

SECOND REGULAR SESSION

HOUSE BILL NO. 2140

101ST GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVE MCGAUGH.

4468H.01I

DANA RADEMAN MILLER, Chief Clerk

AN ACT

To repeal sections 115.013, 115.031, 115.045, 115.051, 115.081, 115.085, 115.135, 115.151, 115.157, 115.160, 115.165, 115.257, 115.275, 115.277, 115.279, 115.283, 115.285, 115.287, 115.291, 115.302, 115.349, 115.417, 115.435, 115.447, 115.652, and 115.960, RSMo, and to enact in lieu thereof twenty-five new sections relating to elections.

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

Section A. Sections 115.013, 115.031, 115.045, 115.051, 115.081, 115.085, 115.135, 115.151, 115.157, 115.160, 115.165, 115.257, 115.275, 115.277, 115.279, 115.283, 115.285, 115.287, 115.291, 115.302, 115.349, 115.417, 115.435, 115.447, 115.652, and 115.960, RSMo, are repealed and twenty-five new sections enacted in lieu thereof, to be known as sections 115.013, 115.031, 115.045, 115.051, 115.081, 115.085, 115.135, 115.151, 115.157, 115.160, 115.165, 115.257, 115.275, 115.277, 115.279, 115.283, 115.285, 115.287, 115.291, 115.349, 115.417, 115.435, 115.447, 115.652, and 115.960, to read as follows:

115.013. As used in this chapter, unless the context clearly implies otherwise, the following terms mean:

(1) "Automatic tabulating equipment", the apparatus necessary to examine and automatically count votes, and the data processing machines which are used for counting votes and tabulating results **and are air-gapped and not connected to a network**;

(2) "Ballot", the ~~[ballot-card]~~ paper ballot, or ballot designed for use with an electronic voting system on which each voter may cast all votes to which he or she is entitled at an election;

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.

9 (3) [~~"Ballot card", a ballot which is voted by making a mark which can be tabulated~~
10 ~~by automatic tabulating equipment;~~

11 (4) "Ballot label", the card, paper, booklet, page, or other material containing the
12 names of all offices and candidates and statements of all questions to be voted on;

13 ~~(5)~~ (4) "Counting location", a location selected by the election authority for the
14 automatic processing or counting, or both, of ballots;

15 ~~(6)~~ (5) "County", any county in this state or any city not within a county;

16 ~~(7)~~ (6) "Disqualified", a determination made by a court of competent jurisdiction,
17 the Missouri ethics commission, an election authority or any other body authorized by law to
18 make such a determination that a candidate is ineligible to hold office or not entitled to be
19 voted on for office;

20 ~~(8)~~ (7) "District", an area within the state or within a political subdivision of the
21 state from which a person is elected to represent the area on a policy-making body with
22 representatives of other areas in the state or political subdivision;

23 ~~(9)~~ (8) "Electronic voting machine", any part of an electronic voting system on
24 which a voter is able to cast a ballot **prior to the certification of the election** under this
25 chapter;

26 ~~(10)~~ (9) "Electronic voting system", a system of casting votes by use of marking
27 devices, and counting votes by use of automatic tabulating or data processing equipment,
28 including computerized voting systems;

29 ~~(11)~~ (10) "Established political party" for the state, a political party which, at either
30 of the last two general elections, polled for its candidate for any statewide office more than
31 two percent of the entire vote cast for the office. "Established political party" for any district
32 or political subdivision shall mean a political party which polled more than two percent of the
33 entire vote cast at either of the last two elections in which the district or political subdivision
34 voted as a unit for the election of officers or representatives to serve its area;

35 ~~(12)~~ (11) "Federal office", the office of presidential elector, United States senator, or
36 representative in Congress;

37 ~~(13)~~ (12) "Independent", a candidate who is not a candidate of any political party
38 and who is running for an office for which political party candidates may run;

39 ~~(14)~~ (13) "Major political party", the political party whose candidates received the
40 highest or second highest number of votes at the last general election;

41 ~~(15)~~ (14) "Marking device", any ~~approved~~ device **approved by the secretary of**
42 **state under section 115.225** which will enable the votes to be counted by automatic
43 tabulating equipment;

44 ~~(16)~~ (15) "Municipal" or "municipality", a city, village, or incorporated town of this
45 state;

46 [(17)] (16) "New party", any political group which has filed a valid petition and is
47 entitled to place its list of candidates on the ballot at the next general or special election;
48 [(18)] (17) "Nonpartisan", a candidate who is not a candidate of any political party
49 and who is running for an office for which party candidates may not run;
50 [(19)] (18) "Political party", any established political party and any new party;
51 [(20)] (19) "Political subdivision", a county, city, town, village, or township of a
52 township organization county;
53 [(21)] (20) "Polling place", the voting place designated for all voters residing in one
54 or more precincts for any election;
55 [(22)] (21) "Precincts", the geographical areas into which the election authority
56 divides its jurisdiction for the purpose of conducting elections;
57 [(23)] (22) "Public office", any office established by constitution, statute or charter
58 and any employment under the United States, the state of Missouri, or any political
59 subdivision or special district thereof, but does not include any office in the Missouri state
60 defense force or the National Guard or the office of notary public or city attorney in cities of
61 the third classification or cities of the fourth classification;
62 [(24)] (23) "Question", any measure on the ballot which can be voted "YES" or
63 "NO";
64 [(25)] (24) "Relative within the second degree by consanguinity or affinity", a spouse,
65 parent, child, grandparent, brother, sister, grandchild, mother-in-law, father-in-law, daughter-
66 in-law, or son-in-law;
67 [(26)] (25) "Special district", any school district, water district, fire protection district,
68 hospital district, health center, nursing district, or other districts with taxing authority, or other
69 district formed pursuant to the laws of Missouri to provide limited, specific services;
70 [(27)] (26) "Special election", elections called by any school district, water district,
71 fire protection district, or other district formed pursuant to the laws of Missouri to provide
72 limited, specific services; and
73 [(28)] (27) "Voting district", the one or more precincts within which all voters vote at
74 a single polling place for any election.

115.031. Each election commissioner shall be a registered voter and a resident of the
2 jurisdiction for which he is appointed [~~for at least one year preceeding his appointment~~].
3 During his term of office, no commissioner shall hold any statutory position within a political
4 party or on a political committee, be a candidate for political office or hold any other public
5 office.

115.045. Each election authority shall have the authority to employ such attorneys
2 and other employees as may be necessary to promptly and correctly perform the duties of the
3 election authority. Where an electronic voting system or voting machines are used, the

4 election authority shall designate competent employees to have custody of and supervise
5 maintenance of the voting equipment. Board of election commissioners' employees shall be
6 subject to the same restrictions and subscribe the same oath as members of the board of
7 election commissioners, except that no employee of a board of election commissioners shall
8 be required to post bond **or reside and be a registered voter within the jurisdiction of the**
9 **election authority** unless directed to do so by the board. Employee oaths and any bonds shall
10 be filed and preserved in the office of the board.

115.051. 1. In each county which does not have a board of election commissioners,
2 the county clerk shall have the right to employ such deputies and assistants as are necessary to
3 promptly and correctly register voters and conduct elections. Where an electronic voting
4 system or voting machines are used, the county clerk shall designate competent employees to
5 have custody of and supervise maintenance of the voting equipment. Each deputy shall be
6 subject to the same restrictions and subscribe the same oath as the county clerk, except that no
7 employee shall be required to post bond **or reside and be a registered voter within the**
8 **jurisdiction of the election authority** unless directed to do so by the clerk. Employee oaths
9 and any bonds shall be filed and preserved in the office of the county clerk.

