

House _____ Amendment NO. _____

Offered By _____

1 AMEND House Committee Substitute for House Bill No. 334, Page 1, Section A, Line 2, by
2 inserting after all of said section and line the following:

3
4 "115.277. 1. Except as provided in subsections 2, 3, 4, and 5 of this section, any registered
5 voter of this state may vote by absentee ballot for all candidates and issues for which such voter
6 ~~[would be]~~ is eligible to vote at the polling place ~~[if such voter expects to be prevented from going~~
7 ~~to the polls to vote on election day due to:~~
8 ~~—— (1) Absence on election day from the jurisdiction of the election authority in which such~~
9 ~~voter is registered to vote;~~
10 ~~—— (2) Incapacity or confinement due to illness or physical disability, including a person who is~~
11 ~~primarily responsible for the physical care of a person who is incapacitated or confined due to~~
12 ~~illness or disability;~~
13 ~~—— (3) Religious belief or practice;~~
14 ~~—— (4) Employment as an election authority, as a member of an election authority, or by an~~
15 ~~election authority at a location other than such voter's polling place;~~
16 ~~—— (5) Incarceration, provided all qualifications for voting are retained;~~
17 ~~—— (6) Certified participation in the address confidentiality program established under sections~~
18 ~~589.660 to 589.681 because of safety concerns; or~~
19 ~~—— (7) For an election that occurs during the year 2020, the voter has contracted or is in an at-~~
20 ~~risk category for contracting or transmitting severe acute respiratory syndrome coronavirus 2. This~~
21 ~~subdivision shall expire on December 31, 2020].~~

22 2. Any covered voter who is eligible to register and vote in this state may vote in any
23 election for federal office, statewide office, state legislative office, or statewide ballot initiatives by
24 submitting a federal postcard application to apply to vote by absentee ballot or by submitting a
25 federal postcard application at the polling place even though the person is not registered. A federal
26 postcard application submitted by a covered voter pursuant to this subsection shall also serve as a
27 voter registration application under section 115.908 and the election authority shall, if satisfied that
28 the applicant is entitled to register, place the voter's name on the voter registration file. Each
29 covered voter may vote by absentee ballot or, upon submitting an affidavit that the person is
30 qualified to vote in the election, may vote at the person's polling place.

31 3. Any interstate former resident may vote by absentee ballot for presidential and vice
32 presidential electors.

33 4. Any intrastate new resident may vote by absentee ballot at the election for presidential
34 and vice presidential electors, United States senator, representative in Congress, statewide elected
35 officials and statewide questions, propositions and amendments from such resident's new
36 jurisdiction of residence after registering to vote in such resident's new jurisdiction of residence.

Action Taken _____ Date _____

1 5. Any new resident may vote by absentee ballot for presidential and vice presidential
2 electors after registering to vote in such resident's new jurisdiction of residence.

3 ~~[6. For purposes of this section, the voters who are in an at-risk category for contracting or~~
4 ~~transmitting severe acute respiratory syndrome coronavirus 2 are voters who:~~

5 ~~—— (1) Are sixty-five years of age or older;~~

6 ~~—— (2) Live in a long-term care facility licensed under chapter 198;~~

7 ~~—— (3) Have chronic lung disease or moderate to severe asthma;~~

8 ~~—— (4) Have serious heart conditions;~~

9 ~~—— (5) Are immunocompromised;~~

10 ~~—— (6) Have diabetes;~~

11 ~~—— (7) Have chronic kidney disease and are undergoing dialysis; or~~

12 ~~—— (8) Have liver disease.]~~

13 115.279. 1. Application for an absentee ballot may be made by the applicant in person, or
14 by mail, or for the applicant, in person, by his or her guardian or a relative within the second degree
15 by consanguinity or affinity. The election authority shall accept applications by facsimile
16 transmission and by electronic mail within the limits of its telecommunications capacity.

