

SENATE SUBSTITUTE
FOR
SENATE COMMITTEE SUBSTITUTE
FOR
SENATE BILL NO. 116
AN ACT

To repeal sections 115.139, 115.156, 115.159, 115.275, 115.277, 115.278, 115.281, 115.283, 115.287, 115.291, 115.292, 115.425, 115.541, and 115.585, RSMo, and to enact in lieu thereof thirty new sections relating to voting procedures for uniformed services and overseas voters, with penalty provisions.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF MISSOURI,
AS FOLLOWS:

1 Section A. Sections 115.139, 115.156, 115.159, 115.275,
2 115.277, 115.278, 115.281, 115.283, 115.287, 115.291, 115.292,
3 115.425, 115.541, and 115.585, RSMo, are repealed and thirty new
4 sections enacted in lieu thereof, to be known as sections
5 115.139, 115.159, 115.275, 115.277, 115.281, 115.283, 115.287,
6 115.291, 115.425, 115.541, 115.585, 115.900, 115.902, 115.904,
7 115.906, 115.908, 115.910, 115.912, 115.914, 115.916, 115.918,
8 115.920, 115.922, 115.924, 115.926, 115.928, 115.930, 115.932,
9 115.934, and 115.936, to read as follows:

10 115.139. Except as provided in subsection 2 of section
11 115.137 [and section 115.277], no person shall be permitted to
12 vote in any election unless the person is duly registered in
13 accordance with this chapter.

14 115.159. 1. Any person who is qualified to register in
15 Missouri shall, upon application, be entitled to register by
16 mail. Upon request, application forms shall be furnished by the

1 election authority or the secretary of state.

2 2. Notwithstanding any provision of law to the contrary,
3 the election authority shall not deliver any absentee ballot to
4 any person who registers to vote by mail until after such person
5 has:

6 (1) Voted, in person, after presentation of a proper form
7 of identification set out in section 115.427, for the first time
8 following registration; or

9 (2) Provided a copy of identification set out in section
10 115.427 to the election authority. This subsection shall not
11 apply to those persons identified in section 115.283 who are
12 exempted from obtaining a notary seal or signature on their
13 absentee ballots. An individual who has registered to vote by
14 mail but who does not meet the requirements of this subsection
15 may cast a provisional ballot by mail. Such ballot shall not be
16 counted pursuant to this chapter, and the individual shall be
17 notified of the reason for not counting the ballot.

18 3. Subsection 2 of this section shall not apply in the case
19 of a person:

20 (1) Who registers to vote by mail pursuant to Section 6 of
21 the National Voter Registration Act of 1993 and submits a copy of
22 a current and valid photo identification as part of such
23 registration;

24 (2) Who registers to vote by mail pursuant to Section 6 of
25 the National Voter Registration Act of 1993 and:

26 (a) Submits with such registration either a driver's
27 license number, or at least the last four digits of the
28 individual's Social Security number; and

1 (b) With respect to whom the secretary of state matches the
2 information submitted pursuant to paragraph (a) of this
3 subdivision with an existing state identification record bearing
4 the same number, name, and date of birth as provided in such
5 registration;

6 (3) Who is:

7 (a) [Entitled to vote by absentee ballot pursuant to the
8 Uniformed and Overseas Citizens Absentee Voting Act] A covered
9 voter defined in section 115.902;

10 (b) Provided the right to vote otherwise than in person
11 pursuant to Section 3(b)(2)(B)(ii) of the Voting Accessibility
12 for the Elderly and Handicapped Act; or

13 (c) Entitled to vote otherwise than in person pursuant to
14 any other federal law.

15 115.275. As used in sections 115.275 to 115.304, unless the
16 context clearly indicates otherwise, the following terms shall
17 mean:

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

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

26 (3) "Intrastate new resident", a registered voter of this
27 state who moves from one election authority's jurisdiction in the
28 state to another election authority's jurisdiction in the state

1 after the last day authorized in this chapter to register to vote
2 in an election and otherwise possesses the qualifications to
3 vote;

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

7 (5) "Overseas voter" includes:

8 (a) An absent uniformed services voter who, by reason of
9 active duty or service is absent from the United States on the
10 date of the election involved;

11 (b) A person who resides outside the United States and is
12 qualified to vote in the last place in which the person was
13 domiciled before leaving the United States; or

14 (c) A person who resides outside the United States and (but
15 for such residence) would be qualified to vote in the last place
16 in which the person was domiciled before leaving the United
17 States;

18 (6) "Persons in federal service" includes:

19 (a) Members of the armed forces of the United States, while
20 in active service, and their spouses and dependents;

21 (b) Active members of the merchant marine of the United
22 States and their spouses and dependents;

23 (c) Civilian employees of the United States government
24 working outside the boundaries of the United States, and their
25 spouses and dependents;

26 (d) Active members of religious or welfare organizations
27 assisting servicemen, and their spouses and dependents;

28 (e) Persons who have been honorably discharged from the

1 armed forces or who have terminated their service or employment
2 in any group mentioned in this section within sixty days of an
3 election, and their spouses and dependents].