10 2. Within the total amount for deputies and assistants approved by the county
11 commission, the salary of each deputy and assistant shall be set by the county clerk.

115.081. 1. Each election authority shall appoint election judges for each polling
2 place within its jurisdiction in accordance with the provisions of this section.

3 2. In all primary and general elections, the election authority shall appoint at least two
4 judges from each major political party to serve at each polling place. **The committee of each**
5 **major political party within the jurisdiction of an election authority is authorized to**
6 **provide the election authority with a list of election judge candidates who meet the**
7 **requirements under section 115.085. The candidates shall not be required to reside**
8 **within the jurisdiction of the election authority, as authorized under section 115.085. If**
9 **a committee of a major political party within the jurisdiction of an election authority**
10 **fails to provide the prescribed number of qualified names to fill all election judge**
11 **positions before the date established by the election authority, the election authority may**
12 **select judges to fill the positions as provided by law. If the election authority determines**
13 **that a name submitted by a committee of a major political party is not qualified to serve**
14 **as an election judge, the election authority shall allow the party to submit another name**
15 **before filling the position as provided by law. No major political party shall have a**
16 majority of the judges at any polling place. No established party shall have a greater number
17 of judges at any polling place than any major political party.

18 3. In any election that is not a primary or general election, the election authority shall
19 appoint at least one judge from each major political party to serve at each polling place. No

20 major political party shall have a majority of the judges at any polling place. No established
21 party shall have a greater number of judges at any polling place than any major political party.

22 4. The election authority shall designate two of the judges appointed for each polling
23 place, one from each major political party, as supervisory judges. Supervisory judges shall be
24 responsible for the return of election supplies from the polling place to the election authority
25 and shall have any additional duties prescribed by the election authority.

26 5. Election judges may be employed to serve for the first half or last half of any
27 election day. Such judges shall be paid one-half the regular rate of pay. If part-time judges
28 are employed, the election authority shall employ such judges and shall see that a sufficient
29 number for each period are present at all times so as to have the proper total number of judges
30 present at each polling place throughout each election day. The election authority shall
31 require that at each polling place at least one election judge from each political party serve a
32 full day and that at all times during the day there be an equal number of election judges from
33 each political party.

34 6. An election authority may appoint additional election judges representing other
35 established political parties and additional election judges who do not claim a political
36 affiliation. Any question which requires a decision by the majority of judges shall only be
37 made by the judges from the major political parties.

115.085. No person shall be appointed to serve as an election judge who is not a
2 registered voter in this state~~[-; provided that, before any election authority may appoint judges~~
3 ~~who are registered voters of another election authority's jurisdiction, the election authority~~
4 ~~shall obtain the written consent of the election authority for the jurisdiction where the~~
5 ~~prospective judges are registered to vote]~~. Each election judge shall be a person of good
6 repute and character who can speak, read, and write the English language. No person shall
7 serve as an election judge at any polling place in which his or her name or the name of a
8 relative within the second degree, by consanguinity or affinity, appears on the ballot.
9 However, no relative of any unopposed candidate shall be disqualified from serving as an
10 election judge in any election jurisdiction of the state. No election judge shall, during his or
11 her term of office, hold any other elective public office, other than as a member of a political
12 party committee or township office, except any person who is elected to a board or
13 commission of a political subdivision or special district may serve as an election judge except
14 at a polling place where such political subdivision or special district has an issue or candidate
15 on the ballot. In any county having a population of less than two hundred fifty thousand
16 inhabitants, any candidate for the county committee of a political party who is not a candidate
17 for any other office and who is unopposed for election as a member of the committee shall not
18 be disqualified from serving as an election judge.

115.135. 1. Any person who is qualified to vote, or who shall become qualified to
2 vote on or before the day of election, shall be entitled to register in the jurisdiction within
3 which he or she resides. In order to vote in any election for which registration is required, a
4 person must be registered to vote in the ~~[jurisdiction of his or her residence]~~ **state of Missouri**
5 no later than 5:00 p.m., or the normal closing time of any public building where the
6 registration is being held if such time is later than 5:00 p.m., on the fourth Wednesday prior to
7 the election, unless the voter is an interstate former resident, ~~[an intrastate new resident,]~~ a
8 new resident, or a covered voter, as defined in section 115.275. ~~[Except as provided in~~
9 ~~subsection 4 of this section, in no case shall registration for an election extend beyond 10:00~~
10 ~~p.m. on the fourth Wednesday prior to the election.]~~ Any person registering after such date
11 shall be eligible to vote in subsequent elections.

12 2. A person applying to register with an election authority or a deputy registration
13 official shall identify himself or herself by presenting a copy of a birth certificate, a Native
14 American tribal document, other proof of United States citizenship, a valid Missouri drivers
15 license or other form of personal identification at the time of registration.

16 3. Except as provided in federal law or federal elections and in section 115.277, no
17 person shall be entitled to vote if the person has not registered to vote in the jurisdiction of his
18 or her residence ~~[prior to the deadline to register to vote]~~.

19 4. A covered voter as defined in section 115.275 who has been discharged from
20 military service, has returned from a military deployment or activation, or has separated from
21 employment outside the territorial limits of the United States after the deadline to register to
22 vote, and who is otherwise qualified to register to vote, may register to vote in an election in
23 person before the election authority until 5:00 p.m. on the Friday before such election. Such
24 persons shall produce sufficient documentation showing evidence of qualifying for late
25 registration pursuant to this section.

115.151. 1. Each qualified applicant who appears before the election authority shall
2 be deemed registered as of the time the applicant's completed, signed and sworn registration
3 application is witnessed by the election authority or deputy registration official.

4 2. Each applicant who registers by mail shall be deemed to be registered as of the date
5 the application is postmarked, if such application is accepted and not rejected by the election
6 authority and the verification notice required pursuant to section 115.155 is not returned as
7 undeliverable by the postal service.

8 3. Each applicant who registers at a voter registration agency or the division of motor
9 vehicle and drivers licensing of the department of revenue shall be deemed to be registered as
10 of the date the application is signed by the applicant, if such application is accepted and not
11 rejected by the election authority and the verification notice required pursuant to section
12 115.155 is not returned as undeliverable by the postal service. Voter registration agencies

13 ~~[and the division of motor vehicle and drivers licensing of the department of revenue]~~ shall
14 transmit voter registration application forms to the appropriate election authority not later
15 than five business days after the form is completed by the applicant. **The division of motor**
16 **vehicle and driver licensing of the department of revenue shall transmit voter**
17 **registration application forms to the appropriate election authority not later than three**
18 **business days after the form is completed by the applicant.**

115.157. 1. The election authority may place all information on any registration cards
2 in computerized form in accordance with section 115.158. No election authority or secretary
3 of state shall furnish to any member of the public electronic media or printout showing any
4 registration information, except as provided in this section. Except as provided in subsection
5 2 of this section, the election authority or secretary of state shall make available electronic
6 media or printouts showing **only** unique voter identification numbers, voters' names, dates of
7 birth, addresses, townships or wards, and precincts. Electronic data shall be maintained in at
8 least the following separate fields:

- 9 (1) Voter identification number;
- 10 (2) First name;
- 11 (3) Middle initial;
- 12 (4) Last name;
- 13 (5) Suffix;
- 14 (6) Street number;
- 15 (7) Street direction;
- 16 (8) Street name;
- 17 (9) Street suffix;
- 18 (10) Apartment number;
- 19 (11) City;
- 20 (12) State;
- 21 (13) Zip code;
- 22 (14) Township;
- 23 (15) Ward;
- 24 (16) Precinct;
- 25 (17) Senatorial district;
- 26 (18) Representative district;
- 27 (19) Congressional district.

