

FIRST REGULAR SESSION

HOUSE BILL NO. 641

101ST GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVE MERIDETH.

0877H.03I

DANA RADEMAN MILLER, Chief Clerk

AN ACT

To repeal sections 115.133, 115.135, 115.277, 115.279, 115.283, 115.293, and 115.302, RSMo, and to enact in lieu thereof eight new sections relating to elections.

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

Section A. Sections 115.133, 115.135, 115.277, 115.279, 115.283, 115.293, and 115.302, RSMo, are repealed and eight new sections enacted in lieu thereof, to be known as sections 115.133, 115.135, 115.277, 115.279, 115.283, 115.293, 115.298, and 115.970, to read as follows:

115.133. 1. Except as provided in subsection 2 of this section, any citizen of the United States who is a resident of the state of Missouri and seventeen years and six months of age or older shall be entitled to register and to vote in any election which is held on or after his eighteenth birthday.

2. No person who is adjudged incapacitated shall be entitled to register or vote. No person shall be entitled to vote:

(1) While confined under a sentence of imprisonment;

(2) While on probation or parole after conviction of a felony, until finally discharged from such probation or parole; or

(3) After conviction of a felony or misdemeanor connected with the right of suffrage.

3. Except as provided in federal law or federal elections and in ~~section~~ **sections 115.135 and 115.277**, no person shall be entitled to vote if the person has not registered to vote in the jurisdiction of his or her residence prior to ~~the deadline to register to vote~~ **voting**.

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

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.

3 or she resides. In order to vote in any election for which registration is required, a person must
4 be registered to vote ~~[in the jurisdiction of his or her residence no later than 5:00 p.m., or the~~
5 ~~normal closing time of any public building where the registration is being held if such time is~~
6 ~~later than 5:00 p.m., on the fourth Wednesday prior to the election, unless the voter is an~~
7 ~~interstate former resident, an intrastate new resident, a new resident, or a covered voter, as~~
8 ~~defined in section 115.275 . Except as provided in subsection 4 of this section, in no case shall~~
9 ~~registration for an election extend beyond 10:00 p.m. on the fourth Wednesday prior to the~~
10 ~~election]~~ **on or before the day of the election. The person registering to vote may register**
11 **to vote via any state-approved online voter registration system, at any location for voter**
12 **registration established by the secretary of state, or at any election authority or polling**
13 **place in the jurisdiction of his or her residence on or before the day of the election.** Any
14 person registering after such date shall be eligible to vote in subsequent elections.

15 2. A person applying to register with an election authority or a deputy registration official
16 shall identify himself or herself by presenting a copy of a birth certificate, a Native American
17 tribal document, other proof of United States citizenship, a valid Missouri drivers license or other
18 form of personal identification at the time of registration.

19 3. Except as provided in federal law or federal elections and in section 115.277, no
20 person shall be entitled to vote ~~[if the person has not registered to vote in the jurisdiction of his~~
21 ~~or her residence prior to the deadline to register to vote]~~ **in an election unless such person is**
22 **eligible and properly registered to vote prior to casting their ballot.**

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

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]~~ **is** eligible to vote at the polling place ~~[if such voter expects to be~~
4 ~~prevented 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 ~~—— (6) Certified participation in the address confidentiality program established under~~
15 ~~sections 589.660 to 589.681 because of safety concerns; or~~
16 ~~—— (7) For an election that occurs during the year 2020, the voter has contracted or is in an~~
17 ~~at-risk category for contracting or transmitting severe acute respiratory syndrome coronavirus~~
18 ~~2. This subdivision shall expire on December 31, 2020].~~

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

28 3. Any interstate former resident may vote by absentee ballot for presidential and vice
29 presidential electors.

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

34 5. Any new resident may vote by absentee ballot for presidential and vice presidential
35 electors after registering to vote in such resident's new jurisdiction of residence.