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

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

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

16 (3) Religious belief or practice;

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

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

22 2. [Any person in federal service, as defined in section
23 115.275, who is eligible to register and vote in this state but
24 is not registered may vote only in the election of presidential
25 and vice presidential electors, United States senator and
26 representative in Congress even though the person is not
27 registered. Each person in federal service may vote by absentee
28 ballot or, upon submitting an affidavit that the person is

1 qualified to vote in the election, may vote at the person's
2 polling place.

3 3.] Any interstate former resident, as defined in section
4 115.275, may vote by absentee ballot for presidential and vice
5 presidential electors.

6 [4.] 3. Any intrastate new resident, as defined in section
7 115.275, may vote by absentee ballot at the election for
8 presidential and vice presidential electors, United States
9 senator, representative in Congress, statewide elected officials
10 and statewide questions, propositions and amendments from such
11 resident's new jurisdiction of residence after registering to
12 vote in such resident's new jurisdiction of residence.

13 [5.] 4. Any new resident, as defined in section 115.275,
14 may vote by absentee ballot for presidential and vice
15 presidential electors after registering to vote in such
16 resident's new jurisdiction of residence.

17 115.281. 1. Except as provided in [subsection 3 of this]
18 section 115.914, not later than the sixth Tuesday prior to each
19 election, or within fourteen days after candidates' names or
20 questions are certified pursuant to section 115.125, the election
21 authority shall cause to have printed and made available a
22 sufficient quantity of absentee ballots, ballot envelopes and
23 mailing envelopes. As soon as possible after the proper officer
24 calls a special state or county election, the election authority
25 shall cause to have printed and made available a sufficient
26 quantity of absentee ballots, ballot envelopes and mailing
27 envelopes.

28 2. All absentee ballots for an election shall be in the

1 same form as the official ballots for the election, except that
2 in lieu of the words "Official Ballot" at the top of the ballot,
3 the words "Official Absentee Ballot" shall appear.

4 [3. Not later than forty-five days before each general,
5 primary, and special election for federal office, the election
6 authority shall cause to have printed and made available a
7 sufficient quantity of absentee ballots, ballot envelopes, and
8 mailing envelopes for absent uniformed services voters and
9 overseas voters and shall begin transmitting such ballots to
10 absent uniformed services and overseas voters who have submitted
11 an absentee ballot application.]

12 115.283. 1. Each ballot envelope shall bear a statement on
13 which the voter shall state the voter's name, the voter's voting
14 address, the voter's mailing address and the voter's reason for
15 voting an absentee ballot. On the form, the voter shall also
16 state under penalties of perjury that the voter is qualified to
17 vote in the election, that the voter has not previously voted and
18 will not vote again in the election, that the voter has
19 personally marked the voter's ballot in secret or supervised the
20 marking of the voter's ballot if the voter is unable to mark it,
21 that the ballot has been placed in the ballot envelope and sealed
22 by the voter or under the voter's supervision if the voter is
23 unable to seal it, and that all information contained in the
24 statement is true. In addition, any person providing assistance
25 to the absentee voter shall include a statement on the envelope
26 identifying the person providing assistance under penalties of
27 perjury. Persons authorized to vote only for federal and
28 statewide officers shall also state their former Missouri

1 residence.

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

5 State of Missouri

6 County (City) of

7 I, (print name), a registered voter of

8County (City of St. Louis, Kansas City), declare

9 under the penalties of perjury that I expect to be prevented from
10 going to the polls on election day due to (check one):

11 absence on election day from the jurisdiction of the
12 election authority in which I am registered;

13 incapacity or confinement due to illness or physical
14 disability, including caring for a person who is
15 incapacitated or confined due to illness or disability;

16 religious belief or practice;

17 employment as an election authority or by an election
18 authority at a location other than my polling place;

19 incarceration, although I have retained all the
20 necessary qualifications for voting.

21 I hereby state under penalties of perjury that I am qualified to
22 vote at this election; I have not voted and will not vote other
23 than by this ballot at this election. I further state that I
24 marked the enclosed ballot in secret or that I am blind, unable
25 to read or write English, or physically incapable of marking the
26 ballot, and the person of my choosing indicated below marked the
27 ballot at my direction; all of the information on this statement
28 is, to the best of my knowledge and belief, true.

1	.....	.....
2	Signature of Voter	Signature of Person
3		Assisting Voter
4		(if applicable)
5	Signed	Subscribed and sworn to
6	Signed	before me this day
7	Address of Voter	of,
8	.....	.....
9	.....	.....
10	Mailing addresses	Signature of notary or
11	(if different)	other officer authorized
12		to administer oaths

13 3. The statement for persons voting absentee ballots
14 pursuant to the provisions of [subsection] subsections 2, 3, or 4
15 [, or 5] of section 115.277 [without being registered] shall be
16 in substantially the following form:

17 State of Missouri
18 County (City) of

19 I, (print name), declare under the
20 penalties of perjury that I am a citizen of the United States and
21 eighteen years of age or older. I am not adjudged incapacitated
22 by any court of law, and if I have been convicted of a felony or
23 of a misdemeanor connected with the right of suffrage, I have had
24 the voting disabilities resulting from such conviction removed
25 pursuant to law. I hereby state under penalties of perjury that
26 I am qualified to vote at this election.

