

FIRST REGULAR SESSION

# HOUSE BILL NO. 649

## 95TH GENERAL ASSEMBLY

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INTRODUCED BY REPRESENTATIVES WEBBER (Sponsor), STILL, TALBOY, AULL, KANDER,  
QUINN, KIRKTON, SCHUPP, ZIMMERMAN, BRINGER, WALSH, CURLS, KOMO, SKAGGS,  
ENGLUND, LeVOTA, BIERMANN AND KELLY (Co-sponsors).

1791L.02I

D. ADAM CRUMBLISS, Chief Clerk

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### AN ACT

To repeal sections 115.287 and 115.293, RSMo, and to enact in lieu thereof two new sections relating to delivery and counting of absentee ballots.

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

Section A. Sections 115.287 and 115.293, RSMo, are repealed and two new sections enacted in lieu thereof, to be known as sections 115.287 and 115.293, to read as follows:

115.287. 1. Upon receipt of a signed application for an absentee ballot and if satisfied the applicant is entitled to vote by absentee ballot, the election authority shall, within three working days after receiving the application, or if absentee ballots are not available at the time the application is received, within five working days after they become available, deliver to the voter an absentee ballot, ballot envelope and such instructions as are necessary for the applicant to vote. Delivery shall be made to the voter personally in the office of the election authority or by bipartisan teams appointed by the election authority, or by first class, registered, or certified mail at the discretion of the election authority, **except that absentee ballots sent to persons in federal service, when sent to a location determined by the secretary of state to be inaccessible on election day, shall, upon the voter's request, be sent by facsimile transmission or under a program approved by the United States Department of Defense for electronic transmission of election materials.** Where the election authority is a county clerk, the members of bipartisan teams representing the political party other than that of county clerk shall be selected from a list of persons submitted to the county clerk by the county chairman of that party. If no list is provided by the time that absentee ballots are to be made

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 available, the county clerk may select a person or persons from lists provided in accordance with  
17 section 115.087. If the election authority is not satisfied that any applicant is entitled to vote by  
18 absentee ballot, it shall not deliver an absentee ballot to the applicant. Within three working days  
19 of receiving such an application, the election authority shall notify the applicant and state the  
20 reason he or she is not entitled to vote by absentee ballot. The applicant may appeal the decision  
21 of the election authority to the circuit court in the manner provided in section 115.223.

22         2. If, after 5:00 p.m. on the Wednesday before an election, any voter from the jurisdiction  
23 has become hospitalized, becomes confined due to illness or injury, or is confined in an adult  
24 boarding facility, intermediate care facility, residential care facility, or skilled nursing facility,  
25 as defined in section 198.006, RSMo, in the county in which the jurisdiction is located or in the  
26 jurisdiction or an adjacent election authority within the same county, the election authority shall  
27 appoint a team to deliver, witness the signing of and return the voter's application and deliver,  
28 witness the voting of and return the voter's absentee ballot. In counties with a charter form of  
29 government and in cities not within a county, and in each city which has over three hundred  
30 thousand inhabitants, and is situated in more than one county, if the election authority receives  
31 ten or more applications for absentee ballots from the same address it may appoint a team to  
32 deliver and witness the voting and return of absentee ballots by voters residing at that address,  
33 except when such addresses are for an apartment building or other structure wherein individual  
34 living units are located, each of which has its own separate cooking facilities. Each team  
35 appointed pursuant to this subsection shall consist of two registered voters, one from each major  
36 political party. Both members of any team appointed pursuant to this subsection shall be present  
37 during the delivery, signing or voting and return of any application or absentee ballot signed or  
38 voted pursuant to this subsection.

39         3. On the mailing and ballot envelopes for each applicant in federal service, the election  
40 authority shall stamp prominently in black the words "FEDERAL BALLOT, STATE OF  
41 MISSOURI" and "U.S. Postage Paid, 39 U.S.C. 3406".

42         4. No information which encourages a vote for or against a candidate or issue shall be  
43 provided to any voter with an absentee ballot.

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 shall be counted.  
3 No votes on any absentee ballot received by an election authority after the time fixed by law for  
4 the closing of the polls on election day shall be counted, **except that absentee ballots cast by**  
5 **absent uniformed services voters that are postmarked on or before election day and that**  
6 **are received by an election authority within seven days of the election shall be counted.**

7         2. If sufficient evidence is shown to an election authority that any absentee voter has died  
8 prior to the opening of the polls on election day, the ballot of the deceased voter shall be rejected.

9 Any ballot so rejected, still sealed in its ballot envelope, shall be sealed with the application and  
10 any other papers connected therewith in an envelope marked "Rejected ballot of  
11 ....., an absentee voter of ..... voting district". The reason for rejection  
12 shall be noted on the envelope, which shall be kept by the election authority with the other  
13 ballots from the election until the ballots are destroyed according to law.

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