

House _____ Amendment NO. _____

Offered By

1 AMEND House Committee Substitute for Senate Bill No. 552, Page 13, Section 115.277, Line 38,
2 by inserting after all of said section and line the following:

3
4 "115.279. 1. Application for an absentee ballot may be made by the applicant in person, or
5 by mail, or for the applicant, in person, by his or her guardian or a relative within the second degree
6 by consanguinity or affinity. The election authority shall accept applications by facsimile
7 transmission and by electronic mail within the limits of its telecommunications capacity.

8 2. Each application shall be made to the election authority of the jurisdiction in which the
9 person is or would be registered. Each application shall be in writing and shall state the applicant's
10 name, address at which he or she is or would be registered, his or her reason for voting an absentee
11 ballot, the address to which the ballot is to be mailed, if mailing is requested, and for absent
12 uniformed services and overseas applicants, the applicant's email address if electronic transmission
13 is requested. If the reason for the applicant voting absentee is due to the reasons established under
14 subdivision (6) of subsection 1 of section 115.277, the applicant shall state the voter's identification
15 information provided by the address confidentiality program in lieu of the applicant's name, address
16 at which he or she is or would be registered, and address to which the ballot is to be mailed, if
17 mailing is requested. Each application to vote in a primary election shall also state which ballot the
18 applicant wishes to receive. If any application fails to designate a ballot, the election authority shall,
19 within three working days after receiving the application, notify the applicant by mail that it will be
20 unable to deliver an absentee ballot until the applicant designates which political party ballot he or
21 she wishes to receive. If the applicant does not respond to the request for political party designation,
22 the election authority is authorized to provide the voter with that part of the ballot for which no
23 political party designation is required.

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

33 4. Each application for an absentee ballot shall be signed by the applicant or, if the
34 application is made by a guardian or relative pursuant to this section, the application shall be signed
35 by the guardian or relative, who shall note on the application his or her relationship to the applicant.
36 If an applicant, guardian or relative is blind, unable to read or write the English language or

Action Taken _____ Date _____

physically incapable of signing the application, he or she shall sign by mark, witnessed by the signature of an election official or person of his or her own choosing. Any person who knowingly makes, delivers or mails a fraudulent absentee ballot application shall be guilty of a class one election offense.

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

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

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

(4) Not later than sixty days after the date of each regularly scheduled general election for federal office, each election authority which administered the election shall submit to the secretary of state in a format prescribed by the secretary a report on the combined number of absentee ballots transmitted to, and returned by, absent uniformed services voters and overseas voters for the election. The secretary shall submit to the Election Assistance Commission a combined report of such information not later than ninety days after the date of each regularly scheduled general election for federal office and in a standardized format developed by the commission pursuant to the Help America Vote Act of 2002. The secretary shall make the report available to the general public.

(5) As used in this section, the terms "absent uniformed services voter" and "overseas voter" shall have the meaning prescribed in 52 U.S.C. Section 20310.

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

"STATE OF
COUNTY OF , ss.

I, _____, do solemnly swear that:

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

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

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

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

Signed
(Applicant)

(Residence Address)

Subscribed and sworn to before me this _____ day of _____, _____

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

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

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

"STATE OF _____ COUNTY OF _____, ss.I, _____, do solemnly swear that:(1)Before becoming a resident of this election jurisdiction, I resided at _____ (residence address) in _____ (town, township, village or city) of _____ county in the state of _____;(2)I moved to this election jurisdiction after the last day to register to vote in such election;(3)I believe I am entitled pursuant to the laws of this state to vote in the election to be held _____ (date);(4)I hereby make application for an absentee ballot for candidates and issues on which I am entitled to vote pursuant to the laws of this state. I have not voted and shall not vote other than by this ballot at such election.Signed _____ (Applicant) _____ (Residence Address)Subscribed and sworn to before me this _____ day of _____, _____ Signed _____ (Title and name of officer authorized to administer oaths)"

9. An application for an absentee ballot by an interstate former resident shall be received in the office of the election authority where the applicant was formerly registered by 5:00 p.m. on the second Wednesday immediately prior to the election, unless the application is made in person by the applicant in the office of the election authority, in which case such application shall be made no later than 7:00 p.m. on the day of the election.