27 [(1)] I am [a resident of the state of Missouri and] (check
28 one):

1 [..... am a member of the U.S. armed forces in active service;
2 am an active member of the U.S. merchant marine;
3 am a civilian employee of the U.S. government working
4 outside the United States;
5 am an active member of a religious or welfare organization
6 assisting servicemen;
7 have been honorably discharged or terminated my service in
8 one of the groups mentioned above within sixty days of
9 this election;
10 am a spouse or dependent of one of the above;]
11 [am] a resident of the state of Missouri and a registered
12 voter in County and moved
13 from that county to County, Missouri,
14 after the last day to register to vote in this election.

15 [OR (check if applicable)

16 (2)] [I am] an interstate former
17 resident of Missouri and authorized to vote for presidential and
18 vice presidential electors. I further state under penalties of
19 perjury that I have not voted and will not vote other than by
20 this ballot at this election; I marked the enclosed ballot in
21 secret or am blind, unable to read or write English, or
22 physically incapable of marking the ballot, and the person of my
23 choosing indicated below marked the ballot at my direction; all
24 of the information on this statement is, to the best of my
25 knowledge and belief, true.

26 Subscribed to and sworn
27 Signature of Voter before me this day
28 of,

1	.....
2	.....	.....
3	Address of Voter	Signature of notary or
4		other officer authorized
5		to administer oaths
6	.....	.....
7	Mailing Address (if different)	.....
8		.....
9	.....	.....
10	Signature of Person	Address of Last
11	Assisting Voter	Missouri Residence
12		(if applicable)

13 4. The statement for persons voting absentee ballots who
14 are entitled to vote at the election pursuant to the provisions
15 of subsection 2 of section 115.137 shall be in substantially the
16 following form:

17 State of Missouri
18 County (City) of

19 I, (print name), declare
20 under the penalties of perjury that I expect to be prevented from
21 going to the polls on election day due to (check one):

- 22 absence on election day from the jurisdiction of the
- 23 election authority in which I am directed to vote;
- 24 incapacity or confinement due to illness or physical
- 25 disability, including caring for a person who is
- 26 incapacitated or confined due to illness or disability;
- 27 religious belief or practice;
- 28 employment as an election authority or by an election

1 authority at a location other than my polling place;
2 incarceration, although I have retained all the
3 necessary qualifications of voting.

4 I hereby state under penalties of perjury that I own property in
5 the district and am qualified to vote at
6 this election; I have not voted and will not vote other than by
7 this ballot at this election. I further state that I marked the
8 enclosed ballot in secret or that I am blind, unable to read and
9 write English, or physically incapable of marking the ballot, and
10 the person of my choosing indicated below marked the ballot at my
11 direction; all of the information on this statement is, to the
12 best of my knowledge and belief, true.

13	.....	Subscribed and sworn
14	Signature of Voter	to before me this
15		..... day of
16	,
17	.....
18	.....	.....
19	Address	Signature of notary or
20		other officer authorized
21		to administer oaths
22	.....
23	Signature of Person	
24	Assisting Voter	
25	(if applicable)	
26		

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

1 The voter needed assistance in marking the ballot and signing
2 above, because of blindness, other physical disability, or
3 inability to read or to read English. I marked the ballot
4 enclosed in this envelope at the voter's direction, when I was
5 alone with the voter, and I had no other communication with the
6 voter as to how he or she was to vote. The voter swore or
7 affirmed the voter affidavit above and I then signed the voter's
8 name and completed the other voter information above. Signed
9 under the penalties of perjury.

10 Reason why voter needed assistance:

11 ASSISTING PERSON SIGN HERE

- 12 1. (signature of assisting person)
- 13 2. (assisting person's name printed)
- 14 3. (assisting person's residence)
- 15 4. (assisting person's home city or town).
- 16 6. Notwithstanding any other provision of this section, any
17 [resident of the state of Missouri who resides outside the
18 boundaries of the United States or who is on active duty with the
19 armed forces of the United States or members of their immediate
20 family living with them] covered voter as defined in section
21 115.902 or persons who have declared themselves to be permanently
22 disabled pursuant to section 115.284, otherwise entitled to vote,
23 shall not be required to obtain a notary seal or signature on his
24 or her absentee ballot.
- 25 7. Notwithstanding any other provision of this section or
26 section 115.291 to the contrary, the subscription, signature and
27 seal of a notary or other officer authorized to administer oaths
28 shall not be required on any ballot, ballot envelope, or

1 statement required by this section if the reason for the voter
2 voting absentee is due to the reasons established pursuant to
3 subdivision (2) of subsection 1 of section 115.277.

