

FIRST REGULAR SESSION

HOUSE BILL NO. 209

100TH GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVE RAZER.

0818H.011

DANA RADEMAN MILLER, Chief Clerk

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Section A. Sections 115.277, 115.279, and 115.283, RSMo, are repealed and three new sections enacted in lieu thereof, to be known as sections 115.277, 115.279, and 115.283, to read as follows: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

16 2. Any covered voter~~[, as defined in section 115.275,]~~ who is eligible to register and vote
17 in this state may vote in any election for federal office, statewide office, state legislative office,
18 or statewide ballot initiatives by submitting a federal postcard application to apply to vote by
19 absentee ballot or by submitting a federal postcard application at the polling place even though
20 the person is not registered. A federal postcard application submitted by a covered voter
21 pursuant to this subsection shall also serve as a voter registration application under section
22 115.908 and the election authority shall, if satisfied that the applicant is entitled to register, place
23 the voter's name on the voter registration file. Each covered voter may vote by absentee ballot
24 or, upon submitting an affidavit that the person is qualified to vote in the election, may vote at
25 the person's polling place.

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

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

33 5. Any new resident~~[, as defined in section 115.275,]~~ may vote by absentee ballot for
34 presidential and vice presidential electors after registering to vote in such resident's new
35 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 and by electronic mail 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,]~~ **whether the applicant is incapacitated or confined due to illness**
9 **or physical disability or is a person who is primarily responsible for the physical care of**
10 **a person who is incapacitated or confined due to illness or physical disability**, the address
11 to which the ballot is to be mailed, if mailing is requested, and for absent uniformed services and
12 overseas applicants, the applicant's email address if electronic transmission is requested. If the
13 ~~[reason for the applicant voting absentee is due to the reasons established under subdivision (6)~~
14 ~~of subsection 1 of section 115.277]~~ **applicant is a certified participant in the address**
15 **confidentiality program established under sections 589.660 to 589.681**, the applicant shall
16 state the voter's identification information provided by the address confidentiality program in lieu

17 of the applicant's name, address at which he or she is or would be registered, and address to
18 which the ballot is to be mailed, if mailing is requested. Each application to vote in a primary
19 election shall also state which ballot the applicant wishes to receive. If any application fails to
20 designate a ballot, the election authority shall, within three working days after receiving the
21 application, notify the applicant by mail that it will be unable to deliver an absentee ballot until
22 the applicant designates which political party ballot he or she wishes to receive. If the applicant
23 does not respond to the request for political party designation, the election authority is authorized
24 to provide the voter with that part of the ballot for which no political party designation is
25 required.

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

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

43 5. (1) Notwithstanding any law to the contrary, any resident of the state of Missouri who
44 resides outside the boundaries of the United States or who is on active duty with the Armed
45 Forces of the United States or members of their immediate family living with them may request
46 an absentee ballot for both the primary and subsequent general election with one application.

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

50 (3) Notwithstanding any other law to the contrary, if a standard oath regarding material
51 misstatements of fact is adopted for uniformed and overseas voters pursuant to the Help America

52 Vote Act of 2002, the election authority shall accept such oath for voter registration, absentee
53 ballot, or other election-related materials.

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

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

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

71 "STATE OF _____
72 COUNTY OF _____, ss.

73 I, _____, do solemnly swear that:

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

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

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

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

84 Signed _____

85 (Applicant)

86 _____

87 (Residence Address)

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

89 Signed _____

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

91 7. The election authority in whose office an application is filed pursuant to subsection
92 6 of this section shall immediately send a duplicate of such application to the appropriate official
93 of the state in which the new resident applicant last resided and shall file the original of such
94 application in its office.

95 8. An application for an absentee ballot by an intrastate new resident shall be made in
96 person by the applicant in the office of the election authority in the election jurisdiction in which
97 such applicant resides. The application shall be received by the election authority no later than
98 7:00 p.m. on the day of the election. Such application shall be in the form of an affidavit,
99 executed in duplicate in the presence of the election authority or an authorized officer of the
100 election authority, and in substantially the following form:

101 "STATE OF _____

102 COUNTY OF _____, ss.

103 I, _____, do solemnly swear that:

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

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

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

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

114 Signed _____

115 (Applicant)

116 _____

117 (Residence Address)

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

119 Signed _____

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

121 9. An application for an absentee ballot by an interstate former resident shall be received
122 in the office of the election authority where the applicant was formerly registered by 5:00 p.m.
123 on the second Wednesday immediately prior to the election, unless the application is made in

