

FIRST REGULAR SESSION

SENATE BILL NO. 95

95TH GENERAL ASSEMBLY

INTRODUCED BY SENATOR JUSTUS.

Pre-filed December 3, 2008, and ordered printed.

TERRY L. SPIELER, Secretary.

0324S.011

AN ACT

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

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

Section A. Sections 115.277 and 115.283, RSMo, are repealed and two new sections enacted in lieu thereof, to be known as sections 115.277 and 115.283, to read as follows:

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

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

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

(3) Religious belief or practice;

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

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

2. Any person in federal service, as defined in section 115.275, who is eligible to register and vote in this state but is not registered may vote only in the election of presidential and vice presidential electors, United States senator and

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

19 representative in Congress even though the person is not registered. Each person
20 in federal service may vote by absentee ballot or, upon submitting an affidavit
21 that the person is qualified to vote in the election, may vote at the person's
22 polling place.

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

25 4. Any intrastate new resident, as defined in section 115.275, may vote
26 by absentee ballot at the election for presidential and vice presidential electors,
27 United States senator, representative in Congress, statewide elected officials and
28 statewide questions, propositions and amendments from such resident's new
29 jurisdiction of residence after registering to vote in such resident's new
30 jurisdiction of residence.

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

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

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

17 State of Missouri
18 County (City) of

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

22 one):
 23 absence on election day from the jurisdiction of the election authority in
 24 which I am registered;
 25 incapacity or confinement due to illness or physical disability, including
 26 caring for a person who is incapacitated or confined due to illness or
 27 disability;
 28 religious belief or practice;
 29 employment as an election authority or by an election authority at a
 30 location other than my polling place;
 31 incarceration, although I have retained all the necessary qualifications
 32 for voting.

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

40
41 Signature of Voter	Signature of Person
42	Assisting Voter
43	(if applicable)
44 Signed	Subscribed and sworn to
45 Signed	before me this day
46 Address of Voter	of,
47
48
49 Mailing addresses	Signature of notary or
50 (if different)	other officer authorized
51	to administer oaths

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

55 State of Missouri
 56 County (City) of

57 I, (print name), declare under the penalties of perjury that

58 I am a citizen of the United States and eighteen years of age or older. I am not
59 adjudged incapacitated by any court of law, and if I have been convicted of a
60 felony or of a misdemeanor connected with the right of suffrage, I have had the
61 voting disabilities resulting from such conviction removed pursuant to law. I
62 hereby state under penalties of perjury that I am qualified to vote at this election.

- 63 (1) I am a resident of the state of Missouri and (check one):
- 64 am a member of the U.S. armed forces in active service;
- 65 am an active member of the U.S. merchant marine;
- 66 am a civilian employee of the U.S. government working outside the United
67 States;
- 68 am an active member of a religious or welfare organization assisting
69 servicemen;
- 70 have been honorably discharged or terminated my service in one of the
71 groups mentioned above within sixty days of this election;
- 72 am a spouse or dependent of one of the above;
- 73 am a registered voter in County and moved from that
74 county to County, Missouri, after the last day to register to
75 vote in this election.

76 OR (check if applicable)

77 (2) I am an interstate former resident of
78 Missouri and authorized to vote for presidential and vice presidential electors. I
79 further state under penalties of perjury that I have not voted and will not vote
80 other than by this ballot at this election; I marked the enclosed ballot in secret
81 or am blind, unable to read or write English, or physically incapable of marking
82 the ballot, and the person of my choosing indicated below marked the ballot at my
83 direction; all of the information on this statement is, to the best of my knowledge
84 and belief, true.

85	Subscribed to and sworn
86 Signature of Voter	before me this day
87	of,
88	
89
90 Address of Voter	Signature of notary or
91	other officer authorized
92	to administer oaths
93	

94

95 Mailing Address

96 (if different)

97

98 Signature of Person Address of Last

99 Assisting Voter Missouri Residence

100 (if applicable)

101 4. The statement for persons voting absentee ballots who are entitled to

102 vote at the election pursuant to the provisions of subsection 2 of section 115.137

103 shall be in substantially the following form:

104 State of Missouri

105 County (City) of

106 I, (print name), declare under the penalties of perjury

107 that I [expect to be prevented from going to the polls on election day due to (check

108 one):

109 absence on election day from the jurisdiction of the election authority in

110 which I am directed to vote;

111 incapacity or confinement due to illness or physical disability, including

112 caring for a person who is incapacitated or confined due to illness or

113 disability;

114 religious belief or practice;

115 employment as an election authority or by an election authority at a

116 location other than my polling place;

117 incarceration, although I have retained all the necessary qualifications of

118 voting.

119 I hereby state under penalties of perjury that I] own property in the

120 district and am qualified to vote at this election; I have not

121 voted and will not vote other than by this ballot at this election. I further state

122 that I marked the enclosed ballot in secret or that I am blind, unable to read and

123 write English, or physically incapable of marking the ballot, and the person of my

124 choosing indicated below marked the ballot at my direction; all of the information

125 on this statement is, to the best of my knowledge and belief, true.

126 Subscribed and sworn to

127 Signature of Voter before me this

128 day of,

129

130
 131 Address Signature of notary or
 132 other officer authorized
 133 to administer oaths
 134
 135 Signature of Person
 136 Assisting Voter
 137 (if applicable)

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

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

147 Reason why voter needed assistance:

148 ASSISTING PERSON SIGN HERE

- 149 1.(signature of assisting person)
- 150 2.(assisting person's name printed)
- 151 3.(assisting person's residence)
- 152 4.(assisting person's home city or town).

153 6. Notwithstanding any other provision of this section, any resident of the
 154 state of Missouri who resides outside the boundaries of the United States or who
 155 is on active duty with the armed forces of the United States or members of their
 156 immediate family living with them or persons who have declared themselves to
 157 be permanently disabled pursuant to section 115.284, otherwise entitled to vote,
 158 shall not be required to obtain a notary seal or signature on his or her absentee
 159 ballot.

160 7. Notwithstanding any other provision of this section or section 115.291
 161 to the contrary, the subscription, signature and seal of a notary or other officer
 162 authorized to administer oaths shall not be required on any ballot, ballot
 163 envelope, or statement required by this section if the reason for the voter voting
 164 absentee is due to the reasons established pursuant to subdivision (2) of
 165 subsection 1 of section 115.277.

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

168 9. A notary public who charges more than the maximum fee specified or
169 who charges or collects a fee for notarizing the signature on any absentee ballot
170 or absentee voter registration is guilty of official misconduct.

✓

Unofficial

Bill

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