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

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

11 115.287. 1. Upon receipt of a signed application for an
12 absentee ballot and if satisfied the applicant is entitled to
13 vote by absentee ballot, the election authority shall, within
14 three working days after receiving the application, or if
15 absentee ballots are not available at the time the application is
16 received, within five working days after they become available,
17 deliver to the voter an absentee ballot, ballot envelope and such
18 instructions as are necessary for the applicant to vote.
19 Delivery shall be made to the voter personally in the office of
20 the election authority or by bipartisan teams appointed by the
21 election authority, or by first class, registered, or certified
22 mail at the discretion of the election authority, or in the case
23 of [absent uniformed services voters and overseas voters, by
24 electronic transmission if electronic transmission is requested
25 by the voter] a covered voter as defined in section 115.902, the
26 method of transmission prescribed in section 115.914. Where the
27 election authority is a county clerk, the members of bipartisan
28 teams representing the political party other than that of county

1 clerk shall be selected from a list of persons submitted to the
2 county clerk by the county chairman of that party. If no list is
3 provided by the time that absentee ballots are to be made
4 available, the county clerk may select a person or persons from
5 lists provided in accordance with section 115.087. If the
6 election authority is not satisfied that any applicant is
7 entitled to vote by absentee ballot, it shall not deliver an
8 absentee ballot to the applicant. Within three working days of
9 receiving such an application, the election authority shall
10 notify the applicant and state the reason he or she is not
11 entitled to vote by absentee ballot. The applicant may appeal
12 the decision of the election authority to the circuit court in
13 the manner provided in section 115.223.

14 2. If, after 5:00 p.m. on the Wednesday before an election,
15 any voter from the jurisdiction has become hospitalized, becomes
16 confined due to illness or injury, or is confined in an adult
17 boarding facility, intermediate care facility, residential care
18 facility, or skilled nursing facility, as defined in section
19 198.006, in the county in which the jurisdiction is located or in
20 the jurisdiction or an adjacent election authority within the
21 same county, the election authority shall appoint a team to
22 deliver, witness the signing of and return the voter's
23 application and deliver, witness the voting of and return the
24 voter's absentee ballot. In counties with a charter form of
25 government and in cities not within a county, and in each city
26 which has over three hundred thousand inhabitants, and is
27 situated in more than one county, if the election authority
28 receives ten or more applications for absentee ballots from the

1 same address it may appoint a team to deliver and witness the
2 voting and return of absentee ballots by voters residing at that
3 address, except when such addresses are for an apartment building
4 or other structure wherein individual living units are located,
5 each of which has its own separate cooking facilities. Each team
6 appointed pursuant to this subsection shall consist of two
7 registered voters, one from each major political party. Both
8 members of any team appointed pursuant to this subsection shall
9 be present during the delivery, signing or voting and return of
10 any application or absentee ballot signed or voted pursuant to
11 this subsection.

12 3. On the mailing and ballot envelopes for each applicant
13 in federal service, the election authority shall stamp
14 prominently in black the words "FEDERAL BALLOT, STATE OF
15 MISSOURI" and "U.S. Postage Paid, 39 U.S.C. 3406".

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

19 115.291. 1. Upon receiving an absentee ballot in person or
20 by mail, the voter shall mark the ballot in secret, place the
21 ballot in the ballot envelope, seal the envelope and fill out the
22 statement on the ballot envelope. The affidavit of each person
23 voting an absentee ballot shall be subscribed and sworn to before
24 the election official receiving the ballot, a notary public or
25 other officer authorized by law to administer oaths, unless the
26 voter is voting absentee due to incapacity or confinement due to
27 the provisions of section 115.284, illness or physical
28 disability, or the voter is [an absent uniformed services voter

1 or an overseas voter] a covered voter as defined in section
2 115.902. If the voter is blind, unable to read or write the
3 English language, or physically incapable of voting the ballot,
4 the voter may be assisted by a person of the voter's own
5 choosing. Any person assisting a voter who is not entitled to
6 such assistance, and any person who assists a voter and in any
7 manner coerces or initiates a request or a suggestion that the
8 voter vote for or against or refrain from voting on any question,
9 ticket or candidate, shall be guilty of a class one election
10 offense. If, upon counting, challenge or election contest, it is
11 ascertained that any absentee ballot was voted with unlawful
12 assistance, the ballot shall be rejected.

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

25 3. In cases of an emergency declared by the President of
26 the United States or the governor of this state where the conduct
27 of an election may be affected, the secretary of state may
28 provide for the delivery and return of absentee ballots by use of

1 a facsimile transmission device or system. Any rule promulgated
2 pursuant to this subsection shall apply to a class or classes of
3 voters as provided for by the secretary of state.

4 4. No election authority shall refuse to accept and process
5 any otherwise valid marked absentee ballot submitted in any
6 manner by [an absent uniformed services voter or overseas] a
7 covered voter solely on the basis of restrictions on envelope
8 type.

9 [5. As provided in the Military and Overseas Voter
10 Empowerment Act, the secretary of state shall, in coordination
11 with local election authorities, develop a free access system by
12 which an absent uniformed services voter or overseas voter may
13 determine whether the voter's absentee ballot has been received
14 by the appropriate election authority.]

15 115.425. [Except as provided in subsection 2 of section
16 115.277,] The election judges shall allow no person to vote whose
17 name does not appear in the precinct register without the express
18 sanction of the election authority.

19 115.541. 1. Whenever a recount is ordered pursuant to
20 section 115.539, the court shall order all materials and records
21 relating to the contest brought before it, so that the court has
22 the same materials and records as the election judges had while
23 making the count and statements of returns. The court shall have
24 authority to pass upon the form and determine the legality of the
25 votes brought into question and to determine the qualifications
26 of any voter whose vote is brought into question, provided that
27 the name of a voter upon a precinct register for the polling
28 place shall be prima facie evidence of the proper qualifications

1 of the voter. A comparison may be made between the signatures on
2 the identification certificates and those which appear in the
3 precinct registers, and no votes shall be counted except the
4 votes of registered voters [and those entitled to vote as
5 provided in section 115.277 without being registered]. No votes
6 of any person found by the court to be unqualified to vote at the
7 primary election shall be counted.