28 2. All election authorities shall enter voter history in their computerized registration
29 systems and shall, not more than six months after the election, forward such data to the
30 Missouri voter registration system established in section 115.158. In addition, election

31 authorities shall forward registration and other data in a manner prescribed by the secretary of
32 state to comply with the Help America Vote Act of 2002.

33 3. Except as provided in subsection 6 of this section, the election authority shall
34 furnish, for a fee, electronic media or a printout showing **only** the names, dates of birth and
35 addresses of voters, or any part thereof, within the jurisdiction of the election authority who
36 voted in any specific election, including primary elections, by township, ward or precinct,
37 provided that nothing in this chapter shall require such voter information to be released to the
38 public over the internet **and shall not be used for commercial purposes.**

39 4. ~~[Except as provided in subsection 6 of this section, upon a request by a candidate, a~~
40 ~~duly authorized representative of a campaign committee, or a political party committee, the~~
41 ~~secretary of state shall furnish, for a fee determined by the secretary of state and in~~
42 ~~compliance with section 610.026, media in an electronic format or, if so requested, in a~~
43 ~~printed format, showing the names, addresses, and voter identification numbers of voters~~
44 ~~within the jurisdiction of a specific election authority who applied for an absentee ballot~~
45 ~~under section 115.279 for any specific election involving a ballot measure or an office for~~
46 ~~which the declaration of candidacy is required to be filed with the secretary of state pursuant~~
47 ~~to section 115.353, including primary elections, by township, ward, or precinct. Nothing in~~
48 ~~this section shall require such voter information to be released to the public over the internet.~~
49 ~~For purposes of this section, the terms "candidate", "campaign committee", and "political~~
50 ~~party committee" shall have the same meaning given to such terms in section 130.011.~~

51 5.] The amount of fees charged for information provided in this section shall be
52 established pursuant to chapter 610. All revenues collected by the secretary of state pursuant
53 to this section shall be deposited in the state treasury and credited to the secretary of state's
54 technology trust fund account established pursuant to section 28.160. ~~[In even-numbered~~
55 ~~years, each election authority shall, upon request, supply the voter registration list for its~~
56 ~~jurisdiction to all candidates and party committees for a charge established pursuant to~~
57 ~~chapter 610. Except as provided in subsection 6 of this section, all election authorities shall~~
58 ~~make the information described in this section available pursuant to chapter 610. Any~~
59 ~~election authority who fails to comply with the requirements of this section shall be subject to~~
60 ~~the provisions of chapter 610.~~

61 6.] 5. Any person working as an undercover officer of a local, state or federal law
62 enforcement agency, persons in witness protection programs, and victims of domestic
63 violence and abuse who have received orders of protection pursuant to chapter 455 shall be
64 entitled to apply to the circuit court having jurisdiction in his or her county of residence to
65 have the residential address on his or her voter registration records closed to the public if the
66 release of such information could endanger the safety of the person. Any person working as
67 an undercover agent or in a witness protection program shall also submit a statement from the

68 chief executive officer of the agency under whose direction he or she is serving. The petition
69 to close the residential address shall be incorporated into any petition for protective order
70 provided by circuit clerks pursuant to chapter 455. If satisfied that the person filing the
71 petition meets the qualifications of this subsection, the circuit court shall issue an order to the
72 election authority to keep the residential address of the voter a closed record and the address
73 may be used only for the purposes of administering elections pursuant to this chapter. The
74 election authority may require the voter who has a closed residential address record to verify
75 that his or her residential address has not changed or to file a change of address and to affirm
76 that the reasons contained in the original petition are still accurate prior to receiving a ballot.
77 A change of address within an election authority's jurisdiction shall not require that the voter
78 file a new petition. Any voter who no longer qualifies pursuant to this subsection to have his
79 or her residential address as a closed record shall notify the circuit court. Upon such
80 notification, the circuit court shall void the order closing the residential address and so notify
81 the election authority.

115.160. 1. All Missouri driver's license applicants shall receive a voter registration
2 application form as a simultaneous part of the application for a driver's license, renewal of
3 driver's license, change of address, duplicate request and a nondriver's license.

4 2. If a single application form is used, the voter registration application portion of any
5 application described in subsection 1 of this section may not require any information that
6 duplicates information required in the driver's license portion of the form, except a second
7 signature or other information required by law.

8 3. After conferring with the secretary of state as the chief state election official
9 responsible for overseeing of the voter registration process, the director of revenue shall adopt
10 rules and regulations pertaining to the format of the voter registration application used by the
11 department. **The director of revenue shall utilize electronic voter registration application**
12 **forms and provide for secure electronic transfer of voter registration information to**
13 **election authorities. The secretary of state and the director of revenue shall ensure the**
14 **confidentiality and integrity of the voter registration data collected, maintained,**
15 **received, or transmitted under this section.**

16 4. No information relating to the failure of an applicant for a driver's license or
17 nondriver's license to sign a voter registration application may be used for any purpose other
18 than voter registration.

19 5. Any voter registration application received pursuant to the provisions of this
20 section shall be forwarded, **in a secure and electronic manner**, to the election authority
21 located within that county or any city not within a county, or if there is more than one election
22 authority within the county, then to the election authority located nearest to the location where
23 the driver's license application was received. **Voter registration information, including an**

24 **electronic image of the signature of the applicant, shall be transmitted in a format**
25 **compatible with the Missouri voter registration system established in section 115.158**
26 **that allows for review by the election authority and does not require the election**
27 **authority to manually reenter the information.** The election authority receiving the
28 application forms shall review the applications and forward, **in a secure and electronic**
29 **manner,** any applications pertaining to a different election authority to that election authority.

30 6. A completed voter registration application accepted in the driver's licensing
31 process shall be transmitted to the election authority described in subsection 5 of this section
32 not later than five business days after the form is completed by the applicant.

33 7. Any person registering to vote when applying for or renewing a Missouri driver's
34 license shall submit with the application form a copy of a birth certificate, a Native American
35 tribal document, or other proof of United States citizenship, a valid Missouri driver's license,
36 or other form of personal identification.

115.165. 1. If the voter files a change of address application in person at the office of
2 the election authority, at the polling place, or pursuant to section 115.159, 115.160, 115.162 or
3 115.193, or otherwise provides signed written notice of the move, including notice by
4 facsimile, **electronic, or online** transmission, an election authority may change the address on
5 a voter registration record for a voter who moves within the election authority's jurisdiction
6 after comparing and verifying the signature. Before changing the address on a voter record,
7 the election authority shall be satisfied that the record is that of the person providing the
8 change of address information.

9 2. A registered voter who has changed his or her residence within an election
10 authority's jurisdiction and has not been removed from the list of registered voters pursuant to
11 this chapter shall be permitted to file a change of address with the election authority or before
12 an election judge at a polling place and vote at a central polling place or at the polling place
13 that serves his or her new address upon written or oral affirmation by the voter of the new
14 address.

15 3. **A registered voter who has changed his or her residence within the state and**
16 **has not been removed from the list of registered voters under this chapter shall be**
17 **permitted to file a change of address in person at the office of the election authority on**
18 **election day.**

19 4. If the applicant for registration was last registered in another jurisdiction within
20 this state or another state, the election authority shall send notice of the registration to the
21 election authority where the applicant was previously registered. The election authority
22 sending the notice shall provide identifying information to assist the election authority
23 receiving the notice to determine whether the person named was previously registered in such

24 jurisdiction and whether, based on the identifying information provided, the application can
25 be removed from the voting record in the former jurisdiction.

