AN ACT

To repeal sections 115.277, 115.279, and 115.283, RSMo, and to enact in lieu thereof three new sections relating to absentee voting.

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

Section A. Sections 115.277, 115.279, and 115.283, RSMo, are repealed and three new sections enacted in lieu thereof, to be known as sections 115.277, 115.279, and 115.283, to read as follows:

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] is 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].

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.
2. Any covered voter[\textit{as defined in section 115.275.}] who is eligible to register and vote in this state 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 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[\textit{as defined in section 115.275.}] may vote by absentee ballot for presidential and vice presidential electors.

4. Any intrastate new resident[\textit{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.

5. Any new resident[\textit{as defined in section 115.275.}] may vote by absentee ballot for presidential and vice presidential electors after registering to vote in such resident's new jurisdiction of residence.

115.279. 1. Application for an absentee ballot 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.

2. 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, \textit{whether the applicant is incapacitated or confined due to illness or physical disability or is a person who is primarily responsible for the physical care of a person who is incapacitated or confined due to illness or physical disability}, the address to which the ballot is to be mailed, if mailing is requested, and for absent uniformed services and overseas applicants, the applicant's email address if electronic transmission is requested. If the reason for the applicant voting absentee is due to the reasons established under subdivision (6) of subsection 1 of section 115.277 applicant is a certified participant in the address confidentiality program established under sections 589.660 to 589.681, the applicant shall state the voter's identification information provided by the address confidentiality program in lieu
of the applicant's name, address at which he or she is or would be registered, and address to
which the ballot is to be mailed, if mailing is requested. Each application to vote in a primary
election shall also state which ballot the applicant wishes to receive. If any application fails to
designate a ballot, the election authority shall, within three working days after receiving the
application, notify the applicant by mail that it will be unable to deliver an absentee ballot until
the applicant designates which political party ballot he or she wishes to receive. If the applicant
does not respond to the request for political party designation, the election authority is authorized
to provide the voter with that part of the ballot for which no political party designation is
required.

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

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

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

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

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

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

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

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

"STATE OF ______
COUNTY OF ______, ss.

I, ______, do solemnly swear that:

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

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

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

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

Signed __________________
(Applicant)

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

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

"STATE OF ______
COUNTY OF ______, ss.

I, ______, do solemnly swear that:

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

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

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

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

Signed __________________
(Applicant)
________________
(Residence Address)

Subscribed and sworn to before me this _____ day of ______, ______
Signed __________________
(Title and name of officer authorized to administer oaths)"

9. An application for an absentee ballot by an interstate former resident shall be received in the office of the election authority where the applicant was formerly registered by 5:00 p.m. on the second Wednesday immediately prior to the election, unless the application is made in
person by the applicant in the office of the election authority, in which 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 the voter's name, the voter's voting address, and the voter's reason for voting an absentee ballot. If the reason for the voter voting absentee is due to the reasons established under subdivision (6) of subsection 1 of section 115.277, the applicant is a certified participant in the address confidentiality program established under sections 589.660 to 589.681 the voter shall state the voter's identification information provided by the address confidentiality program in lieu of the applicant's name, voting address, and mailing address. On the form, the voter shall also state under penalties of perjury that the voter is qualified to vote in the election, that the voter has not previously voted and will not vote again in the election, that the voter has personally marked the voter's ballot in secret or supervised the marking of the voter's ballot if the voter is unable to mark it, that the ballot has been placed in the ballot envelope and sealed by the voter or under the voter's supervision if the voter is unable to seal it, and that all information contained in the statement is true. In addition, any person providing assistance to the absentee voter shall include a statement on the envelope identifying the person providing assistance under penalties of perjury. Persons authorized to vote only for federal and statewide officers shall also state their former Missouri residence.

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

State of Missouri

County (City) of ______

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

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

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

_________ religious belief or practice;

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

_________ incarceration, although I have retained all the necessary qualifications for voting;
certified participation in the address confidentiality program established under sections 589.660 to 589.681 because of safety concerns.

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

_________________________  ___________________________
Signature of Voter          Signature of Person

Signed ______

Address of Voter

_________________________  ___________________________
Address of Voter          Mailing addresses

( if different)

_________________________  ___________________________
Signature of voter or      Signature of notary or
other officer

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

I am (check one):

_____ a resident of the state of Missouri and a registered voter in ______ County and moved from that county to ______ County, Missouri, after the last day to register to vote in this election.
an interstate former resident of Missouri and authorized to vote for
presidential and vice presidential electors.
I further state under penalties of perjury that I have not voted and will not vote other than
by this ballot at this election; I marked the enclosed ballot in secret or am blind, unable
to read or write English, or physically incapable of marking the ballot, and the person of
my choosing indicated below marked the ballot at my direction; all of the information
on this statement is, to the best of my knowledge and belief, true.

Signature of Voter  day of

Address of Voter  Signature of notary or

Mailing Address (if different)  

Signature of Person  Address of Last
Assisting Voter  Missouri Residence

4. The statement for persons voting absentee ballots who are entitled to vote at the
election pursuant to the provisions of subsection 2 of section 115.137 shall be in substantially
the following form:
State of Missouri
County (City) of ______
I, _____ (print name), declare under the penalties of perjury that I expect to be
prevented from going to the polls on election day due to (check one):

abuse on election day from the jurisdiction of the election authority in
which I am directed to vote;
incapacity or confinement due to illness or physical disability, including
caring for a person who is incapacitated or confined due to illness or
disability;
religious belief or practice;
employment as an election authority at a location other than my polling place;

incarceration, although I have retained all the necessary qualifications of voting;
certified participation in the address confidentiality program established under sections 589.660 to 589.681 because of safety concerns.

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

____________________
Signature of Voter

______ day of _____ , _____

____________________
Address

Signature of notary or other officer authorized to administer oaths

____________________
Signature of Person Assisting Voter (if applicable)

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

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

Reason why voter needed assistance: ______

ASSISTING PERSON SIGN HERE
142 1. ______ (signature of assisting person)
143 2. ______ (assisting person's name printed)
144 3. ______ (assisting person's residence)
145 4. ______ (assisting person's home city or town).
146 6. Notwithstanding any other provision of this section, any covered voter as defined in
147 section 115.902 or persons who have declared themselves to be permanently disabled pursuant
148 to section 115.284, otherwise entitled to vote, shall not be required to obtain a notary seal or
149 signature on his or her absentee ballot.
150 7. Notwithstanding any other provision of this section or section 115.291 to the contrary,
151 the subscription, signature and seal of a notary or other officer authorized to administer oaths
152 shall not be required on any ballot, ballot envelope, or statement required by this section if the
153 [reason for the] voter voting absentee is [due to the reasons established pursuant to subdivision
154 (2) of subsection 1 of section 115.277] incapacitated or confined due to illness or physical
disability, including a person who is primarily responsible for the physical care of a person
156 who is incapacitated or confined due to illness or physical disability.
157 8. No notary shall charge or collect a fee for notarizing the signature on any absentee
158 ballot or absentee voter registration.
159 9. A notary public who charges more than the maximum fee specified or who charges
160 or collects a fee for notarizing the signature on any absentee ballot or absentee voter registration
161 is guilty of official misconduct.

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