17 2. Each application shall be made to the election authority of the jurisdiction in which the
18 person is or would be registered. Each application shall be in writing and shall state the applicant's
19 name, address at which he or she is or would be registered, ~~[his or her reason for voting an absentee~~
20 ~~ballot]~~ whether the applicant is incapacitated or confined due to illness or physical disability or is a
21 person who is primarily responsible for the physical care of a person who is incapacitated or
22 confined due to illness or physical disability, the address to which the ballot is to be mailed, if
23 mailing is requested, and for absent uniformed services and overseas applicants, the applicant's
24 email address if electronic transmission is requested. If the ~~[reason for the applicant voting absentee~~
25 ~~is due to the reasons established under subdivision (6) of subsection 1 of section 115.277]~~ applicant
26 is a certified participant in the address confidentiality program established under sections 589.660 to
27 589.681, the applicant shall state the voter's identification information provided by the address
28 confidentiality program in lieu of the applicant's name, address at which he or she is or would be
29 registered, and address to which the ballot is to be mailed, if mailing is requested. Each application
30 to vote in a primary election shall also state which ballot the applicant wishes to receive. If any
31 application fails to designate a ballot, the election authority shall, within three working days after
32 receiving the application, notify the applicant by mail that it will be unable to deliver an absentee
33 ballot until the applicant designates which political party ballot he or she wishes to receive. If the
34 applicant does not respond to the request for political party designation, the election authority is
35 authorized to provide the voter with that part of the ballot for which no political party designation is
36 required.

37 3. ~~[Except as provided in subsection 3 of section 115.281,]~~ All applications for absentee
38 ballots received prior to the sixth Tuesday before an election shall be stored at the office of the
39 election authority until such time as the applications are processed in accordance with section
40 115.281. No application for an absentee ballot received in the office of the election authority by
41 mail, by facsimile transmission, by electronic mail, or by a guardian or relative after 5:00 p.m. on
42 the second Wednesday immediately prior to the election shall be accepted by any election authority.
43 No application for an absentee ballot submitted by the applicant in person after 5:00 p.m. on the day
44 before the election shall be accepted by any election authority, except as provided in subsections 6, 8
45 and 9 of this section.

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

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.

115.283. 1. Each ballot envelope shall bear a statement on which the voter shall state the voter's name, the voter's voting address, and the voter's mailing address ~~[and the voter's reason for voting an absentee ballot]~~. If the ~~[reason for the voter voting absentee is due to the reasons established under subdivision (6) of subsection 1 of section 115.277]~~ applicant is a certified participant in the address confidentiality program established under sections 589.660 to 589.681, the voter shall state the voter's identification information provided by the address confidentiality program in lieu of the applicant's name, voting address, and mailing address. On the form, the voter

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

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

State of Missouri

County (City) of _____

I, _____ (print name), a registered voter of _____ County (City of St. Louis, Kansas City), declare under the penalties of perjury [~~that I expect to be prevented from going to the polls on election day due to (check one):~~

~~_____ absence on election day from the jurisdiction of the election authority in which I am registered;~~

~~_____ incapacity or confinement due to illness or physical disability, including caring for a person who is incapacitated or confined due to illness or disability;~~

~~_____ religious belief or practice;~~

~~_____ employment as an election authority or by an election authority at a location other than my polling place;~~

~~_____ incarceration, although I have retained all the necessary qualifications for voting;~~

~~_____ certified participation in the address confidentiality program established under sections 589.660 to 589.681 because of safety concerns.~~

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

Signature of Voter

Signature of Person

Assisting Voter
(if applicable)

Signed _____

Subscribed and sworn
to before me this

Signed _____

_____ day of _____, _____

Address of Voter

Mailing addresses

Signature of notary or

(if different)

other officer

authorized to

administer oaths

3. The statement for persons voting absentee ballots pursuant to the provisions of subsection

2, 3, 4, or 5 of section 115.277 without being registered shall be in substantially the following form:

State of Missouri

County (City) of _____

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

I am (check one):

_____ a resident of the state of Missouri and a registered voter in _____ County and moved from that county to _____ County, Missouri, after the last day to register to vote in this election.

_____ an interstate former resident of Missouri and authorized to vote for presidential and vice presidential electors.

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

Signature of Voter Subscribed to and
sworn before me this

_____ day of

_____, _____

Address of Voter Signature of notary or

other officer

authorized to

administer oaths

Mailing Address (if different) _____

Signature of Person Address of Last
Assisting Voter Missouri Residence
(if applicable)

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

State of Missouri

County (City) of _____

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

~~_____ absence on election day from the jurisdiction of the election authority in which I am directed to vote;~~

~~_____ incapacity or confinement due to illness or physical disability, including~~

caring for a person who is incapacitated or confined due to illness or disability;
 _____ religious belief or practice;
 _____ employment as an election authority or by an election authority at a location
 other than my polling place;
 _____ incarceration, although I have retained all the necessary qualifications of
 voting;
 _____ certified participation in the address confidentiality program established
 under sections 589.660 to 589.681 because of safety concerns.
 _____ I hereby state under penalties of perjury] that I own property in the _____ district and am
 qualified to vote at this election; I have not voted and will not vote other than by this ballot at this
 election. I further state that I marked the enclosed ballot in secret or that I am blind, unable to read
 and write English, or physically incapable of marking the ballot, and the person of my choosing
 indicated below marked the ballot at my direction; all of the information on this statement is, to the
 best of my knowledge and belief, true.