26 [4.] 5. Upon receipt of a notice from another election authority that a voter has
27 registered in another jurisdiction in this state or another state, the election authority shall
28 determine whether sufficient information is provided in the notice to identify the person
29 named in such notice as previously registered in the election authority's jurisdiction and
30 presently removable from the voting records in the election authority's jurisdiction. Every
31 election authority is authorized to examine the information provided in a notice of duplicate
32 registration provided by the Missouri voter registration system authorized pursuant to section
33 115.158 to determine if a voter in one election authority's voter registration records has
34 subsequently registered in another jurisdiction. If, after reviewing the information provided,
35 the election authority is satisfied that the person identified in the notice is listed as a registered
36 voter in the election authority's jurisdiction but has subsequently registered in another
37 jurisdiction, the election authority may remove the person's registration from the list of
38 registered voters.

115.257. 1. In jurisdictions where electronic voting machines are used, the election
2 authority shall cause the voting machines to be put in order, set, adjusted and made ready for
3 voting before they are delivered to polling places.

4 2. At least five days before preparing electronic voting machines for any election,
5 notice of the time and place of such preparation shall be mailed to each independent candidate
6 and the chairman of the county committee of each established political party named on the
7 ballot. The preparation shall be watched by two observers designated by the election
8 authority, one from each major political party, and shall be open to representatives of the
9 political parties, candidates, the news media and the public.

10 3. When an electronic voting machine has been examined by such observers and
11 shown to be in good working order, the machine shall be locked against voting. The
12 observers shall certify the vote count on each machine is set at zero.

13 4. After an electronic voting machine has been properly prepared and locked, its keys
14 shall be retained by the election authority and delivered to the election judges along with the
15 other election supplies.

16 5. For the purpose of processing absentee ballots, cast by voters in person in the office
17 of the election authority **that is designated as a polling place**, the election authority may
18 cause voting machines, **if used**, to be put in order, set, adjusted, tested, and made ready for
19 voting within one business day of the printing of absentee ballots as provided in section
20 115.281. The election authority shall have the recording counter except for the protective
21 counter on the voting machine set to zero (000). After the voting machines have been made
22 ready for voting, the election authority shall not permit any person to handle any voting

23 machine, except voters while they are voting and others expressly authorized by the election
24 authority. The election authority shall neither be nor permit any other person to be in any
25 position or near any position that enables the authority or person to see how any absentee
26 voter votes or has voted.

27 6. Nothing in this section shall prohibit the on-site storage of electronic voting
28 machines and the preparation of the electronic machines for voting, provided the electronic
29 voting machines are put in order, set, adjusted and made ready for voting as provided in
30 subsections 1, 2, 3, 4, and 5 of this section.

115.275. As used in sections 115.275 to 115.304, unless the context clearly indicates
2 otherwise, the following terms shall mean:

3 (1) "Absentee ballot", any ~~[of the ballots]~~ **ballot** a person is authorized to cast away
4 from a polling place, **in the office of the election authority, or another authorized location**
5 **designated by the election authority** pursuant to the provisions of sections 115.275 to
6 115.304;

7 (2) "Covered voter":

8 (a) A uniformed services voter who is registered to vote in this state;

9 (b) A uniformed services voter defined in this section whose voting residence is in
10 this state and who otherwise satisfies this state's voter eligibility requirements;

11 (c) An overseas voter;

12 (d) Civilian employees of the United States government working outside the
13 boundaries of the United States, and their spouses and dependents;

14 (e) Active members of religious or welfare organizations assisting servicemen, and
15 their spouses and dependents; or

16 (f) Persons who have been honorably discharged from the Armed Forces or who have
17 terminated their service or employment in any group mentioned in this section within sixty
18 days of an election, and their spouses and dependents;

19 (3) "Interstate former resident", a former resident and registered voter in this state
20 who moves from Missouri to another state after the deadline to register to vote in any
21 presidential election in the new state and who otherwise possesses the qualifications to
22 register and vote in such state;

23 ~~(4) ["Intrastate new resident", a registered voter of this state who moves from one~~
24 ~~election authority's jurisdiction in the state to another election authority's jurisdiction in the~~
25 ~~state after the last day authorized in this chapter to register to vote in an election and~~
26 ~~otherwise possesses the qualifications to vote;~~

27 ~~(5)]~~ "New resident", a person who moves to this state after the last date authorized in
28 this chapter to register to vote in any presidential election;

29 ~~[(6)]~~ (5) "Overseas voter":

30 (a) A person who resides outside the United States and is qualified to vote in the last
31 place in which the person was domiciled before leaving the United States; or

32 (b) A person who resides outside the United States and, but for such residence, would
33 be qualified to vote in the last place in which the person was domiciled before leaving the
34 United States;

35 ~~[(7)]~~ (6) "Uniformed services":

36 (a) Active and reserve components of the Army, Navy, Air Force, Marine Corps,
37 **Space Force**, or Coast Guard of the United States;

38 (b) The Merchant Marine, the commissioned corps of the Public Health Service, or
39 the commissioned corps of the National Oceanic and Atmospheric Administration of the
40 United States; or

41 (c) The Missouri National Guard;

42 ~~[(8)]~~ (7) "Uniformed services voter", an individual who is qualified to vote and is:

43 (a) A member of the active or reserve components of the Army, Navy, Air Force,
44 Marine Corps, **Space Force**, or Coast Guard of the United States who is on active duty;

45 (b) A member of the Merchant Marine, the commissioned corps of the Public Health
46 Service, or the commissioned corps of the National Oceanic and Atmospheric Administration
47 of the United States;

48 (c) A member on activated status of the National Guard; or

49 (d) A spouse or dependent of a member referred to in this subdivision;

50 ~~[(9)]~~ (8) "United States", used in the territorial sense, the several states, the District of
51 Columbia, Puerto Rico, the United States Virgin Islands, and any territory or insular
52 possession subject to the jurisdiction of the United States.

115.277. 1. **Beginning on the third Tuesday before the date of the election, except
2 as provided in subsections 2, 3, 4, and 5 of this section, any registered voter of this state
3 may cast an absentee ballot in person at a location designated by the election authority
4 for all candidates and issues for which such voter is eligible to vote at the polling place
5 without providing a reason for the need to vote absentee. Any registered voter casting a
6 ballot under the provisions of this subdivision shall provide valid identification.**

7 2. Except as provided in subsections ~~[2,]~~ 3, 4, and 5 of this section, any registered
8 voter of this state may ~~[vote by]~~ **cast an** absentee ballot for all candidates and issues for
9 which such voter would be eligible to vote at the polling place if such voter expects to be
10 prevented from going to the polls to vote on election day ~~[due to:]~~ . **Any absentee ballot that
11 is not requested and completed in person with valid identification at the office of the
12 election authority shall be notarized, except that absentee ballots requested under
13 subdivisions (2) and (5) of this subsection shall not require notarization. This subsection
14 shall apply only in the case of absentee ballots that are not cast in person but that are**

15 **returned to the election authority by the voter in person, in person by a relative of the**
16 **voter who is within the second degree of consanguinity or affinity, by mail or registered**
17 **carrier, or by a team of deputy election authorities. A voter may request an absentee**
18 **ballot for any of the following reasons:**

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

21 (2) Incapacity or confinement due to illness or physical disability **on election day,**
22 including a person who is primarily responsible for the physical care of a person who is
23 incapacitated or confined due to illness or disability **and resides at the same address;**

24 (3) Religious belief or practice;

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

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

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

30 (7) ~~[For an election that occurs during the year 2020, the voter has contracted or is in~~
31 ~~an at-risk category for contracting or transmitting severe acute respiratory syndrome~~
32 ~~coronavirus 2. This subdivision shall expire on December 31, 2020]~~ **Employment as a first**
33 **responder, health care worker, or member of law enforcement.**

34 ~~[2:]~~ **3.** Any covered voter who is eligible to register and vote in this state may vote in
35 any election for federal office, statewide office, state legislative office, or statewide ballot
36 initiatives by submitting a federal postcard application to apply to vote by absentee ballot or
37 by submitting a federal postcard application at the polling place even though the person is not
38 registered. A federal postcard application submitted by a covered voter pursuant to this
39 subsection shall also serve as a voter registration application under section 115.908 and the
40 election authority shall, if satisfied that the applicant is entitled to register, place the voter's
41 name on the voter registration file. Each covered voter may vote by absentee ballot or, upon
42 submitting an affidavit that the person is qualified to vote in the election, may vote at the
43 person's polling place.

