

FIRST REGULAR SESSION

HOUSE BILL NO. 867

101ST GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVE NURRENBERN.

1962H.011

DANA RADEMAN MILLER, Chief Clerk

AN ACT

To repeal sections 115.277, 115.279, and 115.283, RSMo, and to enact in lieu thereof three new sections relating to absentee voting.

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

Section A. Sections 115.277, 115.279, and 115.283, RSMo, are repealed and three new sections enacted in lieu thereof, to be known as sections 115.277, 115.279, and 115.283, to read as follows:

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

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

~~———— (2) Incapacity or confinement 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 disability;~~

~~———— (3) Religious belief or practice;~~

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

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

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

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

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

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

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

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

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

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

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

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

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

43 5. (1) Notwithstanding any law to the contrary, any resident of the state of Missouri who
44 resides outside the boundaries of the United States or who is on active duty with the Armed
45 Forces of the United States or members of their immediate family living with them may request
46 an absentee ballot for both the primary and subsequent general election with one application.

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

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

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

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

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

71 "STATE OF _____

72 COUNTY OF _____, ss.

73 I, _____, do solemnly swear that:

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

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

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

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

85 Signed _____

86 (Applicant)

87 _____

88 (Residence Address)

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

90 Signed _____

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

92 7. The election authority in whose office an application is filed pursuant to subsection
93 6 of this section shall immediately send a duplicate of such application to the appropriate official
94 of the state in which the new resident applicant last resided and shall file the original of such
95 application in its office.

96 8. An application for an absentee ballot by an intrastate new resident shall be made in
97 person by the applicant in the office of the election authority in the election jurisdiction in which
98 such applicant resides. The application shall be received by the election authority no later than
99 7:00 p.m. on the day of the election. Such application shall be in the form of an affidavit,
100 executed in duplicate in the presence of the election authority or an authorized officer of the
101 election authority, and in substantially the following form:

102 "STATE OF _____

103 COUNTY OF _____, ss.

104 I, _____, do solemnly swear that:

105 (1) Before becoming a resident of this election jurisdiction, I resided at
106 _____ (residence address) in _____ (town, township, village or city)
107 of _____ county in the state of _____;

108 (2) I moved to this election jurisdiction after the last day to register to vote
109 in such election;

110 (3) I believe I am entitled pursuant to the laws of this state to vote in the
111 election to be held _____ (date);

112 (4) I hereby make application for an absentee ballot for candidates and issues
113 on which I am entitled to vote pursuant to the laws of this state. I have
114 not voted and shall not vote other than by this ballot at such election.

115 Signed _____

116 (Applicant)

117 _____

118 (Residence Address)

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

120 Signed _____

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

122 9. An application for an absentee ballot by an interstate former resident shall be received
123 in the office of the election authority where the applicant was formerly registered by 5:00 p.m.
124 on the second Wednesday immediately prior to the election, unless the application is made in
125 person by the applicant in the office of the election authority, in which case such application shall
126 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
2 the voter's name, the voter's voting address, **and** the voter's mailing address ~~[and the voter's~~
3 ~~reason for voting an absentee ballot]~~. If the ~~[reason for the voter voting absentee is due to the~~
4 ~~reasons established under subdivision (6) of subsection 1 of section 115.277,]~~ **applicant is a**
5 **certified participant in the address confidentiality program established under sections**
6 **589.660 to 589.681**, the voter shall state the voter's identification information provided by the
7 address confidentiality program in lieu of the applicant's name, voting address, and mailing
8 address. On the form, the voter shall also state under penalties of perjury that the voter is
9 qualified to vote in the election, that the voter has not previously voted and will not vote again
10 in the election, that the voter has personally marked the voter's ballot in secret or supervised the
11 marking of the voter's ballot if the voter is unable to mark it, that the ballot has been placed in
12 the ballot envelope and sealed by the voter or under the voter's supervision if the voter is unable
13 to seal it, and that all information contained in the statement is true. In addition, any person
14 providing assistance to the absentee voter shall include a statement on the envelope identifying
15 the person providing assistance under penalties of perjury. Persons authorized to vote only for
16 federal and statewide officers shall also state their former Missouri residence.

