

FIRST REGULAR SESSION
HOUSE COMMITTEE SUBSTITUTE FOR
SENATE COMMITTEE SUBSTITUTE FOR
SENATE BILL NOS. 34 & 105
98TH GENERAL ASSEMBLY

0596H.05C

D. ADAM CRUMBLISS, Chief Clerk

AN ACT

To repeal sections 115.135, 115.275, 115.277, 115.279, 115.283, 115.287, 115.291, 115.912, and 115.940, RSMo, and to enact in lieu thereof eight new sections relating to military and overseas voter registration, with an emergency clause.

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

Section A. Sections 115.135, 115.275, 115.277, 115.279, 115.283, 115.287, 115.291, 115.912, and 115.940, RSMo, are repealed and eight new sections enacted in lieu thereof, to be known as sections 115.135, 115.275, 115.277, 115.279, 115.283, 115.287, 115.291, and 115.912, to read as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, **or a covered voter**, as defined in section 115.275. **Except as provided in subsection 4 of this section**, 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. A person applying to register with an election authority or a deputy registration official shall identify himself or herself by presenting a copy of a birth certificate, a Native American tribal document, other proof of United States citizenship, a valid Missouri drivers license or other form of personal identification at the time of registration.

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.

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

18 **4. A covered voter as defined in section 115.275 who has been discharged from**
19 **military service, has returned from a military deployment or activation, or has separated**
20 **from employment outside the territorial limits of the United States after the deadline to**
21 **register to vote, and who is otherwise qualified to register to vote, may register to vote in**
22 **an election in person before the election authority until 5:00 p.m. on the Friday before such**
23 **election. Such persons shall produce sufficient documentation showing evidence of**
24 **qualifying for late registration pursuant to this section.**

 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) **"Covered voter":**

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

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

9 **(c) An overseas voter;**

10 **(d) Civilian employees of the United States government working outside the**
11 **boundaries of the United States, and their spouses and dependents;**

12 **(e) Active members of religious or welfare organizations assisting servicemen, and**
13 **their spouses and dependents; or**

14 **(f) Persons who have been honorably discharged from the Armed Forces or who**
15 **have terminated their service or employment in any group mentioned in this section within**
16 **sixty days of an election, and their spouses and dependents;**

17 (3) "Interstate former resident", a former resident and registered voter in this state who
18 moves from Missouri to another state after the deadline to register to vote in any presidential
19 election in the new state and who otherwise possesses the qualifications to register and vote in
20 such state;

21 [(3)] (4) "Intrastate new resident", a registered voter of this state who moves from one
22 election authority's jurisdiction in the state to another election authority's jurisdiction in the state
23 after the last day authorized in this chapter to register to vote in an election and otherwise
24 possesses the qualifications to vote;

25 [(4)] (5) "New resident", a person who moves to this state after the last date authorized
26 in this chapter to register to vote in any presidential election;

27 [(5) "Persons in federal service" includes:

28 (a) Members of the Armed Forces of the United States, while in active service, and their
29 spouses and dependents;

30 (b) Active members of the Merchant Marine of the United States and their spouses and
31 dependents;

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

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

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

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

40 **(a) A person who resides outside the United States and is qualified to vote in the last**
41 **place in which the person was domiciled before leaving the United States; or**

42 **(b) A person who resides outside the United States and, but for such residence,**
43 **would be qualified to vote in the last place in which the person was domiciled before**
44 **leaving the United States;**

45 **(7) "Uniformed services":**

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

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

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

52 **(8) "Uniformed services voter", an individual who is qualified to vote and is:**

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

55 **(b) A member of the Merchant Marine, the commissioned corps of the Public**
56 **Health Service, or the commissioned corps of the National Oceanic and Atmospheric**
57 **Administration of the United States;**

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

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

60 **(9) "United States", used in the territorial sense, the several states, the District of**
61 **Columbia, Puerto Rico, the United States Virgin Islands, and any territory or insular**
62 **possession subject to the jurisdiction of the United States.**

115.277. 1. Except as provided in subsections 2, 3, 4, and 5 of this section, any registered voter of this state may vote by absentee ballot for all candidates and issues for which such voter would be 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:

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

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

(3) Religious belief or practice;

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

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

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

2. Any [person in federal service] **covered voter**, as defined in section 115.275, who is eligible to register and vote in this state [but is not registered may vote only in the election of presidential and vice presidential electors, United States senator and representative in Congress] **may vote in any election for federal office, statewide office, state legislative office, or statewide ballot initiatives by submitting a federal postcard application to apply to vote by absentee ballot or by submitting a federal postcard application at the polling place** even though the person is not registered. **A federal postcard application submitted by a covered voter pursuant to this subsection shall also serve as a voter registration application under section 115.908 and the election authority shall, if satisfied that the applicant is entitled to register, place the voter's name on the voter registration file.** Each [person in federal service] **covered voter** may vote by absentee ballot or, upon submitting an affidavit that the person is qualified to vote in the election, may vote at the person's polling place.

