

FIRST REGULAR SESSION

# HOUSE BILL NO. 362

## 98TH GENERAL ASSEMBLY

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INTRODUCED BY REPRESENTATIVE NEWMAN.

0933L.011

D. ADAM CRUMBLISS, Chief Clerk

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### 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 voters, with an emergency clause.

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*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Section A. Sections 115.277, 115.279, and 115.283, RSMo, are repealed and three new sections enacted in lieu thereof, to be known as sections 115.277, 115.279, and 115.283, to read as follows: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 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 person in federal service, as defined in section 115.275, who is eligible to register  
17 and vote in this state but is not registered may vote only in the election of presidential and vice  
18 presidential electors, United States senator and representative in Congress even though the  
19 person is not registered. Each person in federal service may vote by absentee ballot or, upon  
20 submitting an affidavit that the person is qualified to vote in the election, may vote at the person's  
21 polling place.

22           3. Any interstate former resident, as defined in section 115.275, may vote by absentee  
23 ballot for presidential and vice presidential electors.

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

29           5. Any new resident, as defined in section 115.275, may vote by absentee ballot for  
30 presidential and vice presidential electors after registering to vote in such resident's new  
31 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 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, the address to which the ballot is to be mailed, if mailing is requested,  
9 and for absent uniformed services and overseas applicants, the applicant's email address if  
10 electronic transmission is requested. **If the reason for the applicant voting absentee is due**  
11 **to the reasons established under subdivision (6) of subsection 1 of section 115.277, the**  
12 **applicant shall state the voter's identification information provided by the address**  
13 **confidentiality program in lieu of the applicant's name, address at which he or she is or**  
14 **would be registered, and address to which the ballot is to be mailed, if mailing is requested.**  
15 Each application to vote in a primary election shall also state which ballot the applicant wishes  
16 to receive. If any application fails to designate a ballot, the election authority shall, within three  
17 working days after receiving the application, notify the applicant by mail that it will be unable  
18 to deliver an absentee ballot until the applicant designates which political party ballot he or she  
19 wishes to receive. If the applicant does not respond to the request for political party designation,

20 the election authority is authorized to provide the voter with that part of the ballot for which no  
21 political party designation is required.

22         3. Except as provided in subsection 3 of section 115.281, all applications for absentee  
23 ballots received prior to the sixth Tuesday before an election shall be stored at the office of the  
24 election authority until such time as the applications are processed in accordance with section  
25 115.281. No application for an absentee ballot received in the office of the election authority by  
26 mail, by facsimile transmission or by a guardian or relative after 5:00 p.m. on the Wednesday  
27 immediately prior to the election shall be accepted by any election authority. No application for  
28 an absentee ballot submitted by the applicant in person after 5:00 p.m. on the day before the  
29 election shall be accepted by any election authority, except as provided in subsections 6, 8 and  
30 9 of this section.

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

39         5. (1) Notwithstanding any law to the contrary, any resident of the state of Missouri who  
40 resides outside the boundaries of the United States or who is on active duty with the Armed  
41 Forces of the United States or members of their immediate family living with them may request  
42 an absentee ballot for both the primary and subsequent general election with one application.

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

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

50         (4) Not later than sixty days after the date of each regularly scheduled general election  
51 for federal office, each election authority which administered the election shall submit to the  
52 secretary of state in a format prescribed by the secretary a report on the combined number of  
53 absentee ballots transmitted to, and returned by, absent uniformed services voters and overseas  
54 voters for the election. The secretary shall submit to the Election Assistance Commission a  
55 combined report of such information not later than ninety days after the date of each regularly

56 scheduled general election for federal office and in a standardized format developed by the  
57 commission pursuant to the Help America Vote Act of 2002. The secretary shall make the report  
58 available to the general public.

59 (5) As used in this section, the terms "absent uniformed services voter" and "overseas  
60 voter" shall have the meaning prescribed in 42 U.S.C. **Section** 1973ff-6.

61 6. An application for an absentee ballot by a new resident, as defined in section 115.275,  
62 shall be submitted in person by the applicant in the office of the election authority in the election  
63 jurisdiction in which such applicant resides. The application shall be received by the election  
64 authority no later than 7:00 p.m. on the day of the election. Such application shall be in the form  
65 of an affidavit, executed in duplicate in the presence of the election authority or any authorized  
66 officer of the election authority, and in substantially the following form:

67

68 "STATE OF .....

69

70 COUNTY OF ....., ss.

71 I,....., do solemnly swear that:

72 (1) Before becoming a resident of this state, I resided at  
73 ..... (residence address) in ..... (town, township,  
74 village or city) of ..... County in the state of .....

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

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

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

81 Signed .....

82 (Applicant)

83 .....

84 (Residence Address)

85 Subscribed and sworn to before me this ..... day of ....., .....

86 Signed .....

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

88 7. The election authority in whose office an application is filed pursuant to subsection  
89 6 of this section shall immediately send a duplicate of such application to the appropriate official  
90 of the state in which the new resident applicant last resided and shall file the original of such  
91 application in its office.

