicant in person after 5:00 p.m. on the day before the
26 election shall be accepted by any election authority, except as provided in subsections 6, 8 and
27 9 of this section.

28 4. Each application for an absentee ballot shall be signed by the applicant or, if the
29 application is made by a guardian or relative pursuant to this section, the application shall be
30 signed by the guardian or relative, who shall note on the application his or her relationship to the
31 applicant. If an applicant, guardian or relative is blind, unable to read or write the English
32 language or physically incapable of signing the application, he or she shall sign by mark,
33 witnessed by the signature of an election official or person of his or her own choosing. Any

34 person who knowingly makes, delivers or mails a fraudulent absentee ballot application shall be
35 guilty of a class one election offense.

36 5. (1) Notwithstanding any law to the contrary, any resident of the state of Missouri who
37 resides outside the boundaries of the United States or who is on active duty with the armed forces
38 of the United States or members of their immediate family living with them may request an
39 absentee ballot for both the primary and subsequent general election with one application.

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

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

47 (4) Not later than sixty days after the date of each regularly scheduled general election
48 for federal office, each election authority which administered the election shall submit to the
49 secretary of state in a format prescribed by the secretary a report on the combined number of
50 absentee ballots transmitted to, and returned by, absent uniformed services voters and overseas
51 voters for the election. The secretary shall submit to the Election Assistance Commission a
52 combined report of such information not later than ninety days after the date of each regularly
53 scheduled general election for federal office and in a standardized format developed by the
54 commission pursuant to the Help America Vote Act of 2002. The secretary shall make the report
55 available to the general public.

56 (5) As used in this section, the terms "absent uniformed services voter" and "overseas
57 voter" shall have the meaning prescribed in 42 U.S.C. 1973ff-6.

58 6. An application for an absentee ballot by a new resident, as defined in section 115.275,
59 shall be submitted in person by the applicant in the office of the election authority in the election
60 jurisdiction in which such applicant resides. The application shall be received by the election
61 authority no later than 7:00 p.m. on the day of the election. Such application shall be in the form
62 of an affidavit, executed in duplicate in the presence of the election authority or any authorized
63 officer of the election authority, and in substantially the following form:

64 "STATE OF.....
65 COUNTY OF....., ss.

66 I,, do solemnly swear that:

67 (1) Before becoming a resident of this state, I resided at (residence address) in
68 (town, township, village or city) of County in the state of
69

70 (2) I moved to this state after the last day to register to vote in such general presidential
71 election and I am now residing in the county of, state of Missouri;

72 (3) I believe I am entitled pursuant to the laws of this state to vote in the presidential
73 election to be held November, (year);

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

76 Signed

77 (Applicant)

78

79 (Residence Address)

80 Subscribed and sworn to before me this day of,

81 Signed

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

83 7. The election authority in whose office an application is filed pursuant to subsection
84 6 of this section shall immediately send a duplicate of such application to the appropriate official
85 of the state in which the new resident applicant last resided and shall file the original of such
86 application in its office.

87 8. An application for an absentee ballot by an intrastate new resident, as defined in
88 section 115.275, shall be made in person by the applicant in the office of the election authority
89 in the election jurisdiction in which such applicant resides. The application shall be received by
90 the election authority no later than 7:00 p.m. on the day of the election. Such application shall
91 be in the form of an affidavit, executed in duplicate in the presence of the election authority or
92 an authorized officer of the election authority, and in substantially the following form:

93 "STATE OF

94 COUNTY OF, ss.

95 I,, do solemnly swear that:

96 (1) Before becoming a resident of this election jurisdiction, I resided at
97 (residence address) in (town, township, village or city)
98 of county in the state of

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

101 (3) I believe I am entitled pursuant to the laws of this state to vote in the election to be
102 held (date);

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

106 Signed

107 (Applicant)

108

109 (Residence Address)

110 Subscribed and sworn to before me this day of,

111 Signed

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

113 9. An application for an absentee ballot by an interstate former resident, as defined in

114 section 115.275, shall be received in the office of the election authority where the applicant was

115 formerly registered by 5:00 p.m. on the Wednesday immediately prior to the election, unless the

116 application is made in person by the applicant in the office of the election authority, in which

117 case such application shall be made no later than 7:00 p.m. on the day of the election.

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. If the voter is blind,

8 unable to read or write the English language, or physically incapable of voting the ballot, the

9 voter may be assisted by a person of the voter's own choosing. Any person assisting a voter who

10 is not entitled to such assistance, and any person who assists a voter and in any manner coerces

11 or initiates a request or a suggestion that the voter vote for or against or refrain from voting on

12 any question, ticket or candidate, shall be guilty of a class one election offense. If, upon

13 counting, challenge or election contest, it is ascertained that any absentee ballot was voted with

14 unlawful assistance, the ballot shall be rejected.

15 2. Except as provided in subsection 4 of this section, each absentee ballot shall be

16 returned to the election authority in the ballot envelope and shall only be returned by the voter

17 in person, or in person by a [relative of the voter who is within the second degree of

18 consanguinity or affinity, by mail or registered carrier or by a team of deputy election authorities]

19 **person designated in writing by the voter at the time the request for an absentee ballot is**

20 **made**; except that persons in federal service, when sent from a location determined by the

21 secretary of state to be inaccessible on election day, shall be allowed to return their absentee

22 ballots cast by use of facsimile transmission or under a program approved by the Department of

23 Defense for electronic transmission of election materials. **Any person designated by the voter**

24 **to return the absentee ballot under this subsection shall also sign a statement that the**

25 **designee has not exercised any undue influence on the voting decisions of the voter than**
26 **that such designee agrees to deliver the ballot as directed by the voter.**

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

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

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

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