36 ~~[6. For purposes of this section, the voters who are in an at-risk category for contracting~~
37 ~~or transmitting severe acute respiratory syndrome coronavirus 2 are voters who:~~

38 ~~—— (1) Are sixty-five years of age or older;~~
39 ~~—— (2) Live in a long-term care facility licensed under chapter 198;~~
40 ~~—— (3) Have chronic lung disease or moderate to severe asthma;~~
41 ~~—— (4) Have serious heart conditions;~~
42 ~~—— (5) Are immunocompromised;~~
43 ~~—— (6) Have diabetes;~~
44 ~~—— (7) Have chronic kidney disease and are undergoing dialysis; or~~
45 ~~—— (8) Have liver disease.]~~

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, ~~[his or her reason for voting an absentee ballot,]~~ 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 **or fails to provide any other necessary information**, the election authority shall, within three working days after receiving the application, notify the applicant by mail **and electronic mail, if an electronic mail address is provided**, that it will be unable to deliver an absentee ballot until the applicant designates which political party ballot he or she wishes to receive **or provides the necessary information that was missing on the initial application**. 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, **or 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, **or by the applicant's guardian or relative**, 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

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
 44 ~~[who 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~~
75 ~~address) in _____ (town, township, village or city) of _____ County in~~
76 ~~the state of _____;~~

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~~
79 ~~of Missouri;~~

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

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

85 Signed _____
86 (Applicant)

87 _____
88 (Residence Address)

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

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

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

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

102 "STATE OF _____
103 COUNTY OF _____, ss:

104 I, _____, do solemnly swear that:

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

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

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

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

115 ~~Signed _____~~

116 ~~(Applicant)~~

117 ~~_____~~

118 ~~(Residence Address)~~

119 ~~Subscribed and sworn to before me this _____ day of _____, _____~~

120 ~~Signed _____~~

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

122 ~~_____ 9. An application for an absentee ballot by an interstate former resident shall be received~~
123 ~~in the office of the election authority where the applicant was formerly registered by 5:00 p.m.~~
124 ~~on the second Wednesday immediately prior to the election, unless the application is made in~~
125 ~~person by the applicant in the office of the election authority, in which case such application shall~~
126 ~~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, **if different than**
3 **the voter's voting address; and the voter's email address if the voter wishes to be contacted**
4 **by email regarding any deficiencies in their ballot under section 115.298** [~~and the voter's~~
5 ~~reason for voting an absentee ballot]. If the [reason for the voter voting absentee is due to the~~
6 ~~reasons established under subdivision (6) of subsection 1 of section 115.277,] **applicant is a**
7 **certified participant in the address confidentiality program established under sections**
8 **589.660 to 589.681**, the voter shall state the voter's identification information provided by the
9 address confidentiality program in lieu of the applicant's name, voting address, and mailing
10 address. On the form, the voter shall also state under penalties of perjury that the voter is
11 qualified to vote in the election, that the voter has not previously voted and will not vote again
12 in the election, that the voter has personally marked the voter's ballot in secret or supervised the
13 marking of the voter's ballot if the voter is unable to mark it, that the ballot has been placed in
14 the ballot envelope and sealed by the voter or under the voter's supervision if the voter is unable
15 to seal it, and that all information contained in the statement is true. In addition, any person
16 providing assistance to the absentee voter shall include a statement on the envelope identifying~~

17 the person providing assistance under penalties of perjury. Persons authorized to vote only for
18 federal and statewide officers shall also state their former Missouri residence.

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

21 State of Missouri

22 County (City) of _____

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

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

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

31 ~~_____ religious belief or practice;~~

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

34 ~~_____ incarceration, although I have retained all the necessary~~
35 ~~qualifications for voting;~~

36 ~~_____ certified participation in the address confidentiality program~~
37 ~~established under sections 589.660 to 589.681 because of safety~~
38 ~~concerns.~~

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

46 _____
47 Signature of Voter

Signature of Person

48 _____
49 Assisting Voter
(if applicable)

50 Signed _____ [Subscribed and sworn

51 ~~Signed _____ to before me this]~~

52 Address of Voter _____ [____ day of _____,

53 _____]
 54 _____ [_____]
 55 _____ [_____]
 56 Mailing addresses [Signature of notary or]
 57 (if different) [other officer
 58 _____ authorized to
 59 _____ administer oaths]

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

63 State of Missouri
 64 County (City) of _____

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

71 I am (check one):

72 _____ a resident of the state of Missouri and a registered voter in
 73 _____ County and moved from that county to _____ County,
 74 Missouri, after the last day to register to vote in this election.
 75 _____ an interstate former resident of Missouri and authorized to vote
 76 for presidential and vice presidential electors.

