

FIRST REGULAR SESSION
HOUSE COMMITTEE SUBSTITUTE FOR
HOUSE BILL NO. 1362
101ST GENERAL ASSEMBLY

0700H.04C

DANA RADEMAN MILLER, Chief Clerk

AN ACT

To repeal sections 115.279 and 115.637, RSMo, and to enact in lieu thereof two new sections relating to absentee ballot request forms, with penalty provisions.

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

Section A. Sections 115.279 and 115.637, RSMo, are repealed and two new sections
2 enacted in lieu thereof, to be known as sections 115.279 and 115.637, to read as follows:

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

5 2. Each application shall be made to the election authority of the jurisdiction in which
6 the person is or would be registered. Each application shall be in writing and shall state the
7 applicant's name, address at which he or she is or would be registered, his or her reason for
8 voting an absentee ballot, the address to which the ballot is to be mailed, if mailing is requested,
9 and for absent uniformed services and overseas applicants, the applicant's email address if
10 electronic transmission is requested. If the reason for the applicant voting absentee is due to the
11 reasons established under subdivision (6) of subsection 1 of section 115.277, the applicant shall
12 state the voter's identification information provided by the address confidentiality program in lieu
13 of the applicant's name, address at which he or she is or would be registered, and address to
14 which the ballot is to be mailed, if mailing is requested. Each application to vote in a primary
15 election shall also state which ballot the applicant wishes to receive. If any application fails to
16 designate a ballot, the election authority shall, within three working days after receiving the
17 application, notify the applicant by mail that it will be unable to deliver an absentee ballot until
18 the applicant designates which political party ballot he or she wishes to receive. If the applicant

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.

19 does not respond to the request for political party designation, the election authority is authorized
20 to provide the voter with that part of the ballot for which no political party designation is
21 required.

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

31 4. Each application for an absentee ballot shall be signed by the applicant or, if the
32 application is made by a guardian or relative pursuant to this section, the application shall be
33 signed by the guardian or relative, who shall note on the application his or her relationship to the
34 applicant. If an applicant, guardian or relative is blind, unable to read or write the English
35 language or physically incapable of signing the application, he or she shall sign by mark,
36 witnessed by the signature of an election official or person of his or her own choosing. Any
37 person who knowingly makes, delivers or mails a fraudulent absentee ballot application shall be
38 guilty of a class one election offense.

39 5. (1) Notwithstanding any law to the contrary, any resident of the state of Missouri who
40 resides outside the boundaries of the United States or who is on active duty with the Armed
41 Forces of the United States or members of their immediate family living with them may request
42 an absentee ballot for both the primary and subsequent general election with one application.

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

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

50 (4) Not later than sixty days after the date of each regularly scheduled general election
51 for federal office, each election authority which administered the election shall submit to the
52 secretary of state in a format prescribed by the secretary a report on the combined number of
53 absentee ballots transmitted to, and returned by, absent uniformed services voters and overseas
54 voters for the election. The secretary shall submit to the Election Assistance Commission a

55 combined report of such information not later than ninety days after the date of each regularly
56 scheduled general election for federal office and in a standardized format developed by the
57 commission pursuant to the Help America Vote Act of 2002. The secretary shall make the report
58 available to the general public.

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

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

67

68 "STATE OF _____
69 COUNTY OF _____, ss.

70 I, _____, do solemnly swear that:

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

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

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

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

79 Signed _____
80 (Applicant)

81 _____
82 (Residence Address)

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

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

86

87 7. The election authority in whose office an application is filed pursuant to subsection
88 6 of this section shall immediately send a duplicate of such application to the appropriate official
89 of the state in which the new resident applicant last resided and shall file the original of such
90 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. No individual or organization, including local election authorities and boards of election, shall distribute unsolicited applications for absentee ballots by mail, email, or

126 **any other means. Violation of the provisions of this subsection shall be a class four election**
127 **offense.**

115.637. The following offenses, and any others specifically so described by law, shall
2 be class four election offenses and are deemed misdemeanors not connected with the exercise
3 of the right of suffrage. Conviction for any of these offenses shall be punished by imprisonment
4 of not more than one year or by a fine of not more than two thousand five hundred dollars or by
5 both such imprisonment and fine:

6 (1) Stealing or willfully concealing, defacing, mutilating, or destroying any sample
7 ballots that may be furnished by an organization or individual at or near any voting place on
8 election day, except that this subdivision shall not be construed so as to interfere with the right
9 of an individual voter to erase or cause to be erased on a sample ballot the name of any candidate
10 and substituting the name of the person for whom he or she intends to vote; or to dispose of the
11 received sample ballot;