44 ~~[3:]~~ **4.** Any interstate former resident may vote by absentee ballot for presidential and
45 vice presidential electors.

46 ~~[4. Any intrastate new resident may vote by absentee ballot at the election for~~
47 ~~presidential and vice presidential electors, United States senator, representative in Congress,~~
48 ~~statewide elected officials and statewide questions, propositions and amendments from such~~
49 ~~resident's new jurisdiction of residence after registering to vote in such resident's new~~
50 ~~jurisdiction of residence.]~~

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

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

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

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

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

58 ~~(4) Have serious heart conditions;~~

59 ~~(5) Are immunocompromised;~~

60 ~~(6) Have diabetes;~~

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

62 ~~(8) Have liver disease.]~~

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

6 2. Each application shall be made to the election authority of the jurisdiction in which
7 the person is or would be registered. Each application shall be in writing and shall state the
8 applicant's name, address at which he or she is or would be registered, his or her reason for
9 voting an absentee ballot **if casting an absentee ballot under subsection 2 of section**
10 **115.277**, the address to which the ballot is to be mailed, if mailing is requested, and for absent
11 uniformed services and overseas applicants, the applicant's email address if electronic
12 transmission is requested. If the reason for the applicant voting absentee is due to the reasons
13 established under subdivision (6) of subsection [4] 2 of section 115.277, the applicant shall
14 state the voter's identification information provided by the address confidentiality program in
15 lieu of the applicant's name, address at which he or she is or would be registered, and address
16 to which the ballot is to be mailed, if mailing is requested. Each application to vote in a
17 primary election shall also state which ballot the applicant wishes to receive. If any
18 application fails to designate a ballot, the election authority shall, within three working days
19 after receiving the application, notify the applicant by mail that it will be unable to deliver an
20 absentee ballot until the applicant designates which political party ballot he or she wishes to
21 receive. If the applicant does not respond to the request for political party designation, the
22 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
25 absentee ballots received prior to the sixth Tuesday before an election shall be stored at the

26 office of the election authority until such time as the applications are processed in accordance
27 with section 115.281. No application for an absentee ballot received in the office of the
28 election authority by mail, by facsimile transmission, by electronic mail, or by a guardian or
29 relative after 5:00 p.m. on the second Wednesday immediately prior to the election shall be
30 accepted by any election authority. No application for an absentee ballot submitted by the
31 applicant in person after 5:00 p.m. on the day before the election shall be accepted by any
32 election authority, except as provided in subsections 6, 8 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
35 signed by the guardian or relative, who shall note on the application his or her relationship to
36 the applicant. If an applicant, guardian or relative is blind, unable to read or write the English
37 language or physically incapable of signing the application, he or she shall sign by mark,
38 witnessed by the signature of an election official or person of his or her own choosing. Any
39 person who knowingly makes, delivers or mails a fraudulent absentee ballot application shall
40 be guilty of a class one election offense.

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

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

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

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

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

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

70 "STATE OF _____
71 COUNTY OF _____, ss.
72 I, _____, do solemnly swear that:
73 (1) Before becoming a resident of this state, I resided at _____
74 (residence address) in _____ (town, township, village or city) of
75 _____ County in the state of _____;
76 (2) I moved to this state after the last day to register to vote in such
77 general presidential election and I am now residing in the county
78 of _____, state of Missouri;
79 (3) I believe I am entitled pursuant to the laws of this state to vote in
80 the presidential election to be held November _____, _____
81 (year);
82 (4) I hereby make application for a presidential and vice presidential
83 ballot. I have not voted and shall not vote other than by this ballot
84 at such election.
85 Signed _____
86 (Applicant)
87 _____
88 (Residence Address)
89 Subscribed and sworn to before me this _____ day of _____, _____
90 _____
91 Signed _____
92 (Title and name of officer authorized to administer oaths)"

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

97 8. ~~An application for an absentee ballot by an intrastate new resident shall be made~~
98 ~~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:]~~

103	["STATE OF _____]
104	[COUNTY OF _____, ss.]
105	[I, _____, do solemnly swear that:]
106	[(1) [Before becoming a resident of this election jurisdiction, I
107	resided at _____ (residence address) in _____ (town,
108	township, village or city) of _____ county in the state of
109	_____];]
110	[(2) [I moved to this election jurisdiction after the last day to
111	register to vote in such election;]
112	[(3) [I believe I am entitled pursuant to the laws of this state to
113	vote in the election to be held _____ (date);]
114	[(4) [I hereby make application for an absentee ballot for
115	candidates and issues on which I am entitled to vote
116	pursuant to the laws of this state. I have not voted and shall
117	not vote other than by this ballot at such election.]
118	[Signed _____]
119	[(Applicant)]
120	_____]
121	[(Residence Address)]
122	[Subscribed and sworn to before me this _____ day of _____, _____
123	—]
124	[Signed _____]
125	[(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 casting an absentee ballot under subsection 2 of section 115.277**, 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 ~~[4]~~ **2** of section 115.277, the voter shall state the voter's

6 identification information provided by the address confidentiality program in lieu of the
 7 applicant's name, voting address, and mailing address. On the form, the voter shall also state
 8 under penalties of perjury that the voter is qualified to vote in the election, that the voter has
 9 not previously voted and will not vote again in the election, that the voter has personally
 10 marked the voter's ballot in secret or supervised the marking of the voter's ballot if the voter is
 11 unable to mark it, that the ballot has been placed in the ballot envelope and sealed by the voter
 12 or under the voter's supervision if the voter is unable to seal it, and that all information
 13 contained in the statement is true. In addition, any person providing assistance to the absentee
 14 voter shall include a statement on the envelope identifying the person providing assistance
 15 under penalties of perjury. Persons authorized to vote only for federal and statewide officers
 16 shall also state their former Missouri residence.

17 2. **The statement for persons voting absentee ballots under subsection 1 of**
 18 **section 115.277 who are registered voters shall be 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.**
 22 **Louis, Kansas City), hereby state under penalties of perjury that**
 23 **I am qualified to vote at this election; I have not voted and will**
 24 **not vote other than by this ballot at this election. I further state**
 25 **that I marked the enclosed ballot in secret or that I am blind,**
 26 **unable to read or write English, or physically incapable of**
 27 **marking the ballot, and the person of my choosing, indicated**
 28 **below, marked the ballot at my direction; all of the information**
 29 **on this statement is, to the best of my knowledge and belief, true.**

30 _____

31 **Signature of Voter**

32 **Signature of Person Assisting
Voter**

33 **Signed _____**

(if applicable)

34 **Signed _____**

Subscribed and sworn to before

35 **Address of voter**

me this __ day of _____, _____

36 _____

37

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Mailing address
(if different)

Signature of notary or other
person authorized to
administer oaths

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3. The statement for persons voting absentee ballots **under subsection 2 of section 115.277** 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 **on election day**, 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.

