

FIRST REGULAR SESSION
[P E R F E C T E D]
SENATE SUBSTITUTE FOR
SENATE COMMITTEE SUBSTITUTE FOR
SENATE BILL NO. 116
97TH GENERAL ASSEMBLY

INTRODUCED BY SENATOR KRAUS.

Offered March 25, 2013.

Senate Substitute adopted, March 25, 2013.

Taken up for Perfection, March 25, 2013. Bill declared Perfected and Ordered Printed.

TERRY L. SPIELER, Secretary.

0630S_04P

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:

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115.275, 115.277, 115.278, 115.281, 115.283, 115.287, 115.291, 115.292, 115.425, 115.541, and 115.585, RSMo, are repealed and thirty new sections enacted in lieu thereof, to be known as sections 115.139, 115.159, 115.275, 115.277, 115.281, 115.283, 115.287, 115.291, 115.425,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

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

115.159. 1. Any person who is qualified to register in Missouri shall, upon application, be entitled to register by mail. Upon request, application forms shall be furnished by the election authority or the secretary of state.

2. Notwithstanding any provision of law to the contrary, the election

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

5 authority shall not deliver any absentee ballot to any person who registers to vote
6 by mail until after such person has:

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

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

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

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

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

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

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

28 (3) Who is:

29 (a) [Entitled to vote by absentee ballot pursuant to the Uniformed and
30 Overseas Citizens Absentee Voting Act] **A covered voter defined in section**
31 **115.902;**

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

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

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) "Overseas voter" includes:

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

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

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

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

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

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

31 (c) Civilian employees of the United States government working outside
32 the boundaries of the United States, and their spouses and dependents;

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

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

115.277. 1. Except as provided in subsections **2, 3, and 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, as defined in section 115.275, who is
17 eligible to register and vote in this state but is not registered may vote only in the
18 election of presidential and vice presidential electors, United States senator and
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.] 3. Any intrastate new resident, as defined in section 115.275, may
26 vote by absentee ballot at the election for presidential and vice presidential
27 electors, United States senator, representative in Congress, statewide elected
28 officials and statewide questions, propositions and amendments from such
29 resident's new jurisdiction of residence after registering to vote in such resident's
30 new jurisdiction of residence.

31 [5.] 4. Any new resident, as defined in section 115.275, may vote by
32 absentee ballot for presidential and vice presidential electors after registering to
33 vote in such resident's new jurisdiction of residence.

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

7 election authority shall cause to have printed and made available a sufficient
8 quantity of absentee ballots, ballot envelopes and mailing envelopes.

9 2. All absentee ballots for an election shall be in the same form as the
10 official ballots for the election, except that in lieu of the words "Official Ballot"
11 at the top of the ballot, the words "Official Absentee Ballot" shall appear.

12 [3. Not later than forty-five days before each general, primary, and special
13 election for federal office, the election authority shall cause to have printed and
14 made available a sufficient quantity of absentee ballots, ballot envelopes, and
15 mailing envelopes for absent uniformed services voters and overseas voters and
16 shall begin transmitting such ballots to absent uniformed services and overseas
17 voters who have submitted an absentee ballot application.]

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 County (City of St.
20 Louis, Kansas City), declare under the penalties of perjury that I expect to be
21 prevented from going to the polls on election day due to (check one):

22 absence on election day from the jurisdiction of the election authority in
23 which I am registered;

24 incapacity or confinement due to illness or physical disability, including caring for
25 a person who is incapacitated or confined due to illness or disability;

26 religious belief or practice;
 27 employment as an election authority or by an election authority at a
 28 location other than my polling place;
 29 incarceration, although I have retained all the necessary qualifications for
 30 voting.

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

38
39 Signature of Voter	Signature of Person
40	Assisting Voter
41	(if applicable)
42 Signed	Subscribed and sworn to
43 Signed	before me this day
44 Address of Voter	of,
45
46
47 Mailing addresses	Signature of notary or
48 (if different)	other officer authorized
49	to administer oaths

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

53 State of Missouri
 54 County (City) of

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

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

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

74 [OR (check if applicable)

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

83	Subscribed to and sworn
84 Signature of Voter	before me this day
85	of,
86
87
88 Address of Voter	Signature of notary or
89	other officer authorized
90	to administer oaths
91
92 Mailing Address (if different)
93
94
95 Signature of Person	Address of Last
96 Assisting Voter	Missouri Residence
97	(if applicable)

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

101 State of Missouri

102 County (City) of

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

106 absence on election day from the jurisdiction of the election authority in
107 which I am directed to vote;

108 incapacity or confinement due to illness or physical disability, including
109 caring for a person who is incapacitated or confined due to illness or
110 disability;

111 religious belief or practice;

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

114 incarceration, although I have retained all the necessary qualifications of
115 voting.

