

SECOND REGULAR SESSION

HOUSE BILL NO. 1219

97TH GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVE DUGGER.

4401L.02I

D. ADAM CRUMBLISS, Chief Clerk

AN ACT

To repeal sections 115.257, 115.291, and 115.293, RSMo, and to enact in lieu thereof three new sections relating to absentee ballots.

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

Section A. Sections 115.257, 115.291, and 115.293, RSMo, are repealed and three new sections enacted in lieu thereof, to be known as sections 115.257, 115.291, and 115.293, to read as follows:

115.257. 1. In jurisdictions where voting machines are used, the election authority shall cause the voting machines to be put in order, set, adjusted and made ready for voting before they are delivered to polling places. Before delivery to the polling places, the election authority shall have all recording counters, except the protective counter on each voting machine set at zero (000).

2. At least five days before preparing voting machines for any election, notice of the time and place of such preparation shall be mailed to each independent candidate and the chairman of the county committee of each established political party named on the ballot. The preparation shall be watched by two observers designated by the election authority, one from each major political party, and shall be open to representatives of the political parties, candidates, the news media and the public.

3. When a machine has been examined by such observers and shown to be in good working order, the machine shall be locked against voting and sealed in their presence with a numbered metal seal. The observers shall certify the number on each machine, the number on each protective counter, the number on each seal and that each recording counter is set at zero.

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 4. After a voting machine has been properly prepared, locked and sealed, its keys shall
17 be retained by the election authority and delivered to the election judges along with the other
18 election supplies.

19 5. **For the purpose of processing absentee ballots, the election authority may cause**
20 **a voting machine to be put in order, set, adjusted, and made ready for voting within one**
21 **business day of the printing of absentee ballots as provided in section 115.281. The election**
22 **authority shall have the recording counter except for the protective counter on the voting**
23 **machine set to zero (000). After the voting machine has been made ready for voting, the**
24 **election authority shall not permit any person to handle any voting machine, except voters**
25 **while they are voting and others expressly authorized by the election authority. The**
26 **election authority shall neither be nor permit any other person to be in any position, or**
27 **near any position, that enables them to see how any absentee voter votes or has voted.**

28 6. Nothing in this section shall prohibit the on-site storage of voting machines and the
29 preparation of the machines for voting, provided the voting machines are put in order, set,
30 adjusted and made ready for voting as provided in subsections 1, 2, 3 [and] , 4, **and 5** of this
31 section.

 115.291. 1. Upon receiving an absentee ballot in person or by mail, the voter shall mark
2 the ballot in secret, place the ballot in the ballot envelope, seal the envelope and fill out the
3 statement on the ballot envelope. The affidavit of each person voting an absentee ballot shall
4 be subscribed and sworn to before the election official receiving the ballot, a notary public or
5 other officer authorized by law to administer oaths, unless the voter is voting absentee due to
6 incapacity or confinement due to the provisions of section 115.284, illness or physical disability,
7 or the voter is a covered voter as defined in section 115.902. If the voter is blind, unable to read
8 or write the English language, or physically incapable of voting the ballot, the voter may be
9 assisted by a person of the voter's own choosing. Any person assisting a voter who is not entitled
10 to such assistance, and any person who assists a voter and in any manner coerces or initiates a
11 request or a suggestion that the voter vote for or against or refrain from voting on any question,
12 ticket or candidate, shall be guilty of a class one election offense. If, upon counting, challenge
13 or election contest, it is ascertained that any absentee ballot was voted with unlawful assistance,
14 the ballot shall be rejected.

15 2. Except as provided in subsection 4 of this section, each absentee ballot shall be
16 returned to the election authority in the ballot envelope and shall only be returned by the voter
17 in person, or in person by a relative of the voter who is within the second degree of consanguinity
18 or affinity, by mail or registered carrier or by a team of deputy election authorities; except that
19 persons in federal service, when sent from a location determined by the secretary of state to be
20 inaccessible on election day, shall be allowed to return their absentee ballots cast by use of

21 facsimile transmission or under a program approved by the Department of Defense for electronic
22 transmission of election materials.

23 3. In cases of an emergency declared by the President of the United States or the
24 governor of this state where the conduct of an election may be affected, the secretary of state may
25 provide for the delivery and return of absentee ballots by use of a facsimile transmission device
26 or system. Any rule promulgated pursuant to this subsection shall apply to a class or classes of
27 voters as provided for by the secretary of state.

28 4. No election authority shall refuse to accept and process any otherwise valid marked
29 absentee ballot submitted in any manner by a covered voter solely on the basis of restrictions on
30 envelope type. **When an absentee ballot is voted in person, the election authority may waive**
31 **the sealed ballot envelope provisions of this section and process the ballot as provided in**
32 **subsection 5 of section 115.257.**

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.

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

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