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

83 _____ [Subscribed to and]
 84 Signature of Voter [sworn before me this
 85 _____ day of
 86 _____, _____]
 87 _____
 88 _____ [_____]

125 indicated below marked the ballot at my direction; all of the information on this
126 statement is, to the best of my knowledge and belief, true.

127 _____ [Subscribed and sworn]

128 Signature of Voter [to before me this

129 _____ day of

130 _____, _____]

131 _____

132 _____ [_____]

133 Address [Signature of notary or

134 _____ other officer

135 _____ authorized to

136 _____ administer oaths]

137 _____

138 Signature of Person

139 Assisting Voter

140 (if applicable)

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

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

150 Reason why voter needed assistance: _____

151 ASSISTING PERSON SIGN HERE

152 1. _____ (signature of assisting person)

153 2. _____ (assisting person's name printed)

154 3. _____ (assisting person's residence)

155 4. _____ (assisting person's home city or town).

156 6. [~~The election authority shall, for an election held during 2020, adjust the forms~~
157 ~~described in this section to account for voters voting absentee due to the reason established~~
158 ~~pursuant to subdivision (7) of subsection 1 of section 115.277.~~

159 ~~_____7.]~~ Notwithstanding any other provision of this section, any covered voter as defined in
160 section 115.902 or persons who have declared themselves to be permanently disabled pursuant

161 to section 115.284, otherwise entitled to vote, shall not be required to obtain a notary seal or
 162 signature on his or her absentee ballot.

163 ~~[8.] 7. Notwithstanding any other provision of this section or section 115.291 to the~~
 164 ~~contrary, the subscription, signature and seal of a notary or other officer authorized to administer~~
 165 ~~oaths shall not be required on any ballot, ballot envelope, or statement required by this section~~
 166 ~~if the [reason for the] voter is voting absentee [is due to the reasons established pursuant to~~
 167 ~~subdivision (2) of subsection 1 of section 115.277].~~

168 ~~[9. No notary shall charge or collect a fee for notarizing the signature on any absentee~~
 169 ~~ballot or absentee voter registration.~~

170 ~~10. A notary public who charges more than the maximum fee specified or who charges~~
 171 ~~or collects a fee for notarizing the signature on any absentee ballot or absentee voter registration~~
 172 ~~is guilty of official misconduct.]~~

115.293. 1. All proper votes on each absentee ballot received by an election authority
 2 ~~[at or before the time fixed by law for the closing of the polls on election day]~~ **within seven days**
 3 **after an election and postmarked by the day of the election** shall be counted. Except as
 4 provided in section 115.920, no votes on any absentee ballot received by an election authority
 5 ~~[after the time fixed by law for the closing of the polls on election day]~~ **more than seven days**
 6 **after the election** shall be counted, **even if the absentee ballot was postmarked by the day**
 7 **of the election.**

8 2. If sufficient evidence is shown to an election authority that any absentee voter has died
 9 prior to the opening of the polls on election day, the ballot of the deceased voter shall be rejected
 10 if it is still sealed in the ballot envelope. Any ballot so rejected, still sealed in its ballot envelope,
 11 shall be sealed with the application and any other papers connected therewith in an envelope
 12 marked "Rejected ballot of _____, an absentee voter of _____ voting district". The reason for
 13 rejection shall be noted on the envelope, which shall be kept by the election authority with the
 14 other ballots from the election until the ballots are destroyed according to law.

115.298. 1. The secretary of state shall provide, subject to appropriation, an online
 2 **absentee ballot tracking system. Any person eligible to vote an absentee ballot by mail**
 3 **shall be entitled to register for the absentee ballot tracking system to receive information**
 4 **on the current status of his or her absentee ballot.**

5 **2. The absentee ballot tracking system shall, at a minimum:**

6 **(1) Be easily accessible from the main page of the secretary of state's website from**
 7 **the time that absentee ballots are available until results are certified for each election;**

8 **(2) Indicate to a voter if his or her ballot has been received, if his or her ballot has**
 9 **been counted, and, if the ballot has not been counted, the reason it has not been counted;**
 10 **and**