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

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

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

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

22 3. Except as provided in subsection 3 of section 115.281, all applications for absentee
23 ballots received prior to the sixth Tuesday before an election shall be stored at the office of the
24 election authority until such time as the applications are processed in accordance with section
25 115.281. No application for an absentee ballot received in the office of the election authority by
26 mail, by facsimile transmission or by a guardian or relative after 5:00 p.m. on the Wednesday
27 immediately prior to the election shall be accepted by any election authority. No application for
28 an absentee ballot submitted by the applicant in person after 5:00 p.m. on the day before the
29 election shall be accepted by any election authority, except as provided in subsections 6, 8 and
30 9 of this section.

31 4. Each application for an absentee ballot shall be signed by the applicant or, if the
32 application is made by a guardian or relative pursuant to this section, the application shall be
33 signed by the guardian or relative, who shall note on the application his or her relationship to the

34 applicant. If an applicant, guardian or relative is blind, unable to read or write the English
35 language or physically incapable of signing the application, he or she shall sign by mark,
36 witnessed by the signature of an election official or person of his or her own choosing. Any
37 person who knowingly makes, delivers or mails a fraudulent absentee ballot application shall be
38 guilty of a class one election offense.

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

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

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

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

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

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

67

68 "STATE OF

69 COUNTY OF, ss.

70 I,....., do solemnly swear that:

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

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

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

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

80 Signed

81 (Applicant)

82

83 (Residence Address)

84 Subscribed and sworn to before me this day of,

85 Signed

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

87

88 7. The election authority in whose office an application is filed pursuant to subsection
89 6 of this section shall immediately send a duplicate of such application to the appropriate official
90 of the state in which the new resident applicant last resided and shall file the original of such
91 application in its office.

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

98

99 "STATE OF

100 COUNTY OF, ss.

101 I,, do solemnly swear that:

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

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

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

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

112 Signed

113 (Applicant)

114

115 (Residence Address)

116 Subscribed and sworn to before me this day of,

117 Signed

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

119

120 9. An application for an absentee ballot by an interstate former resident, as defined in
121 section 115.275, shall be received in the office of the election authority where the applicant was
122 formerly registered by 5:00 p.m. on the Wednesday immediately prior to the election, unless the
123 application is made in person by the applicant in the office of the election authority, in which
124 case such application shall be made no later than 7:00 p.m. on the day of the election.

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

52 Signed Subscribed and sworn to
 53 Signed before me this day
 54 Address of Voter of,,
 55
 56
 57 Mailing addresses Signature of notary or
 58 (if different) other officer authorized
 59 to administer oaths
 60

61 3. The statement for persons voting absentee ballots pursuant to the provisions of
 62 subsection 2, 3, 4, or 5 of section 115.277 without being registered shall be in substantially the
 63 following form:
 64

65 State of Missouri
 66 County (City) of

67
 68 I, (print name), declare under the penalties of perjury that I am a citizen of the
 69 United States and eighteen years of age or older. I am not adjudged incapacitated by any court
 70 of law, and if I have been convicted of a felony or of a misdemeanor connected with the right of
 71 suffrage, I have had the voting disabilities resulting from such conviction removed pursuant to
 72 law. I hereby state under penalties of perjury that I am qualified to vote at this election.

