

SECOND REGULAR SESSION

# HOUSE BILL NO. 1702

## 93RD GENERAL ASSEMBLY

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INTRODUCED BY REPRESENTATIVE HOSKINS.

Read 1st time February 8, 2006 and copies ordered printed.

STEPHEN S. DAVIS, Chief Clerk

4920L.011

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### AN ACT

To repeal sections 115.277, 115.283, and 115.425, RSMo, and to enact in lieu thereof three new sections relating to absentee voting, with penalty provisions.

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

Section A. Sections 115.277, 115.283, and 115.425, RSMo, are repealed and three new sections enacted in lieu thereof, to be known as sections 115.277, 115.283, and 115.425, to read as follows:

115.277. [1. Except as provided in subsections 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.

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.

14           2. Any person in federal service, as defined in section 115.275, who is eligible to register  
 15 and vote in this state but is not registered may vote only in the election of presidential and vice  
 16 presidential electors, United States senator and representative in Congress even though the  
 17 person is not registered. Each person in federal service may vote by absentee ballot or, upon  
 18 submitting an affidavit that the person is qualified to vote in the election, may vote at the person's  
 19 polling place.

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

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

27           5. Any new resident, as defined in section 115.275, may vote by absentee ballot for  
 28 presidential and vice presidential electors after registering to vote in such resident's new  
 29 jurisdiction of residence].

          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. On the form, the voter shall also state under penalties of perjury that  
 4 the voter is qualified to vote in the election, that the voter has not previously voted and will not  
 5 vote again in the election, that the voter has personally marked the voter's ballot in secret or  
 6 supervised the marking of the voter's ballot if the voter is unable to mark it, that the ballot has  
 7 been placed in the ballot envelope and sealed by the voter or under the voter's supervision if the  
 8 voter is unable to seal it, and that all information contained in the statement is true. In addition,  
 9 any person providing assistance to the absentee voter shall include a statement on the envelope  
 10 identifying the person providing assistance under penalties of perjury. Persons authorized to vote  
 11 only for federal and statewide officers shall also state their former Missouri residence.

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

14 State of Missouri  
 15 County (City) of .....  
 16 I, ..... (print name), a registered voter of ..... County (City  
 17 of St. Louis, Kansas City), declare under the penalties of perjury that I expect to be prevented  
 18 from going to the polls on election day due to (check one):  
 19 ..... absence on election day from the jurisdiction of the election authority in which I am  
 20 registered;

21 ..... incapacity or confinement due to illness or physical disability, including caring for a  
 22 person who is incapacitated or confined due to illness or disability;  
 23 ..... religious belief or practice;  
 24 ..... employment as an election authority or by an election authority at a location other than  
 25 my polling place;  
 26 ..... incarceration, although I have retained all the necessary qualifications for voting.

27

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

34 .....  
 35 Signature of Voter Signature of Person Assisting Voter (if applicable)

36

37 Signed ..... Subscribed and sworn to  
 38 Signed ..... before me this ..... day  
 39 Address of Voter of ....., .....

40 .....

41 .....

42 Mailing addresses Signature of notary or other officer authorized  
 43 (if different) to administer oaths

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

47 State of Missouri  
 48 County (City) of .....

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

54 (1) I am a resident of the state of Missouri and (check one):

55 ..... am a member of the U.S. armed forces in active service;

56 ..... am an active member of the U.S. merchant marine;

57 ..... am a civilian employee of the U.S. government working outside the United States;  
 58 ..... am an active member of a religious or welfare organization assisting servicemen;  
 59 ..... have been honorably discharged or terminated my service in one of the groups mentioned  
 60 above within sixty days of this election;  
 61 ..... am a spouse or dependent of one of the above;  
 62 ..... am a registered voter in ..... County and moved from that county to .....  
 63 County, Missouri, after the last day to register to vote in this election.

64  
65 OR (check if applicable)

66 (2) ..... I am an interstate former resident of Missouri and authorized to vote  
 67 for presidential and vice presidential electors. I further state under penalties of perjury that I  
 68 have not voted and will not vote other than by this ballot at this election; I marked the enclosed  
 69 ballot in secret or am blind, unable to read or write English, or physically incapable of marking  
 70 the ballot, and the person of my choosing indicated below marked the ballot at my direction; all  
 71 of the information on this statement is, to the best of my knowledge and belief, true.

72 ..... Subscribed to and sworn before me this .....day  
 73 Signature of Voter of ....., .....

74 .....  
 75 .....  
 76 Address of Voter Signature of notary or other officer authorized  
 77 to administer oaths

78 .....  
 79 .....  
 80 Mailing Address (if different) .....

81 .....  
 82 Signature of Person Address of Last Missouri  
 83 Assisting Voter Residence (if applicable)

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

87 State of Missouri  
 88 County (City) of .....

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

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

93 ..... incapacity or confinement due to illness or physical disability, including caring for a  
 94 person who is incapacitated or confined due to illness or disability;  
 95 ..... religious belief or practice;  
 96 ..... employment as an election authority or by an election authority at a location other than  
 97 my polling place;  
 98 ..... incarceration, although I have retained all the necessary qualifications of voting.

99

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

106 ..... Subscribed and sworn to before me this ..... day  
 107 Signature of Voter of ....., .....

108 .....

109 ..... .....

110 Address Signature of notary or other officer authorized  
 111 to administer oaths

112 .....

113 Signature of Person Assisting Voter (if applicable)

114 [5.] 4. The statement for persons providing assistance to absentee voters shall be in  
 115 substantially the following form:

116

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

123 Reason why voter needed assistance: .....

124 ASSISTING PERSON SIGN HERE

- 125 1. .... (signature of assisting person)
- 126 2. .... (assisting person's name printed)
- 127 3. .... (assisting person's residence)
- 128 4. .... (assisting person's home city or town).

129 [6.] 5. Notwithstanding any other provision of this section, any resident of the state of  
130 Missouri who resides outside the boundaries of the United States or who is on active duty with  
131 the armed forces of the United States or members of their immediate family living with them or  
132 persons who have declared themselves to be permanently disabled pursuant to section 115.284,  
133 otherwise entitled to vote, shall not be required to obtain a notary seal or signature on his or her  
134 absentee ballot.

135 [7.] 6. Notwithstanding any other provision of this section or section 115.291 to the  
136 contrary, the subscription, signature and seal of a notary or other officer authorized to administer  
137 oaths shall not be required on any ballot, ballot envelope, or statement required by this section  
138 [if the reason for the voter voting absentee is due to the reasons established pursuant to  
139 subdivision (2) of subsection 1 of section 115.277].

140 [8.] 7. No notary shall charge or collect a fee for notarizing the signature on any absentee  
141 ballot or absentee voter registration.

142 [9.] 8. A notary public who charges more than the maximum fee specified or who  
143 charges or collects a fee for notarizing the signature on any absentee ballot or absentee voter  
144 registration is guilty of official misconduct.

115.425. [Except as provided in subsection 2 of section 115.277,] The election judges  
2 shall allow no person to vote whose name does not appear in the precinct register without the  
3 express sanction of the election authority.

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