11 **(3) If the ballot has not been counted, provide instructions to the voter on how and**
12 **where to correct his or her ballot so it may be counted within seven days after the election.**

13 **3. The secretary of state may require any personal information necessary for**
14 **verification and tracking in order to register for the absentee ballot tracking system, such**
15 **as an electronic mail address or telephone number where the voter may be contacted and**
16 **notified of the status of his or her ballot via electronic mail, text message, or phone call.**
17 **The secretary of state shall coordinate with local election authorities to track absentee**
18 **ballots in the most efficient manner.**

115.970. 1. Notwithstanding any other provision of law, the secretary of state shall
2 **establish a process to conduct automatic voter registration based on driver's license**
3 **information, nondriver's license information, tax records, or other records that are**
4 **practicable for determining voter eligibility and shall provide recommendations to local**
5 **election authorities for the automatic registration of eligible voters. The secretary of state**
6 **shall also consult available government records including, but not limited to, school**
7 **enrollment records, to automatically register voters upon reaching eighteen years of age.**

8 **2. The department of revenue and the motor vehicle and driver licensing division**
9 **shall, periodically as required by rule or policy, provide the secretary of state with such**
10 **information as the secretary of state specifies is necessary to conduct recommendations for**
11 **automatic voter registration.**

12 **3. The secretary of state shall provide lists of nonbinding recommendations for**
13 **inclusion on voter registration lists to local election authorities and such authorities shall**
14 **include such recommendations on voter registration lists subject to existing verification**
15 **procedures for determining whether an individual is eligible to register to vote and eligible**
16 **to vote. Local election authorities shall retain full jurisdiction and power to decline to**
17 **register individuals not verified to be eligible to vote and to remove the names of**
18 **individuals who are no longer eligible to vote from voter registration lists.**

19 **4. Within two months of receipt of a proposed voter registration list, but prior to**
20 **including a recommended individual on a voter registration list, the local election authority**
21 **shall send notice of potential automatic registration that shall include a postage-paid**
22 **postcard for purposes of declining registration. If, after a period of one month, the**
23 **postcard is not returned to the local election authority, the individual's name shall be**
24 **added to the voter registration list; except that, any time a postcard is received, the**
25 **individual's name shall be removed from the voter registration list. This subsection shall**
26 **not be construed to prevent removal from voter registration lists by any other method**
27 **allowed under this chapter.**

28 **5. The provisions of this section allow for automatic voter registration in addition**
29 **to any other method of registration allowed under this chapter and shall not be interpreted**
30 **to invalidate any other method for voter registration.**

31 **6. The provisions of this section with regard to the secretary of state, the**
32 **department of revenue, and local election authorities shall be subject to the appropriation**
33 **and payment of funds necessary to conduct automatic voter registration and verification**
34 **procedures.**

35 **7. The secretary of state may promulgate all necessary rules for the administration**
36 **of this section. Any rule or portion of a rule, as that term is defined in section 536.010, that**
37 **is created under the authority delegated in this section shall become effective only if it**
38 **complies with and is subject to all of the provisions of chapter 536 and, if applicable,**
39 **section 536.028. This section and chapter 536 are nonseverable, and if any of the powers**
40 **vested with the general assembly pursuant to chapter 536 to review, to delay the effective**
41 **date, or to disapprove and annul a rule are subsequently held unconstitutional, then the**
42 **grant of rulemaking authority and any rule proposed or adopted after August 28, 2021,**
43 **shall be invalid and void.**

2 ~~[115.302. 1. Any registered voter of this state may cast a mail-in ballot~~
3 ~~as provided in this section. Nothing in this section shall prevent a voter from~~
4 ~~casting an absentee ballot, provided such person has not cast a ballot pursuant to~~
5 ~~this section. Application for a mail-in ballot may be made by the applicant in~~
6 ~~person, or by United States mail, or on behalf of the applicant by his or her~~
7 ~~guardian or relative within the second degree of consanguinity or affinity.~~

8 ~~2. Each application for a mail-in ballot shall be made to the election~~
9 ~~authority of the jurisdiction in which the person is registered. Each application~~
10 ~~shall be in writing and shall state the applicant's name, address at which he or she~~
11 ~~is registered, the address to which the ballot is to be mailed.~~

