

FIRST REGULAR SESSION

HOUSE BILL NO. 250

98TH GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVE DAVIS.

0971L.011

D. ADAM CRUMBLISS, Chief Clerk

AN ACT

To repeal sections 115.275, 115.277, 115.291, and 115.940, RSMo, and to enact in lieu thereof three new sections relating to absentee ballots for military and overseas voters.

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

Section A. Sections 115.275, 115.277, 115.291, and 115.940, RSMo, are repealed and
2 three new sections enacted in lieu thereof, to be known as sections 115.275, 115.277, and
3 115.291, to read as follows:

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) ["Persons in federal service" includes:

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) Members of the Armed Forces of the United States, while in active service, and their
17 spouses and dependents;

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

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

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

24 (e) Persons who have been honorably discharged from the Armed Forces or who have
25 terminated their service or employment in any group mentioned in this section within sixty days
26 of an election, and their spouses and dependents] **"Covered voter":**

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

52 **(9) "United States", used in the territorial sense, the several states, the District of**
53 **Columbia, Puerto Rico, the United States Virgin Islands, and any territory or insular**
54 **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
2 registered voter of this state may vote by absentee ballot for all candidates and issues for which
3 such voter would be eligible to vote at the polling place if such voter expects to be prevented
4 from going 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, who is
15 eligible to register [and vote in this state but is not registered may vote only in the election of
16 presidential and vice presidential electors, United States senator and representative in Congress]
17 **may vote in any election for federal office, statewide office, state legislative office, or**
18 **statewide ballot initiatives** even though the person is not registered. Each [person in federal
19 service] **covered voter** may vote by absentee ballot or, upon submitting an affidavit that the
20 person is qualified to vote in the 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.

115.291. 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.

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

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