73 I am (check one):
 74 a resident of the state of Missouri and a registered voter in County and moved from
 75 that county to County, Missouri, after the last day to register to vote in this election.
 76

77 an interstate former resident of Missouri and authorized to vote for presidential and vice
 78 presidential electors.
 79

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

85 Subscribed to and sworn
 86 Signature of Voter before me this day
 87 of,

88	
89
90	Address of Voter	Signature of notary or
91		other officer authorized
92		to administer oaths
93
94	Mailing Address (if different)
95	
96
97	Signature of Person	Address of Last
98	Assisting Voter	Missouri Residence
99		(if applicable)

100

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

104

105 State of Missouri
106 County (City) of

107

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

110

111 absence on election day from the jurisdiction of the election authority in which I am
112 directed to vote;

113

114 incapacity or confinement due to illness or physical disability, including caring for a person
115 who is incapacitated or confined due to illness or disability;

116

117 religious belief or practice;

118

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

121

122 incarceration, although I have retained all the necessary qualifications of voting;

123

124 **certified participation in the address confidentiality program established under**
125 **sections 589.660 to 589.681 because of safety concerns.**

126

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

133

134 Subscribed and sworn
135 Signature of Voter to before me this
136 day of,

137

138
139 Address Signature of notary or
140 other officer authorized
141 to administer oaths

142

143 Signature of Person
144 Assisting Voter
145 (if applicable)

146

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

149

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

156

157 Reason why voter needed assistance:

158

159 ASSISTING PERSON SIGN HERE

- 160 1. (signature of assisting person)
- 161 2. (assisting person's name printed)
- 162 3. (assisting person's residence)
- 163 4. (assisting person's home city or town).

164

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

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

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

176 9. A notary public who charges more than the maximum fee specified or who charges
177 or collects a fee for notarizing the signature on any absentee ballot or absentee voter registration
178 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 a covered voter as defined in
9 section 115.902, the method of transmission prescribed in section 115.914. Where the election
10 authority is a county clerk, the members of bipartisan teams representing the political party other
11 than that of county clerk shall be selected from a list of persons submitted to the county clerk by
12 the county chairman of that party. If no list is provided by the time that absentee ballots are to
13 be made available, the county clerk may select a person or persons from lists provided in
14 accordance with section 115.087. If the election authority is not satisfied that any applicant is
15 entitled to vote by absentee ballot, it shall not deliver an absentee ballot to the applicant. Within
16 three working days of receiving such an application, the election authority shall notify the
17 applicant and state the reason he or she is not entitled to vote by absentee ballot. The applicant

18 may appeal the decision of the election authority to the circuit court in the manner provided in
19 section 115.223.

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

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

40 4. No information which encourages a vote for or against a candidate or issue shall be
41 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 a covered voter as defined in section 115.902. If the voter is blind, unable to read
8 or write the English language, or physically incapable of voting the ballot, the voter may be
9 assisted by a person of the voter's own choosing. Any person assisting a voter who is not entitled
10 to such assistance, and any person who assists a voter and in any manner coerces or initiates a
11 request or a suggestion that the voter vote for or against or refrain from voting on any question,
12 ticket or candidate, shall be guilty of a class one election offense. If, upon counting, challenge

13 or election contest, it is ascertained that any absentee ballot was voted with unlawful assistance,
14 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 consanguinity
18 or affinity, by mail or registered carrier or by a team of deputy election authorities; except that
19 [persons in federal service] **covered voters**, when sent from a location determined by the
20 secretary of state to be inaccessible on election day, shall be allowed to return their absentee
21 ballots cast by use of facsimile transmission or under a program approved by the Department of
22 Defense for electronic transmission of election materials.

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

28 4. No election authority shall refuse to accept and process any otherwise valid marked
29 absentee ballot submitted in any manner by a covered voter solely on the basis of restrictions on
30 envelope type.

115.912. An application for a military-overseas ballot is timely if received by 5:00 p.m.
2 on the [Wednesday] **Friday** 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.

[115.940. Notwithstanding any other provision of law, a person in the
2 federal service as defined under section 115.275 may vote in the same manner,
3 using the same technology and requirements, as an overseas voter under sections
4 115.900 to 115.936.]

Section B. Because immediate action is necessary to allow the provisions of this act to
2 apply to election procedures before August 28, 2015, in order to protect the security needs of
3 victims of domestic violence, rape, sexual assault, or stalking, the repeal and reenactment of
4 sections 115.277, 115.279, and 115.283 of this act are deemed necessary for the immediate
5 preservation of the public health, welfare, peace, and safety, and are hereby declared to be an
6 emergency act within the meaning of the constitution, and the repeal and reenactment of sections
7 115.277, 115.279, and 115.283 of this act shall be in full force and effect on July 1, 2015, or
8 upon its passage and approval, whichever first occurs.

✓