8 2. Whenever a recount of votes cast on paper ballots is
9 ordered pursuant to section 115.539 or 115.601, the court shall
10 proceed to open and count the votes and, after the count has been
11 completed, shall tabulate by voting district the votes cast for
12 the contestant and the contestee.

13 3. Whenever a recount of votes cast on any voting machine
14 is ordered pursuant to section 115.539 or 115.601, the court
15 shall make visible the registering counters of the machine and,
16 without unlocking the machine against voting, shall record the
17 votes cast on the machine.

18 4. Whenever a recount of votes cast on ballot cards is
19 ordered pursuant to section 115.539 or 115.601, the court shall
20 supervise a test of the automatic tabulating equipment conducted
21 in the manner provided in section 115.233 and shall cause the
22 votes to be recounted automatically or may order a hand count of
23 the votes. In its discretion, the court may order a new computer
24 program to be made, which shall be tested in the manner provided
25 in section 115.233 before the votes in question are recounted
26 automatically.

27 115.585. 1. Whenever a recount is ordered pursuant to
28 section 115.583 or 115.601, the court or legislative body trying

1 the contest shall issue a writ to each election authority
2 responsible for conducting the election in any area in which an
3 alleged irregularity occurred, commanding the election authority
4 to prepare its office and all records and materials relating to
5 the contested election for the recount. Such writ shall be
6 served immediately on the election authority by the sheriff of
7 the county. Upon receipt of a writ, each election authority
8 shall set a day, not more than twenty days after receiving the
9 writ, on which it will have its office and all records and
10 materials relating to the contested election prepared.

11 Immediately upon setting the day, the election authority shall
12 send by certified or registered mail a notice to the court or
13 legislative body issuing the writ. The notice shall set forth
14 the day selected by the election authority for the recount.

15 2. Whenever a recount is ordered pursuant to section
16 115.583, the court or legislative body shall have authority to
17 pass upon the form and determine the legality of the votes
18 brought into question and to determine the qualifications of any
19 voter whose vote is brought into question, provided that the name
20 of a voter upon a precinct register for the polling place shall
21 be prima facie evidence of the proper qualifications of the
22 voter. A comparison may be made between the signatures on the
23 identification certificates and those which appear in the
24 precinct registers, and no votes shall be counted except the
25 votes of registered voters and those entitled to vote as provided
26 in subsection 2 of section 115.137 [and section 115.277 without
27 being registered]. No votes of any person found by the court to
28 be unqualified to vote at the election shall be counted.

1 3. Whenever a recount of votes cast on paper ballots is
2 ordered pursuant to section 115.583 or 115.601, the court or
3 legislative body shall proceed to open and count the votes and,
4 after the count has been completed, shall tabulate by voting
5 district the votes cast for the contestant and the contestee.

6 4. Whenever a recount of votes cast on any voting machine
7 is ordered pursuant to section 115.583 or 115.601, the court or
8 legislative body shall make visible the registering counters of
9 the machine and, without unlocking the machine against voting,
10 shall record the votes cast on the machine.

11 5. Whenever a recount of votes cast on ballot cards is
12 ordered pursuant to section 115.583 or 115.601, the court or
13 legislative body shall supervise a test of the automatic
14 tabulating equipment conducted in the manner provided in section
15 115.233 and shall cause the votes to be recounted automatically,
16 or may order a hand count of the votes. In its discretion, the
17 court or legislative body may order a new computer program to be
18 made, which shall be tested in the manner provided in section
19 115.233 before the votes in question are recounted automatically.

20 115.900. Sections 115.900 to 115.936 may be cited as the
21 "Uniformed Military and Overseas Voters Act".

22 115.902. As used in sections 115.900 to 115.936, the
23 following terms shall mean:

24 (1) "Covered voter":

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

27 (b) A uniformed services voter defined in this section
28 whose voting residence is in this state and who otherwise

1 satisfies this state's voter eligibility requirements; or

2 (c) An overseas voter;

3 (2) "Dependent", an individual recognized as a dependent by
4 a uniformed service;

5 (3) "Federal postcard application", the application
6 prescribed under Section 101(b)(2) of the Uniformed and Overseas
7 Citizens Absentee Voting Act, 42 U.S.C. Section 1973ff(b)(2);

8 (4) "Federal write-in absentee ballot", the ballot
9 described in Section 103 of the Uniformed and Overseas Citizens
10 Absentee Voting Act, 42 U.S.C. Section 1973ff-2;

11 (5) "Military-overseas ballot":

12 (a) A federal write-in absentee ballot;

13 (b) A ballot specifically prepared or distributed for use
14 by a covered voter in accordance with sections 115.900 to
15 115.936; and

16 (c) A ballot cast by a covered voter in accordance with
17 sections 115.900 to 115.936;

18 (6) "Overseas voter":

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

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

26 (7) "State", a state of the United States, the District of
27 Columbia, Puerto Rico, the United States Virgin Islands, or any
28 territory or insular possession subject to the jurisdiction of

1 the United States;

2 (8) "Uniformed services":

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

5 (b) The Merchant Marine, the commissioned corps of the
6 Public Health Service, or the commissioned corps of the National
7 Oceanic and Atmospheric Administration of the United States; or

8 (c) The Missouri National Guard;

9 (9) "Uniformed services voter", an individual who is
10 qualified to vote and is:

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

14 (b) A member of the Merchant Marine, the commissioned corps
15 of the Public Health Service, or the commissioned corps of the
16 National Oceanic and Atmospheric Administration of the United
17 States;

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

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

21 (10) "United States", used in the territorial sense, the
22 several states, the District of Columbia, Puerto Rico, the United
23 States Virgin Islands, and any territory or insular possession
24 subject to the jurisdiction of the United States.