70		_____
71	_____	_____
72	Signature of Voter	Signature of Person
73		Assisting Voter
74		(if applicable)
75	Signed _____	Subscribed and sworn
76	Signed _____	to before me this
77		_____ day of _____
78	Address of Voter	_____, _____
79		_____
80	_____	_____
81	_____	_____
82	_____	_____
83	Mailing addresses	Signature of notary or
84	(if different)	other officer
85		authorized to
86		administer oaths

87 ~~[3-]~~ 4. The statement for persons voting absentee ballots pursuant to the provisions of
 88 subsection ~~[2-]~~ 3, 4, or 5 of section 115.277 without being registered shall be in substantially
 89 the following form:

90	State of Missouri
91	County (City) of _____
92	I, _____ (print name), declare under the penalties of perjury that I am
93	a citizen of the United States and eighteen years of age or older. I am
94	not adjudged incapacitated by any court of law, and if I have been
95	convicted of a felony or of a misdemeanor connected with the right of
96	suffrage, I have had the voting disabilities resulting from such
97	conviction removed pursuant to law. I hereby state under penalties of
98	perjury that I am qualified to vote at this election.
99	I am [(check one):]
100	_____ [a resident of the state of Missouri and a registered voter in
101	_____ County and moved from that county to _____
102	County, Missouri, after the last day to register to vote in
103	this election.]
104	_____ an interstate former resident of Missouri and authorized to
105	vote for presidential and vice presidential electors.

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

113 _____	Subscribed to and
114 Signature of Voter	sworn before me this
115 _____	_____ day of
116 _____	_____, _____
117 _____	_____
118 _____	—
119 _____	Signature of notary or
120 Address of Voter	other officer
121 _____	authorized to
122 _____	administer oaths
123 _____	_____
124 _____	—
125 _____	_____
126 _____	—
127 Mailing Address (if different)	_____
128 _____	—
129 _____	_____
130 _____	—
131 _____	—
132 Signature of Person	Address of Last
133 Assisting Voter	Missouri Residence
134 _____	(if applicable)

135 [4.] 5. The statement for persons voting absentee ballots who are entitled to vote at
 136 the election pursuant to the provisions of subsection 2 of section 115.137 shall be in
 137 substantially the following form:

138 State of Missouri
139 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 **on election day**, 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.

<p>_____ Signature of Voter</p> <p>_____ Address</p> <p>_____ Signature of Person</p>	<p>Subscribed and sworn to before me this _____ day of _____, _____</p> <p>_____ Signature of notary or other officer authorized to administer oaths</p>
---	--

Assisting Voter
(if applicable)

[5.] 6. 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. 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 [4] 2 of section 115.277.

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

10. 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.

115.285. The secretary of state may prescribe uniform regulations with respect to the
2 printing of ballot envelopes and mailing envelopes, which shall comply with standards
3 established by federal law or postal regulations. Mailing envelopes for use in returning
4 ballots shall be printed with business reply permits so that any ballot returned by mail does
5 not require postage. All fees and costs for establishing and maintaining the business reply
6 and postage-free mail for all ballots cast shall be paid by the secretary of state through state
7 appropriations. ~~[Notwithstanding any provision of law to the contrary, a ballot envelope used~~
8 ~~under section 115.302 shall be the same ballot envelope used for absentee ballots, provided an~~
9 ~~option shall be listed on the envelope to clearly indicate whether the voter is casting an~~
10 ~~absentee ballot or a mail-in ballot.]~~

115.287. 1. Upon receipt of a signed application for an absentee ballot and if satisfied
2 the applicant is entitled to vote by absentee ballot, the election authority shall, within three
3 working days after receiving the application, or if absentee ballots are not available at the
4 time the application is received, within five working days after they become available, deliver
5 to the voter an absentee ballot, ballot envelope and such instructions as are necessary for the
6 applicant to vote. Delivery shall be made to the voter personally in the office of the election
7 authority or by bipartisan teams appointed by the election authority, or by first class,
8 registered, or certified mail at the discretion of the election authority, or in the case of a
9 covered voter as defined in section 115.902, the method of transmission prescribed in section
10 115.914. Where the election authority is a county clerk, the members of bipartisan teams
11 representing the political party other than that of county clerk shall be selected from a list of
12 persons submitted to the county clerk by the county chairman of that party. If no list is
13 provided by the time that absentee ballots are to be made available, the county clerk may
14 select a person or persons from lists provided in accordance with section 115.087. If the
15 election authority is not satisfied that any applicant is entitled to vote by absentee ballot, it
16 shall not deliver an absentee ballot to the applicant. Within three working days of receiving
17 such an application, the election authority shall notify the applicant and state the reason he or
18 she is not entitled to vote by absentee ballot. The applicant may file a complaint with the
19 elections division of the secretary of state's office under and pursuant to section 115.219.

20 2. If, after 5:00 p.m. on the second Wednesday before an election, any voter from the
21 jurisdiction has become hospitalized, becomes confined due to illness or injury, or is confined
22 in an intermediate care facility, residential care facility, or skilled nursing facility **on election**
23 **day**, as such terms are defined in section 198.006, in the county in which the jurisdiction is
24 located or in the jurisdiction of an adjacent election authority within the same county, the
25 election authority shall appoint a team to deliver, witness the signing of and return the voter's
26 application and deliver, witness the voting of and return the voter's absentee ballot. ~~[In~~
27 ~~counties with a charter form of government and in cities not within a county, and in each city~~

28 ~~which has over three hundred thousand inhabitants, and is situated in more than one county,]~~
29 If the election authority receives ten or more applications for absentee ballots from the same
30 address it ~~[may]~~ **shall** appoint a team to deliver and witness the voting and return of absentee
31 ballots by voters residing at that address, except when such addresses are for an apartment
32 building or other structure wherein individual living units are located, each of which has its
33 own separate cooking facilities. Each team appointed pursuant to this subsection shall consist
34 of two registered voters, one from each major political party. Both members of any team
35 appointed pursuant to this subsection shall be present during the delivery, signing or voting
36 and return of any application or absentee ballot signed or voted pursuant to this subsection.

37 3. On the mailing and ballot envelopes for each covered voter, the election authority
38 shall stamp prominently in black the words "FEDERAL BALLOT, STATE OF MISSOURI"
39 and "U.S. Postage Paid, 39 U.S.C. Section 3406".

40 4. No information which encourages a vote for or against a candidate or issue shall be
41 provided to any voter with an absentee ballot.

