

FIRST REGULAR SESSION

[P E R F E C T E D]

SENATE COMMITTEE SUBSTITUTE FOR

SENATE BILLS NOS. 34 & 105

98TH GENERAL ASSEMBLY

Reported from the Committee on Financial and Governmental Organizations and Elections, March 11, 2015, with recommendation that the Senate Committee Substitute do pass.

Senate Committee Substitute for Senate Bills Nos. 34 and 105, adopted March 16, 2015.

Taken up for Perfection March 16, 2015. Bill declared Perfected and Ordered Printed.

0596S.04P

ADRIANE D. CROUSE, Secretary.

AN ACT

To repeal sections 115.135, 115.275, 115.277, 115.287, 115.291, 115.912, and 115.940, RSMo, and to enact in lieu thereof six new sections relating to military and overseas voter registration.

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

Section A. Sections 115.135, 115.275, 115.277, 115.287, 115.291, 115.912, and 115.940, RSMo, are repealed and six new sections enacted in lieu thereof, to be known as sections 115.135, 115.275, 115.277, 115.287, 115.291, and 115.912, to read as follows:

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

EXPLANATION—Matter enclosed in bold-faced brackets [thus] in this bill is not enacted and is intended to be omitted in the law.

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

19 3. Except as provided in federal law or federal elections and in section
20 115.277, no person shall be entitled to vote if the person has not registered to
21 vote in the jurisdiction of his or her residence prior to the deadline to register to
22 vote.

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

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

3 (1) "Absentee ballot", any of the ballots a person is authorized to cast
4 away from a polling place pursuant to the provisions of sections 115.275 to
5 115.304;

6 (2) "Interstate former resident", a former resident and registered voter in
7 this state who moves from Missouri to another state after the deadline to register
8 to vote in any presidential election in the new state and who otherwise possesses
9 the qualifications to register and vote in such state;

10 (3) "Intrastate new resident", a registered voter of this state who moves
11 from one election authority's jurisdiction in the state to another election
12 authority's jurisdiction in the state after the last day authorized in this chapter
13 to register to vote in an election and otherwise possesses the qualifications to
14 vote;

15 (4) "New resident", a person who moves to this state after the last date
16 authorized in this chapter to register to vote in any presidential election;

17 (5) ["Persons in federal service" includes:

18 (a) Members of the Armed Forces of the United States, while in active

19 service, and their spouses and dependents;

20 (b) Active members of the Merchant Marine of the United States and their
21 spouses and dependents;

22 (c)] "Covered voter":

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

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

28 (c) An overseas voter;

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

31 [(d)] (e) Active members of religious or welfare organizations assisting
32 servicemen, and their spouses and dependents; or

33 [(e)] (f) Persons who have been honorably discharged from the Armed
34 Forces or who have terminated their service or employment in any group
35 mentioned in this section within sixty days of an election, and their spouses and
36 dependents.

37 (6) "Overseas voter":

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

41 (b) A person who resides outside the United States and, but for
42 such residence, would be qualified to vote in the last place in which the
43 person was domiciled before leaving the United States.

44 (7) "Uniformed services":

45 (a) Active and reserve components of the Army, Navy, Air Force,
46 Marine Corps, or Coast Guard of the United States;

47 (b) The Merchant Marine, the commissioned corps of the Public
48 Health Service, or the commissioned corps of the National Oceanic and
49 Atmospheric Administration of the United States; or

50 (c) The Missouri National Guard;

51 (8) "Uniformed services voter", an individual who is qualified to
52 vote and is:

53 (a) A member of the active or reserve components of the Army,
54 Navy, Air Force, Marine Corps, or Coast Guard of the United States who
55 is on active duty;

56 **(b) A member of the Merchant Marine, the commissioned corps
57 of the Public Health Service, or the commissioned corps of the National
58 Oceanic and Atmospheric Administration of the United States;**

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

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

62 **(9) "United States", used in the territorial sense, the several
63 states, the District of Columbia, Puerto Rico, the United States Virgin
64 Islands, and any territory or insular possession subject to the
65 jurisdiction of the United States.**

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

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

8 **(2) Incapacity or confinement due to illness or physical disability,
9 including a person who is primarily responsible for the physical care of a person
10 who is incapacitated or confined due to illness or disability;**

11 **(3) Religious belief or practice;**

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

15 **(5) Incarceration, provided all qualifications for voting are retained.**

16 **2. Any [person in federal service] covered voter, as defined in section
17 115.275, who is eligible to register and vote in this state [but is not registered
18 may vote only in the election of presidential and vice presidential electors, United
19 States senator and representative in Congress] may vote in any election for
20 federal office, statewide office, state legislative office, or statewide
21 ballot initiatives by submitting a federal postcard application to apply
22 to vote by absentee ballot or by submitting a federal postcard
23 application at the polling place even though the person is not registered. A
24 federal postcard application submitted by a covered voter pursuant to
25 this subsection shall also serve as a voter registration application
26 under section 115.908 and the election authority shall, if satisfied that**

27 **the applicant is entitled to register, place the voter's name on the voter**
28 **registration file.** Each [person in federal service] **covered voter** may vote by
29 absentee ballot or, upon submitting an affidavit that the person is qualified to
30 vote in the election, may vote at the person's polling place.