25 115.904. The voting procedures in sections 115.900 to
26 115.936 shall apply to:

27 (1) A general, special, presidential preference, or primary
28 election for federal office;

1 (2) A general, special, or primary election for statewide
2 or state legislative office or state ballot measure; and

3 (3) Any election in which absentee voting is conducted
4 pursuant to sections 115.275 to 115.304.

5 115.906. 1. The secretary of state shall be responsible
6 for implementing sections 115.900 to 115.936 and the state's
7 responsibilities under the Uniformed and Overseas Citizens
8 Absentee Voting Act, 42 U.S.C. Section 1973ff et seq.

9 2. The secretary of state shall make available to covered
10 voters, information regarding voter registration procedures for
11 covered voters and procedures for casting military-overseas
12 ballots. The secretary of state may delegate the responsibility
13 under this subsection only to the state office designated in
14 compliance with Section 102(b)(1) of the Uniformed and Overseas
15 Citizens Absentee Voting Act, 42 U.S.C. Section 1973ff-1(b)(1).

16 3. The secretary of state shall establish an electronic
17 transmission system through which a covered voter may apply for
18 and receive voter registration materials, military-overseas
19 ballots, and other information under sections 115.900 to 115.936.

20 4. The secretary of state shall:

21 (1) Develop standardized absentee-voting materials,
22 including privacy and transmission envelopes and their electronic
23 equivalents, authentication materials, and voting instructions,
24 to be used with the military-overseas ballot of a voter
25 authorized to vote in any jurisdiction in this state; and

26 (2) To the extent reasonably possible, coordinate with
27 other states to carry out this subsection.

28 5. The secretary of state shall prescribe the form and

1 content of a declaration for use by a covered voter to swear or
2 affirm specific representations pertaining to the voter's
3 identity, eligibility to vote, status as a covered voter, and
4 timely and proper completion of a military-overseas ballot. The
5 declaration shall be based on the declaration prescribed to
6 accompany a federal write-in absentee ballot, as modified to be
7 consistent with sections 115.900 to 115.936. The secretary of
8 state shall ensure that a form for the execution of the
9 declaration, including an indication of the date of execution of
10 the declaration, is a prominent part of all balloting materials
11 for which the declaration is required.

12 115.908. 1. To apply to register to vote, in addition to
13 any other approved method, a covered voter may use a federal
14 postcard application, or the application's electronic equivalent.

15 2. A covered voter may use the declaration accompanying a
16 federal write-in absentee ballot to apply to register to vote
17 simultaneously with the submission of the federal write-in
18 absentee ballot, if the declaration is received no later than
19 5:00 p.m. on the fourth Tuesday prior to the election. If the
20 declaration is received after that date, it shall be treated as
21 an application to register to vote for subsequent elections.

22 3. The secretary of state shall ensure that the electronic
23 transmission system described in subdivision (3) of section
24 115.906 is capable of accepting both a federal postcard
25 application and any other approved electronic registration
26 application sent to the appropriate election official. The voter
27 may use the electronic transmission system or any other approved
28 method to register to vote.

1 115.910. 1. A covered voter who is registered to vote in
2 this state may apply for a military-overseas ballot using either
3 the application for absentee ballot under section 115.279 or the
4 federal postcard application or the application's electronic
5 equivalent.

6 2. A covered voter who is not registered to vote in this
7 state may use a federal postcard application or the application's
8 electronic equivalent to apply simultaneously to register to vote
9 under section 115.908 and for a military-overseas ballot.

10 3. The secretary of state shall ensure that the electronic
11 transmission system described in section 115.906 is capable of
12 accepting the submission of both a federal postcard application
13 and any other approved electronic military-overseas ballot
14 application sent to the appropriate election official. The voter
15 may use the electronic transmission system or any other approved
16 method to apply for a military-overseas ballot.

17 4. A covered voter may use the declaration accompanying a
18 federal write-in absentee ballot as an application for a
19 military-overseas ballot simultaneously with the submission of
20 the federal write-in absentee ballot, if the declaration is
21 received by the appropriate election official by 5:00 p.m. on the
22 Wednesday immediately prior to the election.

23 5. To receive the benefits of sections 115.900 to 115.936,
24 a covered voter shall inform the election authority that the
25 voter is a covered voter. Methods of informing the election
26 authority that a voter is a covered voter include:

27 (1) The use of a federal postcard application or federal
28 write-in absentee ballot;

1 (2) The use of an overseas address on an approved voter
2 registration application or ballot application; and

3 (3) The inclusion on an approved voter registration
4 application or ballot application of other information sufficient
5 to identify the voter as a covered voter.