124 person by the applicant in the office of the election authority, in which case such application shall
125 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, **and** the voter's mailing address [~~and the voter's~~
3 ~~reason for voting an absentee ballot~~]. If the [~~reason for the voter voting absentee is due to the~~
4 ~~reasons established under subdivision (6) of subsection 1 of section 115.277;~~] **applicant is a**
5 **certified participant in the address confidentiality program established under sections**
6 **589.660 to 589.681** the voter shall state the voter's identification information provided by the
7 address confidentiality program in lieu of the applicant's name, voting address, and mailing
8 address. On the form, the voter shall also state under penalties of perjury that the voter is
9 qualified to vote in the election, that the voter has not previously voted and will not vote again
10 in the election, that the voter has personally marked the voter's ballot in secret or supervised the
11 marking of the voter's ballot if the voter is unable to mark it, that the ballot has been placed in
12 the ballot envelope and sealed by the voter or under the voter's supervision if the voter is unable
13 to seal it, and that all information contained in the statement is true. In addition, any person
14 providing assistance to the absentee voter shall include a statement on the envelope identifying
15 the person providing assistance under penalties of perjury. Persons authorized to vote only for
16 federal and statewide officers shall also state their former Missouri residence.

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

19 State of Missouri

20 County (City) of _____

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

24 _____ ~~absence on election day from the jurisdiction of the election authority in~~
25 ~~which I am registered;~~

26 _____ ~~incapacity or confinement due to illness or physical disability, including~~
27 ~~caring for a person who is incapacitated or confined due to illness or~~
28 ~~disability;~~

29 _____ ~~religious belief or practice;~~

30 _____ ~~employment as an election authority or by an election authority at a~~
31 ~~location other than my polling place;~~

32 _____ ~~incarceration, although I have retained all the necessary qualifications for~~
33 ~~voting;~~

34 _____ certified participation in the address confidentiality program established
35 under sections 589.660 to 589.681 because of safety concerns.

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

42 _____	_____
43 Signature of Voter	Signature of Person
44	Assisting Voter
45	(if applicable)
46 Signed _____	Subscribed and sworn
47 Signed _____	to before me this
48 Address of Voter	_____ day of _____, _____
49 _____	_____
50 _____	_____
51 Mailing addresses	Signature of notary or
52 (if different)	other officer
53	authorized to
54	administer oaths

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

58 State of Missouri
59 County (City) of _____

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

66 I am (check one):

67 _____ a resident of the state of Missouri and a registered voter in _____
68 County and moved from that county to _____ County, Missouri, after
69 the last day to register to vote in this election.

70 _____ an interstate former resident of Missouri and authorized to vote for
71 presidential and vice presidential electors.

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

77 _____ Subscribed to and
78 _____ sworn before me this
79 Signature of Voter _____ day of

80 _____, _____

81 _____
82 _____
83 Address of Voter _____ Signature of notary or
84 _____ other officer
85 _____ authorized to
86 _____ administer oaths

87 _____
88 Mailing Address (if different) _____

89 _____
90 Signature of Person _____ Address of Last
91 Assisting Voter _____ Missouri Residence
92 _____ (if applicable)

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

96 State of Missouri
97 County (City) of _____

98 I, _____ (print name), declare under the penalties of perjury ~~[that I expect to be~~
99 ~~prevented from going to the polls on election day due to (check one):~~

100 _____ ~~absence on election day from the jurisdiction of the election authority in~~
101 ~~which I am directed to vote;~~

102 _____ ~~incapacity or confinement due to illness or physical disability, including~~
103 ~~caring for a person who is incapacitated or confined due to illness or~~
104 ~~disability;~~

105 _____ ~~religious belief or practice;~~

106 _____ employment as an election authority or by an election authority at a
 107 location other than my polling place;
 108 _____ incarceration, although I have retained all the necessary qualifications of
 109 voting;
 110 _____ certified participation in the address confidentiality program established
 111 under sections 589.660 to 589.681 because of safety concerns.

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

118 _____ Subscribed and sworn
 119 to before me this
 120 Signature of Voter _____ day of
 121 _____, _____

122 _____
 123 _____
 124 Address _____ Signature of notary or
 125 other officer
 126 authorized to
 127 administer oaths

128 _____
 129 Signature of Person
 130 Assisting Voter
 131 (if applicable)

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

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

140 Reason why voter needed assistance: _____

141 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**
155 **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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