12 ~~3. All applications for mail-in ballots received prior to the sixth Tuesday~~
13 ~~before an election shall be stored at the office of the election authority until such~~
14 ~~time as the applications are processed under section 115.281. No application for~~
15 ~~a mail-in ballot received in the office of the election authority after 5:00 p.m. on~~
16 ~~the second Wednesday immediately prior to the election shall be accepted by any~~
17 ~~election authority.~~

18 ~~4. Each application for a mail-in ballot shall be signed by the applicant~~
19 ~~or, if the application is made by a guardian or relative under this section, the~~
20 ~~application shall be signed by the guardian or relative, who shall note on the~~
21 ~~application his or her relationship to the applicant. If an applicant, guardian, or~~
22 ~~relative is blind, unable to read or write the English language, or physically~~
23 ~~incapable of signing the application, he or she shall sign by mark that is~~
~~witnessed by the signature of an election official or person of his or her choice.~~

24 ~~Knowingly making, delivering, or mailing a fraudulent mail-in-ballot application~~
25 ~~is a class one election offense.~~

26 ~~5. Not later than the sixth Tuesday prior to each election, or within~~
27 ~~fourteen days after candidate names or questions are certified under section~~
28 ~~115.125, the election authority shall cause to have printed and made available a~~
29 ~~sufficient quantity of ballots, ballot envelopes, and mailing envelopes. As soon~~
30 ~~as possible after a proper official calls a special state or county election, the~~
31 ~~election authority shall cause to have printed and made available a sufficient~~
32 ~~quantity of mail-in ballots, ballot envelopes, and mailing envelopes.~~

33 ~~6. Each ballot envelope shall bear a statement in substantially the same~~
34 ~~form described in subsection 9 of this section. In addition, any person providing~~
35 ~~assistance to the mail-in voter shall include a signature on the envelope~~
36 ~~identifying the person providing such assistance under penalties of perjury.~~
37 ~~Persons authorized to vote only for federal and statewide offices shall also state~~
38 ~~their former Missouri residence.~~

39 ~~7. The statement for persons voting mail-in ballots who are registered~~
40 ~~voters shall be in substantially the following form:~~

41 _____
42 _____ State of Missouri
43 _____ County (City) of _____
44 I, _____ (print name), a registered voter of _____ County (City
45 of St. Louis, Kansas City), declare under the penalties of perjury that: I am
46 qualified to vote at this election; I have not voted and will not vote other than by
47 this ballot at this election. I further state that I marked the enclosed ballot in
48 secret or that I am blind, unable to read or write English, or physically incapable
49 of marking the ballot, and the person of my choosing indicated below marked the
50 ballot at my direction; all of the information on this statement is, to the best of
51 my knowledge and belief, true.

52 _____
53 _____ Signature of Voter _____ Signature of Person
54 _____ Assisting Voter
55 _____ (if applicable)

56 _____ Subscribed and sworn to before me this _____ day of _____,
57 _____.

58 _____
59 _____ Signature of notary or other officer authorized to administer oaths.

60 _____
61 _____
62 _____ Mailing addresses
63 _____ (if different)

64 _____
65 ~~8. Upon receipt of a signed application for a mail-in ballot and if satisfied~~
66 ~~that the applicant is entitled to vote by mail-in ballot, the election authority shall;~~

67 ~~within three working days after receiving the application, or, if mail-in ballots are~~
68 ~~not available at the time the application is received, within five working days~~
69 ~~after such ballots become available, deliver to the voter a mail-in ballot, ballot~~
70 ~~envelope and such instructions as are necessary for the applicant to vote. If the~~
71 ~~election authority is not satisfied that any applicant is entitled to vote by mail-in~~
72 ~~ballot, the authority shall not deliver a mail-in ballot to the applicant. Within~~
73 ~~three working days of receiving such an application, the election authority shall~~
74 ~~notify the applicant and state the reason he or she is not entitled to vote by~~
75 ~~mail-in ballot. The applicant may file a complaint with the elections division of~~
76 ~~the secretary of state's office under section 115.219.~~

