

House _____ Amendment NO. _____

Offered By

1 AMEND House Committee Substitute for House Bill No. 738, Pages 17 to 27, Sections 115.277,
2 115.279, and 115.283, by removing all of said sections from the bill and inserting in lieu thereof the
3 following:
4

5 "115.277. 1. Except as provided in subsections 2, 3, 4, and 5 of this section, any registered
6 voter of this state may vote by absentee ballot for all candidates and issues for which such voter
7 [would be] is eligible to vote at the polling place [if such voter expects to be prevented from going
8 to the polls to vote on election day due to:

9 ~~_____ (1) Absence on election day from the jurisdiction of the election authority in which such~~
10 ~~voter is registered to vote;~~

11 ~~_____ (2) Incapacity or confinement due to illness or physical disability, including a person who is~~
12 ~~primarily responsible for the physical care of a person who is incapacitated or confined due to~~
13 ~~illness or disability;~~

14 ~~_____ (3) Religious belief or practice;~~

15 ~~_____ (4) Employment as an election authority, as a member of an election authority, or by an~~
16 ~~election authority at a location other than such voter's polling place;~~

17 ~~_____ (5) Incarceration, provided all qualifications for voting are retained;~~

18 ~~_____ (6) Certified participation in the address confidentiality program established under sections~~
19 ~~589.660 to 589.681 because of safety concerns; or~~

20 ~~_____ (7) For an election that occurs during the year 2020, the voter has contracted or is in an at-~~
21 ~~risk category for contracting or transmitting severe acute respiratory syndrome coronavirus 2. This~~
22 ~~subdivision shall expire on December 31, 2020].~~

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

Action Taken _____ Date _____

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

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

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

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

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

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

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

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

15 ~~—— (5) Are immunocompromised;~~

16 ~~—— (6) Have diabetes;~~

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

18 ~~—— (8) Have liver disease.]~~

19 115.279. 1. Application for an absentee ballot may be made by the applicant in person, or
20 by mail, or for the applicant, in person, by his or her guardian or a relative within the second degree
21 by consanguinity or affinity. The election authority shall accept applications by facsimile
22 transmission and by electronic mail ~~[within the limits of its telecommunications capacity].~~

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

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

4. Each application for an absentee ballot shall be signed by the applicant or, if the application is made by a guardian or relative pursuant to this section, the application shall be signed by the guardian or relative, who shall note on the application his or her relationship to the applicant. 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[~~;~~]; the voter's mailing address, if different than the voter's voting address; and the voter's email address if the voter wishes to be contacted by email regarding any deficiencies in their ballot under section 115.298 [~~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~~

Signed _____

~~to before me this]~~

Address of Voter

[____ day of _____,

_____]]

[_____]

[_____]

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.

_____ [Subscribed to and]

Signature of Voter [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

Assisting Voter

Address of Last

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

1 illness or disability;
 2 _____ religious belief or practice;
 3 _____ employment as an election authority or by an election authority at a
 4 location other than my polling place;
 5 _____ incarceration, although I have retained all the necessary qualifications
 6 of voting;
 7 _____ certified participation in the address confidentiality program
 8 established under sections 589.660 to 589.681 because of safety
 9 concerns.

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

17 ~~[Subscribed and sworn]~~

18 Signature of Voter ~~[to before me this~~

19 _____ day of

20 _____, _____]

22 [_____]

23 Address ~~[Signature of notary or~~

24 _____ other officer

25 _____ authorized to

26 _____ administer oaths]

28 Signature of Person

29 Assisting Voter

30 (if applicable)

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

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

40 Reason why voter needed assistance: _____

41 ASSISTING PERSON SIGN HERE

1 1. _____ (signature of assisting person)

2 2. _____ (assisting person's name printed)

3 3. _____ (assisting person's residence)

4 4. _____ (assisting person's home city or town).

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

8 ~~_____ 7.]~~ Notwithstanding any other provision of this section, any covered voter as defined in
 9 section 115.902 or persons who have declared themselves to be permanently disabled pursuant to
 10 section 115.284, otherwise entitled to vote, shall not be required to obtain a notary seal or signature
 11 on his or her absentee ballot.

12 [8.] 7. Notwithstanding any other provision of this section or section 115.291 to the
 13 contrary, the subscription, signature and seal of a notary or other officer authorized to administer
 14 oaths shall not be required on any ballot, ballot envelope, or statement required by this section if the
 15 [reason for the] voter is voting absentee [~~is due to the reasons established pursuant to subdivision (2)~~
 16 ~~of subsection 1 of section 115.277]~~.

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

19 ~~_____ 10. A notary public who charges more than the maximum fee specified or who charges or~~
 20 ~~collects a fee for notarizing the signature on any absentee ballot or absentee voter registration is~~
 21 ~~guilty of official misconduct.]"; and~~

22
 23 Further amend said bill by amending the title, enacting clause, and intersectional references
 24 accordingly.