Subscribed and sworn

Signature of Voter _____ to before me this

_____ day of

_____, _____

Address _____ Signature of notary or

other officer

authorized to

administer oaths

Signature of Person

Assisting Voter

(if applicable)

5. The statement for persons providing assistance to absentee voters shall be in substantially the following form:

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

Reason why voter needed assistance: _____

ASSISTING PERSON SIGN HERE

1. _____ (signature of assisting person)
2. _____ (assisting person's name printed)
3. _____ (assisting person's residence)
4. _____ (assisting person's home city or town).

6. [The election authority shall, for an election held during 2020, adjust the forms described in this section to account for voters voting absentee due to the reason established pursuant to subdivision (7) of subsection 1 of section 115.277.

_____] 7.] Notwithstanding any other provision of this section, any covered voter as defined in

section 115.902 or persons who have declared themselves to be permanently disabled pursuant to section 115.284, otherwise entitled to vote, shall not be required to obtain a notary seal or signature on his or her absentee ballot.

~~[8.]~~ 7. Notwithstanding any other provision of this section or section 115.291 to the contrary, the subscription, signature and seal of a notary or other officer authorized to administer oaths shall not be required on any ballot, ballot envelope, or statement required by this section if the ~~[reason for the]~~ voter voting absentee is ~~[due to the reasons established pursuant to subdivision (2) or (7) of subsection 1 of section 115.277]~~ incapacitated or confined 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 physical disability.

~~[9.]~~ 8. No notary shall charge or collect a fee for notarizing the signature on any absentee ballot or absentee voter registration.

~~[10.]~~ 9. A notary public who charges more than the maximum fee specified or who charges or collects a fee for notarizing the signature on any absentee ballot or absentee voter registration is guilty of official misconduct.

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, ~~[for an election that occurs during the year 2020, the voter has contracted or is in an at-risk category for contracting or transmitting severe acute respiratory syndrome coronavirus 2, as defined in 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 ballot, the voter may be assisted by a person of the voter's own choosing. Any person assisting a voter who is not entitled to such assistance, and any person who assists a voter and in any manner coerces or initiates a request or a suggestion that the voter vote for or against or refrain from voting on any question, ticket or candidate, shall be guilty of a class one election offense. If, upon counting, challenge or election contest, it is ascertained that any absentee ballot was voted with unlawful assistance, the ballot shall be rejected. ~~[For purposes of this subsection, the voters who are in an at-risk category for contracting or transmitting severe acute respiratory syndrome coronavirus 2 are voters who:~~

- ~~—— (1) Sixty-five years of age or older;~~
- ~~—— (2) Live in a long-term care facility licensed under chapter 198;~~
- ~~—— (3) Have chronic lung disease or moderate to severe asthma;~~
- ~~—— (4) Have serious heart conditions;~~
- ~~—— (5) Are immunocompromised;~~
- ~~—— (6) Have diabetes;~~
- ~~—— (7) Have chronic kidney disease and are undergoing dialysis; or~~
- ~~—— (8) Have liver disease.]~~

2. Except as provided in subsection 4 of this section, each absentee ballot that is not cast by the voter in person in the office of the election authority shall be returned to the election authority in the ballot envelope and shall only be returned by the voter in person, or in person by a relative of the voter who is within the second degree of consanguinity or affinity, by mail or registered carrier or by a team of deputy election authorities; except that covered voters, when sent from a location determined by the secretary of state to be inaccessible on election day, shall be allowed to return their absentee ballots cast by use of facsimile transmission or under a program approved by the Department of Defense for electronic transmission of election materials.

3. In cases of an emergency declared by the President of the United States or the governor

1 of this state where the conduct of an election may be affected, the secretary of state may provide for
2 the delivery and return of absentee ballots by use of a facsimile transmission device or system. Any
3 rule promulgated pursuant to this subsection shall apply to a class or classes of voters as provided
4 for by the secretary of state.

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

8
9 Further amend said bill by amending the title, enacting clause, and intersectional references
10 accordingly.