10. Notwithstanding any other provision of this section or other law to the contrary, any person who is not required to apply in person for an absentee ballot under this section may apply by electronic mail. The secretary of state shall coordinate the electronic mail application form process in order to provide a secure electronic mail process with local election authorities. Election authorities will notify the office of the secretary of state of all application decisions and applicant information may be integrated into the Missouri Centralized Voter Registration System. Nothing in this section shall be construed to deny election authorities power over application decisions or maintenance of voter records. This subsection shall be subject to appropriation and is otherwise void."; and

Further amend said bill, Page 18, Section 115.283, Line 154, by inserting after all of said section and line the following:

"115.291. 1. Upon receiving an absentee ballot by mail, the voter shall mark the ballot in secret, place the ballot in the ballot envelope, seal the envelope and fill out the statement on the ballot envelope. The affidavit of each person voting an absentee ballot shall be subscribed and sworn to before the election official receiving the ballot, a notary public or other officer authorized by law to administer oaths, unless the voter is voting absentee due to incapacity or confinement due to the provisions of section 115.284, illness or physical disability, a pandemic as specified under subsection (7) of section 115.277, or the voter is a covered voter as defined in section 115.902. If the voter is blind, unable to read or write the English language, or physically incapable of voting the

1 ballot, the voter may be assisted by a person of the voter's own choosing. Any person assisting a
 2 voter who is not entitled to such assistance, and any person who assists a voter and in any manner
 3 coerces or initiates a request or a suggestion that the voter vote for or against or refrain from voting
 4 on any question, ticket or candidate, shall be guilty of a class one election offense. If, upon
 5 counting, challenge or election contest, it is ascertained that any absentee ballot was voted with
 6 unlawful assistance, the ballot shall be rejected.

7 2. Except as provided in subsection 4 of this section, each absentee ballot that is not cast by
 8 the voter in person in the office of the election authority shall be returned to the election authority in
 9 the ballot envelope and shall only be returned by the voter in person, or in person by a relative of the
 10 voter who is within the second degree of consanguinity or affinity, by mail or registered carrier, a
 11 certified drop-off box approved by the Secretary of State at established locations designated by the
 12 local election authority, or by a team of deputy election authorities; except that covered voters, when
 13 sent from a location determined by the secretary of state to be inaccessible on election day, shall be
 14 allowed to return their absentee ballots cast by use of facsimile transmission or under a program
 15 approved by the Department of Defense for electronic transmission of election materials.

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

21 4. No election authority shall refuse to accept and process any otherwise valid marked
 22 absentee ballot submitted in any manner by a covered voter solely on the basis of restrictions on
 23 envelope type."; and
 24

25 Further amend said substitute, Section 1, Page 48, Lines 2 and 8, by inserting the section reference
 26 number "115.291" immediately after the number "115.283," on said lines; and
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28 Further amend said bill, Page 34, Section 115.761, Line 32, by inserting after all of said section and
 29 line the following:
 30

31 "115.920. 1. A valid military-overseas ballot cast in accordance with section 115.916 shall
 32 be counted if it is received before noon on the Friday after election day so that certification under
 33 section 115.508 may commence.

34 2. If, at the time of completing a military-overseas ballot and balloting materials, the voter
 35 has declared under penalty of perjury that the ballot was timely submitted, the ballot shall not be
 36 rejected on the basis that it has a late postmark, an unreadable postmark, or no postmark.

37 3. During the pandemic exception under subdivision (7) of subsection 1 of section 115.277,
 38 mailed absentee ballots postmarked on the day of the election shall be counted if received before
 39 noon on the Friday after the election such that certification under section 115.508 may commence.

40 115.960. 1. An election authority is authorized to accept voter registration applications and
 41 absentee ballot applications with a signature submitted to the election authority under the provisions
 42 of sections 432.200 to 432.295 as provided in this section:

43 (1) Sections 432.200 to 432.295 shall only apply to transactions between parties that have
 44 agreed to conduct transactions by electronic means;

45 (2) Except as provided in subsection 2 of this section, as used in this section and sections
 46 432.200 to 432.295, the parties who agree to conduct voter registration transactions by electronic
 47 means shall be the local election authority who is required to accept or reject a voter registration
 48 application and the prospective voter submitting the application;

49 (3) A local election authority is authorized to develop, maintain, and approve systems that

1 transmit voter registration applications electronically under sections 432.200 to 432.295;

2 (4) Except as provided in subsection 2 of this section, no officer, agency, or organization
3 shall collect or submit a voter registration application with an electronic signature to an election
4 authority without first obtaining approval of the data and signature format from the local election
5 authority and the approval of the voter to collect and store the signature and data; and

6 (5) Local election authorities who maintain a voter registration application system shall
7 direct voter registration applicants from other jurisdictions to the system used by the local election
8 authority for that jurisdiction to accept voter registration applications electronically.

