

FIRST REGULAR SESSION

HOUSE BILL NO. 29

100TH GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVE STACY.

0334H.011

DANA RADEMAN MILLER, Chief Clerk

AN ACT

To repeal section 115.279, RSMo, and to enact in lieu thereof one new section relating to absentee voting.

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

Section A. Section 115.279, RSMo, is repealed and one new section enacted in lieu thereof, to be known as section 115.279, to read as follows:

115.279. 1. Application for an absentee ballot **shall only be distributed by the election authority and** may be made by the applicant in person, or by mail, or for the applicant, in person, by his or her guardian or a relative within the second degree by consanguinity or affinity. The election authority shall accept applications by facsimile transmission and by electronic mail within the limits of its telecommunications capacity. **For an application made in any method other than in person, the applicant shall include a photocopy of his or her appropriate voter identification, as provided under section 115.427.**

2. **The election authority shall establish a numbering system for applications for absentee ballots. Each election shall have its own dedicated series of numbers. The election authority shall keep a record of application numbers and the voter they were distributed to. The election authority shall note if the application is distributed directly to the voter or to the voter's guardian or relative. Any application returned without a number, with a number not assigned to the current election, or with a duplicate number shall be rejected.**

3. Each application shall be made to the election authority of the jurisdiction in which the person is or would be registered. Each application shall be in writing and shall state the applicant's name, address at which he or she is or would be registered, his or her reason for

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.

18 voting an absentee ballot, the address to which the ballot is to be mailed, if mailing is requested,
19 and for absent uniformed services and overseas applicants, the applicant's email address if
20 electronic transmission is requested. If the reason for the applicant voting absentee is due to the
21 reasons established under subdivision (6) of subsection 1 of section 115.277, the applicant shall
22 state the voter's identification information provided by the address confidentiality program in lieu
23 of the applicant's name, address at which he or she is or would be registered, and address to
24 which the ballot is to be mailed, if mailing is requested. Each application to vote in a primary
25 election shall also state which ballot the applicant wishes to receive. If any application fails to
26 designate a ballot, the election authority shall, within three working days after receiving the
27 application, notify the applicant by mail that it will be unable to deliver an absentee ballot until
28 the applicant designates which political party ballot he or she wishes to receive. If the applicant
29 does not respond to the request for political party designation, the election authority is authorized
30 to provide the voter with that part of the ballot for which no political party designation is
31 required.

32 ~~[3. Except as provided in subsection 3 of section 115.281,]~~

33 **4.** All applications for absentee ballots received prior to the sixth Tuesday before an
34 election shall be stored at the office of the election authority until such time as the applications
35 are processed in accordance with section 115.281. No application for an absentee ballot received
36 in the office of the election authority by mail, by facsimile transmission, by electronic mail, or
37 by a guardian or relative after 5:00 p.m. on the second Wednesday immediately prior to the
38 election shall be accepted by any election authority. No application for an absentee ballot
39 submitted by the applicant in person after 5:00 p.m. on the day before the election shall be
40 accepted by any election authority, except as provided in subsections ~~[6, 8 and 9]~~ **7, 9, and 10**
41 of this section.

42 ~~[4.]~~ **5.** Each application for an absentee ballot shall be signed by the applicant or, if the
43 application is made by a guardian or relative pursuant to this section, the application shall be
44 signed by the guardian or relative, who shall note on the application his or her relationship to the
45 applicant. If an applicant, guardian or relative is blind, unable to read or write the English
46 language or physically incapable of signing the application, he or she shall sign by mark,
47 witnessed by the signature of an election official or person of his or her own choosing. Any
48 person who knowingly makes, delivers or mails a fraudulent absentee ballot application shall be
49 guilty of a class one election offense.

50 ~~[5.]~~ **6.** (1) Notwithstanding any law to the contrary, any resident of the state of Missouri
51 who resides outside the boundaries of the United States or who is on active duty with the Armed
52 Forces of the United States or members of their immediate family living with them may request
53 an absentee ballot for both the primary and subsequent general election with one application.

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

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

61 (4) Not later than sixty days after the date of each regularly scheduled general election
 62 for federal office, each election authority which administered the election shall submit to the
 63 secretary of state in a format prescribed by the secretary a report on the combined number of
 64 absentee ballots transmitted to, and returned by, absent uniformed services voters and overseas
 65 voters for the election. The secretary shall submit to the Election Assistance Commission a
 66 combined report of such information not later than ninety days after the date of each regularly
 67 scheduled general election for federal office and in a standardized format developed by the
 68 commission pursuant to the Help America Vote Act of 2002. The secretary shall make the report
 69 available to the general public.

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

72 ~~[6-]~~ 7. An application for an absentee ballot by a new resident shall be submitted in
 73 person by the applicant in the office of the election authority in the election jurisdiction in which
 74 such applicant resides. The application shall be received by the election authority no later than
 75 7:00 p.m. on the day of the election. Such application shall be in the form of an affidavit,
 76 executed in duplicate in the presence of the election authority or any authorized officer of the
 77 election authority, and in substantially the following form:

78 "STATE OF _____
 79 COUNTY OF _____, ss.
 80 I, _____, do solemnly swear that:

81 (1) Before becoming a resident of this state, I resided at _____ (residence address)
 82 in _____ (town, township, village or city) of _____ County in the state of _____;

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

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

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

89 Signed _____

90 (Applicant)

91 _____

92 (Residence Address)

93 Subscribed and sworn to before me this _____ day of _____, _____

94 Signed _____

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

96 [7-] 8. The election authority in whose office an application is filed pursuant to
97 subsection [6] 7 of this section shall immediately send a duplicate of such application to the
98 appropriate official of the state in which the new resident applicant last resided and shall file the
99 original of such application in its office.

100 [8-] 9. An application for an absentee ballot by an intrastate new resident shall be made
101 in person by the applicant in the office of the election authority in the election jurisdiction in
102 which such applicant resides. The application shall be received by the election authority no later
103 than 7:00 p.m. on the day of the election. Such application shall be in the form of an affidavit,
104 executed in duplicate in the presence of the election authority or an authorized officer of the
105 election authority, and in substantially the following form:

106 "STATE OF _____

107 COUNTY OF _____, ss.

108 I, _____, do solemnly swear that:

109 (1) Before becoming a resident of this election jurisdiction, I resided at _____
110 (residence address) in _____ (town, township, village or city) of _____ county in the state of
111 _____;

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

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

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

119 Signed _____

120 (Applicant)

121 _____

122 (Residence Address)

123 Subscribed and sworn to before me this _____ day of _____, _____

124 Signed _____

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

126 ~~[9-]~~ **10.** An application for an absentee ballot by an interstate former resident shall be
127 received in the office of the election authority where the applicant was formerly registered by
128 5:00 p.m. on the second Wednesday immediately prior to the election, unless the application is
129 made in person by the applicant in the office of the election authority, in which case such
130 application shall be made no later than 7:00 p.m. on the day of the election.

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