12 (2) Printing, circulating, or causing to be printed or circulated, any false and fraudulent
13 sample ballots which appear on their face to be designed as a fraud upon voters;

14 (3) Purposefully giving a printed or written sample ballot to any qualified voter which
15 is intended to mislead the voter;

16 (4) On the part of any candidate for election to any office of honor, trust, or profit,
17 offering or promising to discharge the duties of such office for a less sum than the salary, fees,
18 or emoluments as fixed by law or promising to pay back or donate to any public or private
19 interest any portion of such salary, fees, or emolument as an inducement to voters;

20 (5) On the part of any canvasser appointed to canvass any registration list, willfully
21 failing to appear, refusing to continue, or abandoning such canvass or willfully neglecting to
22 perform his duties in making such canvass or willfully neglecting any duties lawfully assigned
23 to him or her;

24 (6) On the part of any employer, making, enforcing, or attempting to enforce any order,
25 rule, or regulation or adopting any other device or method to prevent an employee from engaging
26 in political activities, accepting candidacy for nomination to, election to, or the holding of,
27 political office, holding a position as a member of a political committee, soliciting or receiving
28 funds for political purpose, acting as chairman or participating in a political convention,
29 assuming the conduct of any political campaign, signing, or subscribing his or her name to any
30 initiative, referendum, or recall petition, or any other petition circulated pursuant to law;

31 (7) On the part of any person authorized or employed to print official ballots, or any
32 person employed in printing ballots, giving, delivering, or knowingly permitting to be taken any
33 ballot to or by any person other than the official under whose direction the ballots are being
34 printed, any ballot in any form other than that prescribed by law, or with unauthorized names,

35 with names misspelled, or with the names of candidates arranged in any way other than that
36 authorized by law;

37 (8) On the part of any election authority or official charged by law with the duty of
38 distributing the printed ballots, or any person acting on his or her behalf, knowingly distributing
39 or causing to be distributed any ballot in any manner other than that prescribed by law;

40 (9) Any person having in his or her possession any official ballot, except in the
41 performance of his or her duty as an election authority or official, or in the act of exercising his
42 or her individual voting privilege;

43 (10) Willfully mutilating, defacing, or altering any ballot before it is delivered to a voter;

44 (11) On the part of any election judge, being willfully absent from the polls on election
45 day without good cause or willfully detaining any election material or equipment and not causing
46 it to be produced at the voting place at the opening of the polls or within fifteen minutes
47 thereafter;

48 (12) On the part of any election authority or official, willfully neglecting, refusing, or
49 omitting to perform any duty required of him or her by law with respect to holding and
50 conducting an election, receiving and counting out the ballots, or making proper returns;

51 (13) On the part of any election judge, or party watcher or challenger, furnishing any
52 information tending in any way to show the state of the count to any other person prior to the
53 closing of the polls;

54 (14) On the part of any voter, except as otherwise provided by law, allowing his or her
55 ballot to be seen by any person with the intent of letting it be known how he or she is about to
56 vote or has voted, or knowingly making a false statement as to his or her inability to mark a
57 ballot;

58 (15) On the part of any election judge, disclosing to any person the name of any
59 candidate for whom a voter has voted;

60 (16) Interfering, or attempting to interfere, with any voter inside a polling place;

61 (17) On the part of any person at any registration site, polling place, counting location
62 or verification location, causing any breach of the peace or engaging in disorderly conduct,
63 violence, or threats of violence whereby such registration, election, count or verification is
64 impeded or interfered with;

65 (18) Exit polling, surveying, sampling, electioneering, distributing election literature,
66 posting signs or placing vehicles bearing signs with respect to any candidate or question to be
67 voted on at an election on election day inside the building in which a polling place is located or
68 within twenty-five feet of the building's outer door closest to the polling place, or, on the part of
69 any person, refusing to remove or permit removal from property owned or controlled by such

70 person, any such election sign or literature located within such distance on such day after request
71 for removal by any person;

72 (19) Stealing or willfully defacing, mutilating, or destroying any campaign yard sign on
73 private property, except that this subdivision shall not be construed to interfere with the right of
74 any private property owner to take any action with regard to campaign yard signs on the owner's
75 property and this subdivision shall not be construed to interfere with the right of any candidate,
76 or the candidate's designee, to remove the candidate's campaign yard sign from the owner's
77 private property after the election day;

78 (20) **Distributing, by mail, email, or any other means, unsolicited absentee ballot**
79 **applications.**

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