115.291. 1. Upon receiving an absentee ballot by mail, the voter shall mark the ballot
2 in secret, place the ballot in the ballot envelope, seal the envelope and fill out the statement on
3 the ballot envelope. The affidavit of each person voting an absentee ballot shall be subscribed
4 and sworn to before the election official receiving the ballot, a notary public or other officer
5 authorized by law to administer oaths, unless the voter is voting absentee due to incapacity or
6 confinement due to the provisions of section 115.284, illness or physical disability **on**
7 **election day**, ~~[for an election that occurs during the year 2020, the voter has contracted or is~~
8 ~~in an at risk category for contracting or transmitting severe acute respiratory syndrome~~
9 ~~coronavirus 2, as defined in section 115.277,]~~ or the voter is a covered voter as defined in
10 section 115.902. If the voter is blind, unable to read or write the English language, or
11 physically incapable of voting the ballot, the voter may be assisted by a person of the voter's
12 own choosing. Any person assisting a voter who is not entitled to such assistance, and any
13 person who assists a voter and in any manner coerces or initiates a request or a suggestion that
14 the voter vote for or against or refrain from voting on any question, ticket or candidate, shall
15 be guilty of a class one election offense. If, upon counting, challenge or election contest, it is
16 ascertained that any absentee ballot was voted with unlawful assistance, the ballot shall be
17 rejected. ~~[For purposes of this subsection, the voters who are in an at risk category for~~
18 ~~contracting or transmitting severe acute respiratory syndrome coronavirus 2 are voters who:~~

- 19 (1) ~~Sixty five years of age or older;~~
20 (2) ~~Live in a long term care facility licensed under chapter 198;~~
21 (3) ~~Have chronic lung disease or moderate to severe asthma;~~
22 (4) ~~Have serious heart conditions;~~
23 (5) ~~Are immunocompromised;~~

- 24 ~~(6) Have diabetes;~~
25 ~~(7) Have chronic kidney disease and are undergoing dialysis; or~~
26 ~~(8) Have liver disease.]~~

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

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

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

115.349. 1. Except as otherwise provided in sections 115.361 to 115.383 ~~or sections~~
2 ~~115.755 to 115.785~~], no candidate's name shall be printed on any official primary ballot
3 unless the candidate has filed a written declaration of candidacy in the office of the
4 appropriate election official by 5:00 p.m. on the last Tuesday in March immediately preceding
5 the primary election.

6 2. No declaration of candidacy for nomination in a primary election shall be accepted
7 for filing prior to 8:00 a.m. on the last Tuesday in February immediately preceding the
8 primary election.

9 3. Each declaration of candidacy for nomination in a primary election shall state the
10 candidate's full name, residence address, office for which such candidate proposes to be a
11 candidate, the party ticket on which he or she wishes to be a candidate and that if nominated
12 and elected he or she will qualify. The declaration shall be in substantially the following
13 form:

14 I, _____, a resident and registered voter of the county of _____ and
15 the state of Missouri, residing at _____, do announce myself a
16 candidate for the office of _____ on the _____ party ticket, to be
17 voted for at the primary election to be held on the _____ day of _____

18	____, _____, and I further declare that if nominated and elected to such	
19	office I will qualify.	
20	_____	Subscribed and sworn
21	Signature of candidate	to before me this
22		_____ day of
23		_____, _____
24	_____	_____
25	Residence address	Signature of election
26		official or other officer
27		authorized to
28		administer oaths
29	_____	
30	Mailing address (if different)	
31	_____	
32	Telephone Number (Optional)	

33
 34 If the declaration is to be filed in person, it shall be subscribed and sworn to by the candidate
 35 before an official authorized to accept his or her declaration of candidacy. If the declaration is
 36 to be filed by certified mail pursuant to the provisions of subsection 2 of section 115.355, it
 37 shall be subscribed and sworn to by the candidate before a notary public or other officer
 38 authorized by law to administer oaths.

115.417. 1. Before the time fixed by law for the opening of the polls, the election
 2 authority shall deliver to each polling place a sufficient number of voter instruction cards
 3 which include the following information: ~~[if paper ballots or an electronic voting system is~~
 4 ~~used, the instructions shall inform the voter on]~~ how to obtain a ballot for voting, how to vote
 5 and prepare the ballot for deposit in the ballot box, and how to obtain a new ballot to replace
 6 one accidentally spoiled.

7 2. The election authority at each polling place shall post in a conspicuous place voting
 8 instructions on a poster no smaller than twenty-four inches by thirty inches. Such instructions
 9 shall also inform the voter that the electronic voting equipment can be demonstrated upon
 10 request of the voter. The election authority shall also publicly post during the period of time
 11 in which a person may cast an absentee ballot and on election day a sample version of the
 12 ballot that will be used for that election, the date of the election, the hours during which the
 13 polling place will be open, instructions for mail-in registrants and first-time voters, general
 14 information on voting rights in accordance with the state plan filed by the secretary of state
 15 pursuant to the Help America Vote Act of 2002, general information on the right to cast a

16 provisional ballot and instructions for provisional ballots, how to contact appropriate
17 authorities if voting rights have been violated, and general information on federal and
18 Missouri law regarding prohibitions on acts of fraud and misrepresentation. The secretary of
19 state may promulgate rules to execute this section. No rule or portion of a rule promulgated
20 pursuant to the authority of this section shall become effective unless it has been promulgated
21 pursuant to chapter 536.

22 3. The secretary of state may develop multilingual voting instructions to be made
23 available to election authorities.

115.435. After initialing the voter's identification certificate and after completing any
2 procedures required by section 115.433, the election judges shall allow the voter to proceed to
3 the voting booth and vote. **Once the ballot has been completed by the voter and he or she**
4 **successfully submits the ballot into the ballot box, the ballot is deemed cast.**

115.447. 1. As used in this subchapter, unless the context clearly implies otherwise,
2 the following terms shall mean:

3 (1) "Counting judges" are the two judges, one from each major political party, who
4 read each vote received by all candidates and each vote for and against all questions at a
5 polling place;

6 (2) "Receiving judges" are the two judges, one from each major political party, who
7 initial each voter's ballot at a polling place;

8 (3) "Recording judges" are the two judges, one from each major political party, who
9 tally the votes received by each candidate and for and against each question at a polling place.
10 These terms describe functions rather than individuals, and any election judge may perform
11 more than one function at a polling place on election day.

12 2. As used in this subchapter, unless the context clearly implies otherwise, the
13 following terms shall mean:

14 (1) "Defective ballot" is any ballot [~~card~~] on which the number of write-in votes and
15 votes cast on the ballot [~~card~~] for any office exceed the number allowed by law, and any ballot
16 [~~card~~] which is bent or damaged so that it cannot be properly counted by automatic tabulating
17 equipment;

18 (2) "Rejected ballot" is any ballot on which no votes are counted because the ballot
19 fails to have the initials of the proper election judges, because the number of votes for all
20 offices and on all questions exceeds the number authorized by law, because the voter is
21 deemed by the election judges to be unqualified, because it is an absentee ballot not
22 accompanied by a completed and signed affidavit, or because the ballot was voted with
23 unlawful assistance;

24 (3) "Spoiled ballot" is any ballot accidentally spoiled by a voter and replaced by
25 election judges in the manner provided in subsection 2 of section 115.439.

115.652. [4-] An election shall not be conducted under sections 115.650 to 115.660
2 unless:

3 (1) The officer or agency calling the election submits a written request that the
4 election be conducted by mail. Such request shall be submitted not later than the date
5 specified in section 115.125 for submission of the notice of election and sample ballot;

6 (2) The election authority responsible for conducting the election authorizes the use
7 of mailed ballots for the election;

8 (3) The election is nonpartisan;

9 (4) The election is not one at which any candidate is elected, retained or recalled; and

10 (5) The election is an issue election at which all of the qualified voters of any one
11 political subdivision are the only voters eligible to vote.