6 115.912. An application for a military-overseas ballot is
7 timely if received by 5:00 p.m. on the Wednesday prior to the
8 election. An application for a military-overseas ballot for a
9 primary election, whether or not timely, shall be effective as an
10 application for a military-overseas ballot for the general
11 election.

12 115.914. 1. For an election described in section 115.904
13 for which this state has not received a waiver under Section 579
14 of the Military and Overseas Voter Empowerment Act, 42 U.S.C.
15 Section 1973ff-1(g) (2), not later than forty-five days before the
16 election or, if the forty-fifth day before the election is a
17 weekend or holiday, not later than the business day preceding the
18 forty-fifth day, the election authority in each jurisdiction
19 charged with distributing a ballot and balloting materials shall
20 transmit a ballot and balloting materials to all covered voters
21 who by that date submit a valid military-overseas ballot
22 application.

23 2. A covered voter who requests that a ballot and balloting
24 materials be sent to the voter by electronic transmission may
25 choose facsimile transmission or electronic mail delivery, or, if
26 offered by the voter's jurisdiction, internet delivery. The
27 election authority in each jurisdiction charged with distributing
28 a ballot and balloting materials shall transmit the ballot and

1 balloting materials to the voter using the means of transmission
2 chosen by the voter.

3 3. If a ballot application from a covered voter arrives
4 after the jurisdiction begins transmitting ballots and balloting
5 materials to voters, the election authority charged with
6 distributing a ballot and balloting materials shall transmit them
7 to the voter not later than two business days after the
8 application arrives.

9 115.916. To be valid, a military-overseas ballot shall be
10 received by the appropriate local election official not later
11 than the close of the polls, or the voter shall submit the ballot
12 for mailing, or other authorized means of delivery not later than
13 12:01 a.m., at the place where the voter completes the ballot, on
14 the date of the election.

15 115.918. A covered voter may use a federal write-in
16 absentee ballot to vote for all offices and ballot measures in an
17 election described in section 115.904.

18 115.920. 1. A valid military-overseas ballot cast in
19 accordance with section 115.916 shall be counted if it is
20 delivered by the end of business on the business day before the
21 election authority convenes a verification board under section
22 115.497 to the address of the appropriate election authority.

23 2. If, at the time of completing a military-overseas ballot
24 and balloting materials, the voter has declared under penalty of
25 perjury that the ballot was timely submitted, the ballot shall
26 not be rejected on the basis that it has a late postmark, an
27 unreadable postmark, or no postmark.

28 115.922. A military-overseas ballot shall include or be

1 accompanied by a declaration signed by the voter that a material
2 misstatement of fact in completing the ballot may be grounds for
3 a conviction of perjury under the laws of the United States or
4 this state.

5 115.924. The secretary of state, in coordination with local
6 election authorities, shall implement an electronic free-access
7 system by which a covered voter may determine:

8 (1) The voter's federal postcard application or other
9 registration or military-overseas ballot application has been
10 received and accepted; and

11 (2) The voter's military-overseas ballot has been received
12 and the current status of the ballot.

13 115.926. 1. The election authority shall request an
14 electronic-mail address from each covered voter who registers to
15 vote. An electronic-mail address provided by a covered voter
16 shall not be made available to the public or any individual or
17 organization other than an authorized agent of the local election
18 authority and is exempt from disclosure under the Missouri
19 sunshine law contained in chapter 610. The address shall be used
20 only for official communication with the voter about the voting
21 process, including transmitting military-overseas ballots and
22 election materials if the voter has requested electronic
23 transmission, and verifying the voter's mailing address and
24 physical location. The request for an electronic-mail address
25 shall describe the purposes for which the electronic-mail address
26 may be used and include a statement that any other use or
27 disclosure of the electronic-mail address is prohibited.

28 2. A covered voter who provides an electronic-mail address

1 may request that the voter's application for a military-overseas
2 ballot be considered a standing request for electronic delivery
3 of a ballot for all elections held through December thirty-first
4 of the year following the calendar year of the date of the
5 application or another shorter period the voter specifies. An
6 election authority shall provide a military-overseas ballot to a
7 voter who makes a standing request for each election to which the
8 request is applicable. A covered voter who is entitled to
9 receive a military-overseas ballot for a primary election under
10 this subsection is entitled to receive a military-overseas ballot
11 for the general election.

12 115.928. 1. Not later than the tenth Tuesday before a
13 regularly scheduled election and as soon as practicable before an
14 election not regularly scheduled, the election authority in each
15 jurisdiction charged with printing and distributing ballots and
16 balloting material shall prepare an election notice for that
17 jurisdiction, to be used in conjunction with a federal write-in
18 absentee ballot. The election notice shall contain a list of all
19 of the ballot measures and federal, state, and local offices
20 that, as of that date, the official expects to be on the ballot
21 on the date of the election. The notice also shall contain
22 specific instructions for how a voter is to indicate on the
23 federal write-in absentee ballot the voter's choice for each
24 office to be filled and for each ballot measure to be contested.

25 2. A covered voter may request a copy of an election
26 notice. The election authority charged with preparing the
27 election notice shall send the notice to the voter by facsimile,
28 electronic mail, or regular mail, as the voter requests.

