

FIRST REGULAR SESSION

HOUSE BILL NO. 638

91ST GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVE FARNEN.

Read 1st time February 5, 2001, and 1000 copies ordered printed.

TED WEDEL, Chief Clerk

1688L.011

AN ACT

To repeal section 115.279, RSMo 2000, relating to applications for absentee ballots, and to enact in lieu thereof one new section relating to the same subject.

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

Section A. Section 115.279, RSMo 2000, is repealed and one new section enacted in lieu thereof, to be known as section 115.279, to read as follows:

115.279. 1. Application for an absentee ballot 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 [may] **shall** accept applications by facsimile transmission [at its discretion and] 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 and the 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. All applications for absentee ballots received prior to the sixth Tuesday before an

EXPLANATION — Matter enclosed in bold faced brackets [thus] in this bill is not enacted and is intended to be omitted in the law.

17 election shall be stored at the office of the election authority until such time as the applications
18 are processed in accordance with section 115.281. No application for an absentee ballot received
19 in the office of the election authority by mail, by facsimile transmission or by a guardian or
20 relative after 5:00 p.m. on the Wednesday immediately prior to the election shall be accepted by
21 any election authority. No application for an absentee ballot submitted by the applicant in person
22 after 5:00 p.m. on the day before the election shall be accepted by any election authority, except
23 as provided in subsections 6, 8 and 9 of this section.

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

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

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

42 "STATE OF
43 COUNTY OF , ss.

44 I,, do solemnly swear that:

45 (1) Before becoming a resident of this state, I resided at (residence address)
46 in (town, township, village or city) of County in the state of
47

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

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

52 (4) I hereby make application for a presidential and vice presidential ballot. I have not

53 voted and shall not vote other than by this ballot at such election.

54 Signed

55 (Applicant)

56

57 (Residence Address)

58 Subscribed and sworn to before me this day of,

59 Signed

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

61 7. The election authority in whose office an application is filed pursuant to subsection
62 6 of this section shall immediately send a duplicate of such application to the appropriate official
63 of the state in which the new resident applicant last resided and shall file the original of such
64 application in its office.

65 8. An application for an absentee ballot by an intrastate new resident, as defined in
66 section 115.275, shall be made in person by the applicant in the office of the election authority
67 in the election jurisdiction in which such applicant resides. The application shall be received by
68 the election authority no later than 7:00 p.m. on the day of the election. Such application shall
69 be in the form of an affidavit, executed in duplicate in the presence of the election authority or
70 an authorized officer of the election 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 election jurisdiction, I resided at
75 (residence address) in (town, township, village or city) of county in the
76 state of

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

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

81 (4) I hereby make application for an absentee ballot for candidates and issues on which
82 I am entitled to vote pursuant to the laws of this state. I have not voted and shall not vote other
83 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 9. An application for an absentee ballot by an interstate former resident, as defined in
92 section 115.275, shall be received in the office of the election authority where the applicant was
93 formerly registered by 5:00 p.m. on the Wednesday immediately prior to the election, unless the
94 application is made in person by the applicant in the office of the election authority, in which
95 case, such application shall be made no later than 7:00 p.m. on the day of the election.