31 3. Any interstate former resident, as defined in section 115.275, may vote
32 by absentee ballot for presidential and vice presidential electors.

33 4. Any intrastate new resident, as defined in section 115.275, may vote
34 by absentee ballot at the election for presidential and vice presidential electors,
35 United States senator, representative in Congress, statewide elected officials and
36 statewide questions, propositions and amendments from such resident's new
37 jurisdiction of residence after registering to vote in such resident's new
38 jurisdiction of residence.

39 5. Any new resident, as defined in section 115.275, may vote by absentee
40 ballot for presidential and vice presidential electors after registering to vote in
41 such resident's new jurisdiction of residence.

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

22 to the circuit court in the manner provided in section 115.223.

23 2. If, after 5:00 p.m. on the Wednesday before an election, any voter from
24 the jurisdiction has become hospitalized, becomes confined due to illness or
25 injury, or is confined in an adult boarding facility, intermediate care facility,
26 residential care facility, or skilled nursing facility, as defined in section 198.006,
27 in the county in which the jurisdiction is located or in the jurisdiction or an
28 adjacent election authority within the same county, the election authority shall
29 appoint a team to deliver, witness the signing of and return the voter's
30 application and deliver, witness the voting of and return the voter's absentee
31 ballot. In counties with a charter form of government and in cities not within a
32 county, and in each city which has over three hundred thousand inhabitants, and
33 is situated in more than one county, if the election authority receives ten or more
34 applications for absentee ballots from the same address it may appoint a team to
35 deliver and witness the voting and return of absentee ballots by voters residing
36 at that address, except when such addresses are for an apartment building or
37 other structure wherein individual living units are located, each of which has its
38 own separate cooking facilities. Each team appointed pursuant to this subsection
39 shall consist of two registered voters, one from each major political party. Both
40 members of any team appointed pursuant to this subsection shall be present
41 during the delivery, signing or voting and return of any application or absentee
42 ballot signed or voted pursuant to this subsection.

43 3. On the mailing and ballot envelopes for each [applicant in federal
44 service] **covered voter**, the election authority shall stamp prominently in black
45 the words "FEDERAL BALLOT, STATE OF MISSOURI" and "U.S. Postage Paid,
46 39 U.S.C. 3406".

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

115.291. 1. Upon receiving an absentee ballot in person or by mail, the
2 voter shall mark the ballot in secret, place the ballot in the ballot envelope, seal
3 the envelope and fill out the statement on the ballot envelope. The affidavit of
4 each person voting an absentee ballot shall be subscribed and sworn to before the
5 election official receiving the ballot, a notary public or other officer authorized by
6 law to administer oaths, unless the voter is voting absentee due to incapacity or
7 confinement due to the provisions of section 115.284 illness or physical disability,
8 or the voter is a covered voter as defined in section 115.902. If the voter is blind,
9 unable to read or write the English language, or physically incapable of voting

10 the ballot, the voter may be assisted by a person of the voter's own choosing. Any
11 person assisting a voter who is not entitled to such assistance, and any person
12 who assists a voter and in any manner coerces or initiates a request or a
13 suggestion that the voter vote for or against or refrain from voting on any
14 question, ticket or candidate, shall be guilty of a class one election offense. If,
15 upon counting, challenge or election contest, it is ascertained that any absentee
16 ballot was voted with unlawful assistance, the ballot shall be rejected.

17 2. Except as provided in subsection 4 of this section, each absentee ballot
18 shall be returned to the election authority in the ballot envelope and shall only
19 be returned by the voter in person, or in person by a relative of the voter who is
20 within the second degree of consanguinity or affinity, by mail or registered carrier
21 or by a team of deputy election authorities; except that [persons in federal
22 service] **covered voters**, when sent from a location determined by the secretary
23 of state to be inaccessible on election day, shall be allowed to return their
24 absentee ballots cast by use of facsimile transmission or under a program
25 approved by the Department of Defense for electronic transmission of election
26 materials.

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

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

115.912. An application for a military-overseas ballot is timely if received
2 by 5:00 p.m. on the [Wednesday] **Friday** prior to the election. An application for
3 a military-overseas ballot for a primary election, whether or not timely, shall be
4 effective as an application for a military-overseas ballot for the general election.

115.940. Notwithstanding any other provision of law, a
2 person in the federal service as defined under section 115.275 may
3 vote in the same manner, using the same technology and
4 requirements, as an overseas voter under sections 115.900 to
5 115.936.]