77 ~~9. On the mailing and ballot envelopes for each covered voter, the~~
78 ~~election authority shall stamp the words "ELECTION BALLOT, STATE OF~~
79 ~~MISSOURI" and "U.S. Postage Paid, 39 U.S.C. Section 3406".~~

80 ~~10. No information which encourages a vote for or against a candidate~~
81 ~~or issue shall be provided to any voter with a mail-in ballot.~~

82 ~~11. Upon receiving a mail-in ballot by mail, the voter shall mark the~~
83 ~~ballot in secret, place the ballot in the ballot envelope, seal the envelope and fill~~
84 ~~out the statement on the ballot envelope. The statement required under~~
85 ~~subsection 7 of this section shall be subscribed and sworn to before a notary~~
86 ~~public or other officer authorized by law to administer oaths. If the voter is blind,~~
87 ~~unable to read or write the English language, or physically incapable of voting the~~
88 ~~ballot, the voter may be assisted by a person of the voter's own choosing. Any~~
89 ~~person who assists a voter and in any manner coerces or initiates a request or~~
90 ~~suggestion that the voter vote for or against, or refrain from voting on, any~~
91 ~~question or candidate, shall be guilty of a class one election offense. If, upon~~
92 ~~counting, challenge, or election contest, it is ascertained that any mail-in ballot~~
93 ~~was voted with unlawful assistance, the ballot shall be rejected.~~

94 ~~12. Each mail-in ballot shall be returned to the election authority in the~~
95 ~~ballot envelope and shall only be returned by the voter by United States mail.~~

96 ~~13. The secretary of state may prescribe uniform regulations with respect~~
97 ~~to the printing of ballot envelopes and mailing envelopes, which shall comply~~
98 ~~with standards established by federal law or postal regulations. Mailing~~
99 ~~envelopes for use in returning ballots shall be printed with business reply permits~~
100 ~~so that any ballot returned by mail does not require postage. All fees and costs~~
101 ~~for establishing and maintaining the business reply and postage-free mail for all~~
102 ~~ballots cast shall be paid by the secretary of state through state appropriations.~~

103 ~~14. All votes on each mail-in ballot received by an election authority at~~
104 ~~or before the time fixed by law for the closing of the polls on election day shall~~
105 ~~be counted. No votes on any mail-in ballot received by an election authority after~~
106 ~~the time fixed by law for the closing of the polls on election day shall be counted.~~

107 ~~15. If sufficient evidence is shown to an election authority that any~~
108 ~~mail-in voter has died prior to the opening of the polls on election day, the ballot~~
109 ~~of the deceased voter shall be rejected if it is still sealed in the ballot envelope.~~

110 ~~Any such rejected ballot, still sealed in its ballot envelope, shall be sealed with~~
111 ~~the application and any other papers connected therewith in an envelope marked~~
112 ~~"Rejected ballot of _____?, a mail-in voter of _____? voting district".~~
113 ~~The reason for rejection shall be noted on the envelope, which shall be kept by~~
114 ~~the election authority with the other ballots from the election until the ballots are~~
115 ~~destroyed according to law:~~
116 ~~_____ 16. As each mail-in ballot is received by the election authority, the~~
117 ~~election authority shall indicate its receipt on the list.~~
118 ~~_____ 17. All mail-in ballot envelopes received by the election authority shall~~
119 ~~be kept together in a safe place and shall not be opened except as provided under~~
120 ~~this chapter.~~
121 ~~_____ 18. Mail-in ballots shall be counted using the procedures set out in~~
122 ~~sections 115.297, 115.299, 115.300, and 115.303.~~
123 ~~_____ 19. The false execution of a mail-in ballot is a class one election offense.~~
124 ~~The attorney general or any prosecuting or circuit attorney shall have the~~
125 ~~authority to prosecute such offense either in the county of residence of the person~~
126 ~~or in the circuit court of Cole County.~~
127 ~~_____ 20. The provisions of this section shall apply only to an election that~~
128 ~~occurs during the year 2020, to avoid the risk of contracting or transmitting~~
129 ~~severe acute respiratory syndrome coronavirus 2.~~
130 ~~_____ 21. The provisions of this section terminate and shall be repealed on~~
131 ~~December 31, 2020, and shall not apply to any election conducted after that date.]~~

✓