12 ~~[2. Notwithstanding the provisions of subsection 1 of this section or any other~~
13 ~~provision of law to the contrary, an election may be conducted by mail as authorized under~~
14 ~~section 115.302, during the year 2020, to avoid the risk of contracting or transmitting severe~~
15 ~~acute respiratory syndrome coronavirus 2. This subsection shall expire December 31, 2020.]~~

115.960. 1. An election authority is authorized to accept voter registration
2 applications with a signature submitted to the election authority under the provisions of
3 sections 432.200 to 432.295 as provided in this section:

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

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

10 (3) A local election authority is authorized to develop, maintain, and approve systems
11 that transmit voter registration applications electronically under sections 432.200 to 432.295;

12 (4) Except as provided in subsection 2 of this section **and section 115.160**, no officer,
13 agency, or organization shall collect or submit a voter registration application with an
14 electronic signature to an election authority without first obtaining approval of the data and
15 signature format from the local election authority and the approval of the voter to collect and
16 store the signature and data; and

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

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

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

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

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

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

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

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

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

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

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

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

70 7. ~~[Notwithstanding the provisions of section 432.230]~~ **Except as provided under**
71 **sections 115.160 and 432.230**, nothing in this section shall require the election authority to
72 accept voter registration records or signatures created, generated, sent, communicated,
73 received, stored, or otherwise processed, or used by electronic means or in electronic form
74 from any officer, agency, or organization not authorized under subsection 2 of this section
75 without prior approval from the election authority. **Election authorities shall accept and**
76 **process voter registration records, including electronic images of applicant signatures,**
77 **transmitted electronically by the division of motor vehicle and driver licensing of the**
78 **department of revenue under section 115.160.** Except as provided in subsection 2 of this
79 section **and section 115.160**, no officer, agency, or organization shall give the voter the
80 opportunity to submit a voter registration application with an electronic signature without first
81 obtaining the approval of the local election authority.

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

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

87 10. Nothing in this section shall be construed to require the secretary of state to cease
88 operating a voter registration application in place as of the effective date of this act.

2 ~~[115.302. 1. Any registered voter of this state may cast a mail-in~~
3 ~~ballot as provided in this section. Nothing in this section shall prevent a voter~~
4 ~~from casting an absentee ballot, provided such person has not cast a ballot~~
5 ~~pursuant to this section. Application for a mail-in ballot may be made by the~~
6 ~~applicant in person, or by United States mail, or on behalf of the applicant by~~
7 ~~his or her guardian or relative within the second degree of consanguinity or~~
8 ~~affinity.~~

2. Each application for a mail-in ballot shall be made to the election authority of the jurisdiction in which the person is registered. Each application shall be in writing and shall state the applicant's name, address at which he or she is registered, the address to which the ballot is to be mailed.

3. All applications for mail-in 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 under section 115.281. No application for a mail-in ballot received in the office of the election authority after 5:00 p.m. on the second Wednesday immediately prior to the election shall be accepted by any election authority.

4. Each application for a mail-in ballot shall be signed by the applicant or, if the application is made by a guardian or relative under 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 that is witnessed by the signature of an election official or person of his or her choice. Knowingly making, delivering, or mailing a fraudulent mail-in ballot application is a class one election offense.

5. Not later than the sixth Tuesday prior to each election, or within fourteen days after candidate names or questions are certified under section 115.125, the election authority shall cause to have printed and made available a sufficient quantity of ballots, ballot envelopes, and mailing envelopes. As soon as possible after a proper official calls a special state or county election, the election authority shall cause to have printed and made available a sufficient quantity of mail-in ballots, ballot envelopes, and mailing envelopes.

6. Each ballot envelope shall bear a statement in substantially the same form described in subsection 9 of this section. In addition, any person providing assistance to the mail-in voter shall include a signature on the envelope identifying the person providing such assistance under penalties of perjury. Persons authorized to vote only for federal and statewide offices shall also state their former Missouri residence.

7. The statement for persons voting mail-in 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 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)~~

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

~~Signature of notary or other officer authorized to administer oaths.~~

~~Mailing addresses~~

~~(if different)~~

~~8. Upon receipt of a signed application for a mail in ballot and if satisfied that the applicant is entitled to vote by mail in ballot, the election authority shall, within three working days after receiving the application, or, if mail in ballots are not available at the time the application is received, within five working days after such ballots become available, deliver to the voter a mail in ballot, ballot envelope and such instructions as are necessary for the applicant to vote. If the election authority is not satisfied that any applicant is entitled to vote by mail in ballot, the authority shall not deliver a mail in ballot to the applicant. Within three working days of receiving such an application, the election authority shall notify the applicant and state the reason he or she is not entitled to vote by mail in ballot. The applicant may file a complaint with the elections division of the secretary of state's office under section 115.219.~~

~~9. On the mailing and ballot envelopes for each covered voter, the election authority shall stamp the words "ELECTION BALLOT, STATE OF MISSOURI" and "U.S. Postage Paid, 39 U.S.C. Section 3406".~~

~~10. No information which encourages a vote for or against a candidate or issue shall be provided to any voter with a mail-in ballot.~~

~~11. Upon receiving a mail in 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 statement required under subsection 7 of this section shall be subscribed and sworn to before a notary public or other officer authorized by law to administer oaths. 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 who assists a voter and in any manner coerces or initiates a request or suggestion that the voter vote for or against, or refrain from voting on, any question or candidate, shall be guilty of a class one election offense. If, upon counting, challenge, or election contest, it is ascertained that any mail-in ballot was voted with unlawful assistance, the ballot shall be rejected.~~

~~12. Each mail in ballot shall be returned to the election authority in the ballot envelope and shall only be returned by the voter by United States mail.~~

~~13. The secretary of state may prescribe uniform regulations with respect to the printing of ballot envelopes and mailing envelopes, which shall~~

98 ~~comply with standards established by federal law or postal regulations.~~
99 ~~Mailing envelopes for use in returning ballots shall be printed with business~~
100 ~~reply permits so that any ballot returned by mail does not require postage. All~~
101 ~~fees and costs for establishing and maintaining the business reply and postage-~~
102 ~~free mail for all ballots cast shall be paid by the secretary of state through state~~
103 ~~appropriations.~~

104 ~~14. All votes on each mail-in ballot received by an election authority at~~
105 ~~or before the time fixed by law for the closing of the polls on election day shall~~
106 ~~be counted. No votes on any mail-in ballot received by an election authority~~
107 ~~after the time fixed by law for the closing of the polls on election day shall be~~
108 ~~counted.~~

109 ~~15. If sufficient evidence is shown to an election authority that any~~
110 ~~mail-in voter has died prior to the opening of the polls on election day, the~~
111 ~~ballot of the deceased voter shall be rejected if it is still sealed in the ballot~~
112 ~~envelope. Any such rejected ballot, still sealed in its ballot envelope, shall be~~
113 ~~sealed with the application and any other papers connected therewith in an~~
114 ~~envelope marked "Rejected ballot of _____, a mail-in voter of _____ voting~~
115 ~~district". The reason for rejection shall be noted on the envelope, which shall~~
116 ~~be kept by the election authority with the other ballots from the election until~~
117 ~~the ballots are destroyed according to law.~~

118 ~~16. As each mail-in ballot is received by the election authority, the~~
119 ~~election authority shall indicate its receipt on the list.~~

120 ~~17. All mail-in ballot envelopes received by the election authority~~
121 ~~shall be kept together in a safe place and shall not be opened except as~~
122 ~~provided under this chapter.~~

123 ~~18. Mail-in ballots shall be counted using the procedures set out in~~
124 ~~sections 115.297, 115.299, 115.300, and 115.303.~~

125 ~~19. The false execution of a mail-in ballot is a class one election~~
126 ~~offense. The attorney general or any prosecuting or circuit attorney shall have~~
127 ~~the authority to prosecute such offense either in the county of residence of the~~
128 ~~person or in the circuit court of Cole County.~~

129 ~~20. The provisions of this section shall apply only to an election that~~
130 ~~occurs during the year 2020, to avoid the risk of contracting or transmitting~~
131 ~~severe acute respiratory syndrome coronavirus 2.~~

132 ~~21. The provisions of this section terminate and shall be repealed on~~
133 ~~December 31, 2020, and shall not apply to any election conducted after that~~
134 ~~date.]~~

✓