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

19 State of Missouri

20 County (City) of _____

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

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

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

29 ~~_____ religious belief or practice;~~

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

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

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

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

44 _____
 45 Signature of Voter

46
 47
 48 Signed _____
 49 Signed _____

Signature of Person
 Assisting Voter
 (if applicable)
 Subscribed and sworn
 to before me this

50 Address of Voter

_____ day of _____,

51 _____
 52 _____
 53 _____

54 Mailing addresses
 55 (if different)

Signature of notary or
 other officer
 authorized to

56

57 administer oaths

58 3. The statement for persons voting absentee ballots pursuant to the provisions of
59 subsection 2, 3, 4, or 5 of section 115.277 without being registered shall be in substantially the
60 following form:

61 State of Missouri

62 County (City) of _____

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

69 I am (check one):

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

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

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

81 _____
82 Signature of Voter

Subscribed to and
sworn before me this

83 _____ day of
84 _____, _____

85 _____
86 _____

87 Address of Voter

Signature of notary or
other officer
authorized to
administer oaths

91 _____
92 Mailing Address (if different)

93

94

95 Signature of Person

96 Assisting Voter

97

Address of Last

Missouri Residence

(if applicable)

98

99 4. The statement for persons voting absentee ballots who are entitled to vote at the

100 the following form:

101 State of Missouri

102 County (City) of _____

103 I, _____ (print name), declare under the penalties of perjury ~~[that I expect to be~~
104 ~~prevented from going to the polls on election day due to (check one):~~105 ~~_____ absence on election day from the jurisdiction of the election~~
106 ~~authority in which I am directed to vote;~~107 ~~_____ incapacity or confinement due to illness or physical disability,~~
108 ~~including caring for a person who is incapacitated or confined due~~
109 ~~to illness or disability;~~110 ~~_____ religious belief or practice;~~111 ~~_____ employment as an election authority or by an election authority at~~
112 ~~a location other than my polling place;~~113 ~~_____ incarceration, although I have retained all the necessary~~
114 ~~qualifications of voting;~~115 ~~_____ certified participation in the address confidentiality program~~
116 ~~established under sections 589.660 to 589.681 because of safety~~
117 ~~concerns.~~118 ~~_____ I hereby state under penalties of perjury] that I own property in the _____~~

119 district and am qualified to vote at this election; I have not voted and will not

120 vote other than by this ballot at this election. I further state that I marked the

121 enclosed ballot in secret or that I am blind, unable to read and write English, or

122 physically incapable of marking the ballot, and the person of my choosing

123 indicated below marked the ballot at my direction; all of the information on this

124 statement is, to the best of my knowledge and belief, true.

125

Subscribed and sworn

126 Signature of Voter

to before me this

127

_____ day of

128

_____, _____

129

130

131 Address

132

133

134

135

136 Signature of Person

137 Assisting Voter

138 (if applicable)

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

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

148 Reason why voter needed assistance: _____

149 ASSISTING PERSON SIGN HERE

150 1. _____ (signature of assisting person)

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

152 3. _____ (assisting person's residence)

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

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

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

161 ~~[8.]~~ 7. Notwithstanding any other provision of this section or section 115.291 to the
 162 contrary, the subscription, signature and seal of a notary or other officer authorized to administer
 163 oaths shall not be required on any ballot, ballot envelope, or statement required by this section
 164 if the ~~[reason for the]~~ voter voting absentee is ~~[due to the reasons established pursuant to~~

165 ~~subdivision (2) of subsection 1 of section 115.277]~~ **incapacitated or confined due to illness or**
166 **physical disability, including a voter who is primarily responsible for the physical care of**
167 **a person who is incapacitated or confined due to illness or physical disability.**

168 [9.] **8.** No notary shall charge or collect a fee for notarizing the signature on any absentee
169 ballot or absentee voter registration.

170 [10.] **9.** A notary public who charges more than the maximum fee specified or who
171 charges or collects a fee for notarizing the signature on any absentee ballot or absentee voter
172 registration is guilty of official misconduct.

✓