92 8. An application for an absentee ballot by an intrastate new resident, as defined in  
 93 section 115.275, shall be made in person by the applicant in the office of the election authority  
 94 in the election jurisdiction in which such applicant resides. The application shall be received by  
 95 the election authority no later than 7:00 p.m. on the day of the election. Such application shall  
 96 be in the form of an affidavit, executed in duplicate in the presence of the election authority or  
 97 an authorized officer of the election authority, and in substantially the following form:

98

99 "STATE OF .....

100

101 COUNTY OF ....., ss.

102 I, ....., do solemnly swear that:

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

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

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

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

113 Signed .....

114 (Applicant)

115 .....

116 (Residence Address)

117 Subscribed and sworn to before me this ..... day of ....., .....

118 Signed .....

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

120 9. An application for an absentee ballot by an interstate former resident, as defined in  
 121 section 115.275, shall be received in the office of the election authority where the applicant was  
 122 formerly registered by 5:00 p.m. on the Wednesday immediately prior to the election, unless the  
 123 application is made in person by the applicant in the office of the election authority, in which  
 124 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  
 2 the voter's name, the voter's voting address, the voter's mailing address and the voter's reason for  
 3 voting an absentee ballot. **If the reason for the voter voting absentee is due to the reasons**

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

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

18

19 State of Missouri

20

21 County (City) of .....

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

25

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

28

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

31

32 ..... religious belief or practice;

33

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

36

37 ..... incarceration, although I have retained all the necessary qualifications for voting;

38

39 ..... **certified participation in the address confidentiality program established under**  
40 **sections 589.660 to 589.681 because of safety concerns.**

41

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

48

49 .....	.....
50 Signature of Voter	Signature of Person
51	Assisting Voter
52	(if applicable)

53

54 Signed .....	Subscribed and sworn to
55 Signed .....	before me this ..... day
56 Address of Voter	of ....., .....
57 .....	.....
58 .....	.....
59 Mailing addresses	Signature of notary or
60 (if different)	other officer authorized
61	to administer oaths

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

65

66 State of Missouri

67

68 County (City) of .....

69

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

75 I am (check one):

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

78

79 ..... an interstate former resident of Missouri and authorized to vote for presidential and vice  
80 presidential electors.

81

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

87 ..... Subscribed to and sworn  
88 Signature of Voter before me this ..... day  
89 of ....., .....

90 .....

91 .....  
.....

92 Address of Voter Signature of notary or  
93 other officer authorized  
94 to administer oaths

95 .....  
.....

96 Mailing Address (if different) .....

97 .....

98 .....

99 Signature of Person Address of Last  
100 Assisting Voter Missouri Residence  
101 (if applicable)

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

105

106 State of Missouri

107

108 County (City) of .....

109



110 I, ..... (print name), declare under the penalties of perjury that I expect to  
111 be prevented from going to the polls on election day due to (check one):

112

113 ..... absence on election day from the jurisdiction of the election authority in which I am  
114 directed to vote;

115

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

118

119 ..... religious belief or practice;

120

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

123

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

127

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

134

135 ..... Subscribed and sworn  
136 Signature of Voter to before me this .....  
137 day of ....., .....

138

139 .....  
.....

140 Address Signature of notary or  
141 other officer authorized  
142 to administer oaths

143

144 Signature of Person  
145 Assisting Voter

146 (if applicable)

147 5. The statement for persons providing assistance to absentee voters shall be in  
148 substantially the following form: The voter needed assistance in marking the ballot and signing  
149 above, because of blindness, other physical disability, or inability to read or to read English. I  
150 marked the ballot enclosed in this envelope at the voter's direction, when I was alone with the  
151 voter, and I had no other communication with the voter as to how he or she was to vote. The  
152 voter swore or affirmed the voter affidavit above and I then signed the voter's name and  
153 completed the other voter information above. Signed under the penalties of perjury.

154

155 Reason why voter needed assistance: .....

156

157 ASSISTING PERSON SIGN HERE

- 158 1. .... (signature of assisting person)
- 159 2. .... (assisting person's name printed)
- 160 3. .... (assisting person's residence)
- 161 4. .... (assisting person's home city or town).

162 6. Notwithstanding any other provision of this section, any covered voter as defined in  
163 section 115.902 or persons who have declared themselves to be permanently disabled pursuant  
164 to section 115.284, otherwise entitled to vote, shall not be required to obtain a notary seal or  
165 signature on his or her absentee ballot.

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

171 8. No notary shall charge or collect a fee for notarizing the signature on any absentee  
172 ballot or absentee voter registration.

173 9. A notary public who charges more than the maximum fee specified or who charges  
174 or collects a fee for notarizing the signature on any absentee ballot or absentee voter registration  
175 is guilty of official misconduct.

Section B. Because immediate action is necessary to allow the provisions of this act to  
2 apply to election procedures before August 28, 2015, in order to protect the security needs of  
3 victims of domestic violence, rape, sexual assault, or stalking, this act is deemed necessary for  
4 the immediate preservation of the public health, welfare, peace, and safety, and is hereby  
5 declared to be an emergency act within the meaning of the constitution, and this act shall be in  
6 full force and effect on July 1, 2015, or upon its passage and approval, whichever first occurs.