9 2. A system maintained by the secretary of state's office shall be used to accept voter
10 registration applications electronically subsequent to approval from the committee formed as set
11 forth in this subsection:

12 (1) Within thirty days of, but in no event prior to January 1, 2017, the president of the
13 Missouri Association of County Clerks and Election Authorities shall appoint fourteen of its
14 members to serve on a committee to approve and develop uniform standards, systems, and
15 modifications that shall be used by the secretary of state in any electronic voter registration
16 application system offered by that office. The committee may also make recommendations
17 regarding the purchase, maintenance, integration, and operation of electronic databases, software,
18 and hardware used by local election authorities and the secretary of state's office including, but not
19 limited to, systems used for military and overseas voting and for building and conducting election
20 operations. The committee shall have fourteen local election authorities, including representatives
21 of each classification of counties, a representative from an election board, and at least one member
22 who has experience processing online voter registration transactions. In addition, one representative
23 appointed by the secretary of state's office shall serve on the committee;

24 (2) The committee shall immediately meet to approve electronic signature formats and a
25 minimum set of data collection standards for use in a voter registration application system
26 maintained by the secretary of state;

27 (3) Once the format and data collection standards are approved by the committee and
28 implemented for the system maintained by the secretary of state, local election authorities shall
29 accept the transmission of voter registration applications submitted to the approved system under the
30 provisions of sections 432.200 to 432.295;

31 (4) The secretary of state's office shall direct eligible voters to a local election authority's
32 system to accept voter registration applications electronically if the local election authority has a
33 system in place as of August 28, 2016, or implements a system that meets the same standards and
34 format that has been approved by the committee for the secretary of state's system;

35 (5) The committee shall meet not less than semiannually through June 30, 2019, to
36 recommend and approve changes and enhancements proposed by the secretary of state or election
37 authorities to the electronic voter registration application system. Vacancies that occur on the
38 committee shall be filled by the president of the Missouri Association of County Clerks and Election
39 Authorities at the time of the vacancy;

40 (6) To improve the accuracy of voter registration application data and reduce costs for local
41 election authorities, the system maintained by the secretary of state shall, as soon as is practical,
42 provide a method where the data entered by the voter registration applicant does not have to be re-
43 entered by the election authority to the state voter registration database.

44 3. Each applicant who registers using an approved electronic voter registration application
45 system shall be deemed to be registered as of the date the signed application is submitted to the
46 system, if such application is accepted and not rejected by the election authority and the verification
47 notice required under section 115.155 is not returned as undeliverable by the postal service.

48 4. This section shall not apply to voter registration and absentee records submitted by voters
49 authorized under federal law, section 115.291, or sections 115.900 to 115.936 to submit electronic

1 records and signatures.

2 5. High quality copies, including electronic copies, of signatures made on paper documents
3 may be used for petition signature verification purposes and retained as records.

4 6. Any signature required for petition submission under chapter 116 shall be handwritten on
5 a paper document.

6 7. Notwithstanding the provisions of section 432.230, nothing in this section shall require
7 the election authority to accept voter registration records or signatures created, generated, sent,
8 communicated, received, stored, or otherwise processed, or used by electronic means or in
9 electronic form from any officer, agency, or organization not authorized under subsection 2 of this
10 section without prior approval from the election authority. Except as provided in subsection 2 of
11 this section, no officer, agency, or organization shall give the voter the opportunity to submit a voter
12 registration application with an electronic signature without first obtaining the approval of the local
13 election authority.

14 8. An election authority that agrees to conduct a transaction by electronic means may refuse
15 to conduct other transactions by electronic means.

16 9. No election authority or the secretary of state shall furnish to any member of the public
17 any data collected under a voter registration application system except as authorized in subsections
18 1 to 5 of section 115.157.

19 10. Nothing in this section shall be construed to require the secretary of state to cease
20 operating a voter registration application in place as of the effective date of this act."; and
21

22 Further amend said substitute, Section 1, Page 48, Lines 2 and 8, by inserting immediately before
23 the number "115.283," on said lines the section reference "115.279"; and
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25 Further amend said substitute, Section 1, Page 48, Lines 2 and 8, by inserting immediately after the
26 number "115.283," on said lines the section reference "115.291"; and
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28 Further amend said substitute, Section 1, Page 48, Lines 3 and 9, by inserting the section reference
29 number "115.920, 115.960," immediately after the number "115.761," on said lines; and
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31 Further amend said bill by amending the title, enacting clause, and intersectional references
32 accordingly.
33