1 3. Not later than forty-five days prior to the election,
2 the official charged with preparing the election notice under
3 subsection 1 of this section shall update the notice with the
4 certified candidates for each office and ballot measure questions
5 and make the updated notice publicly available.

6 4. A local election jurisdiction that maintains an internet
7 website shall make the election notice prepared under subsection
8 1 of this section and updated versions of the election notice
9 regularly available on the website.

10 115.930. 1. If a voter's mistake or omission in the
11 completion of a document under sections 115.900 to 115.936 does
12 not prevent determining whether a covered voter is eligible to
13 vote, the mistake or omission shall not invalidate the document.
14 Failure to satisfy a nonsubstantive requirement, such as using
15 paper or envelopes of a specified size or weight, shall not
16 invalidate a document submitted under sections 115.900 to
17 115.936. In a write-in ballot authorized by sections 115.900 to
18 115.936 or in a vote for a write-in candidate on a regular
19 ballot, if the intention of the voter is discernable under this
20 state's uniform definition of what constitutes a vote, an
21 abbreviation, misspelling, or other minor variation in the form
22 of the name of a candidate or a political party shall be accepted
23 as a valid vote.

24 2. Notarization shall not be required for the execution of
25 a document under sections 115.900 to 115.936. An authentication,
26 other than the declaration specified in section 115.922 or the
27 declaration on the federal postcard application and federal
28 write-in absentee ballot, shall not be required for execution of

1 a document under sections 115.900 to 115.936. The declaration
2 and any information in the declaration may be compared with
3 information on file to ascertain the validity of the document.

4 115.932. A court may issue an injunction or grant other
5 equitable relief appropriate to ensure substantial compliance
6 with, or enforce, sections 115.900 to 115.936 on application by:

7 (1) A covered voter alleging a grievance under sections
8 115.900 to 115.936; or

9 (2) An election authority in this state.

10 115.934. In applying and construing sections 115.900 to
11 115.936, consideration shall be given to the need to promote
12 uniformity of the law with respect to its subject matter among
13 states that enact it.

14 115.936. Sections 115.900 to 115.936 modify, limit, and
15 supersede the Electronic Signatures in Global and National
16 Commerce Act, 15 U.S.C. Section 7001 et seq., but shall not
17 modify, limit, or supersede Section 101(c) of that act, 15 U.S.C.
18 Section 7001(c), or authorize electronic delivery of any of the
19 notices described in Section 103(b) of that act, 15 U.S.C.
20 Section 7003(b).

21 [115.156. 1. The secretary of state shall
22 establish procedures for absent uniformed services
23 voters and overseas voters to request, by mail or
24 electronically, that voter registration applications be
25 sent to the voter, and to request that such voter
26 registration applications be sent by mail or
27 electronically in the preferred method of transmission
28 designated by the voter. The secretary of state shall
29 designate not less than one means of electronic
30 communication for use by absent uniformed services
31 voters and overseas voters to request voter
32 registration applications and to send such voter
33 registration applications.

34 2. No election authority shall refuse to accept
35 and process any otherwise valid voter registration

1 application submitted by an absent uniformed services
2 voter or an overseas voter solely on the basis of
3 restrictions on paper type.]
4

5 [115.278. The secretary of state shall establish
6 procedures for absent uniformed services voters and
7 overseas voters to request, by mail or electronically,
8 that absentee ballot applications be sent to the voter,
9 and to request that such absentee ballot applications
10 be sent by mail or electronically in the preferred
11 method of transmission designated by the voter. The
12 secretary of state shall designate not less than one
13 means of electronic communication for use by absent
14 uniformed services voters and overseas voters to
15 request absentee ballot applications, to send such
16 absentee ballot applications, and to provide related
17 voting, balloting, and election information to such
18 voters.]
19

20 [115.292. 1. Notwithstanding any other provision
21 of this chapter, a qualified absentee voter may apply
22 for a special write-in absentee ballot within eighty
23 days of a special, primary, or general election for
24 federal office. Such a ballot shall be for voting for
25 all offices being contested at such election.

26 2. A qualified absentee voter applying for a
27 special write-in absentee ballot pursuant to this
28 section shall apply to the local election authority of
29 the area which contains his last residence in this
30 state for such ballot. The application for a special
31 write-in absentee ballot may be made on the federal
32 postcard application form, by letter, or on a form
33 provided by the local election authority.

34 3. Upon receipt of the application, the election
35 authority shall issue a special write-in absentee
36 ballot. Such ballot shall permit the voter to cast a
37 ballot by writing in a party preference for each
38 office, the names of specific candidates, or the names
39 of persons whom the voter prefers.

40 4. The election authority shall issue a regular
41 absentee ballot as soon as such ballots are available.
42 If both the regular absentee ballot and the special
43 write-in absentee ballot are returned, the regular
44 absentee ballot shall be counted and the special
45 write-in absentee ballot shall be voided.

46 5. The special write-in absentee ballot provided
47 for in this section shall be used instead of the
48 federal write-in absentee ballot in general, special,
49 and primary elections for federal office as authorized
50 in Title 42, U.S.C. Section 1973ff-2(e), as amended.]
51