116 I hereby state under penalties of perjury that I own property in the
117 district and am qualified to vote at this election; I have not voted and will not
118 vote other than by this ballot at this election. I further state that I marked the
119 enclosed ballot in secret or that I am blind, unable to read and write English, or
120 physically incapable of marking the ballot, and the person of my choosing
121 indicated below marked the ballot at my direction; all of the information on this
122 statement is, to the best of my knowledge and belief, true.

123 Subscribed and sworn
124 Signature of Voter to before me this
125 day of,

126

127

128	Address	Signature of notary or
129		other officer authorized
130		to administer oaths

131

132 Signature of Person

133 Assisting Voter

134 (if applicable)

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

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

144 Reason why voter needed assistance:

145 ASSISTING PERSON SIGN HERE

146 1. (signature of assisting person)

147 2. (assisting person's name printed)

148 3. (assisting person's residence)

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

150 6. Notwithstanding any other provision of this section, any [resident of
151 the state of Missouri who resides outside the boundaries of the United States or
152 who is on active duty with the armed forces of the United States or members of
153 their immediate family living with them] **covered voter as defined in section**
154 **115.902** or persons who have declared themselves to be permanently disabled
155 pursuant to section 115.284, otherwise entitled to vote, shall not be required to
156 obtain a notary seal or signature on his or her absentee ballot.

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

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

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

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 [absent uniformed services voters and overseas voters, by electronic
11 transmission if electronic transmission is requested by the voter] **a covered**
12 **voter as defined in section 115.902, the method of transmission**
13 **prescribed in section 115.914.** Where the election authority is a county clerk,
14 the members of bipartisan teams representing the political party other than that
15 of county clerk shall be selected from a list of persons submitted to the county
16 clerk by the county chairman of that party. If no list is provided by the time that
17 absentee ballots are to be made available, the county clerk may select a person
18 or persons from lists provided in accordance with section 115.087. If the election
19 authority is not satisfied that any applicant is entitled to vote by absentee ballot,
20 it shall not deliver an absentee ballot to the applicant. Within three working
21 days of receiving such an application, the election authority shall notify the
22 applicant and state the reason he or she is not entitled to vote by absentee
23 ballot. The applicant may appeal the decision of the election authority to the
24 circuit court in the manner provided in section 115.223.

25 2. If, after 5:00 p.m. on the Wednesday before an election, any voter from
26 the jurisdiction has become hospitalized, becomes confined due to illness or
27 injury, or is confined in an adult boarding facility, intermediate care facility,
28 residential care facility, or skilled nursing facility, as defined in section 198.006,
29 in the county in which the jurisdiction is located or in the jurisdiction or an
30 adjacent election authority within the same county, the election authority shall
31 appoint a team to deliver, witness the signing of and return the voter's
32 application and deliver, witness the voting of and return the voter's absentee
33 ballot. In counties with a charter form of government and in cities not within a
34 county, and in each city which has over three hundred thousand inhabitants, and
35 is situated in more than one county, if the election authority receives ten or more
36 applications for absentee ballots from the same address it may appoint a team to
37 deliver and witness the voting and return of absentee ballots by voters residing
38 at that address, except when such addresses are for an apartment building or

39 other structure wherein individual living units are located, each of which has its
40 own separate cooking facilities. Each team appointed pursuant to this subsection
41 shall consist of two registered voters, one from each major political party. Both
42 members of any team appointed pursuant to this subsection shall be present
43 during the delivery, signing or voting and return of any application or absentee
44 ballot signed or voted pursuant to this subsection.

45 3. On the mailing and ballot envelopes for each applicant in federal
46 service, the election authority shall stamp prominently in black the words
47 "FEDERAL BALLOT, STATE OF MISSOURI" and "U.S. Postage Paid, 39 U.S.C.
48 3406".

49 4. No information which encourages a vote for or against a candidate or
50 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 [an absent uniformed services voter or an overseas voter] **a**
9 **covered voter as defined in section 115.902**. If the voter is blind, unable to
10 read or write the English language, or physically incapable of voting the ballot,
11 the voter may be assisted by a person of the voter's own choosing. Any person
12 assisting a voter who is not entitled to such assistance, and any person who
13 assists a voter and in any manner coerces or initiates a request or a suggestion
14 that the voter vote for or against or refrain from voting on any question, ticket
15 or candidate, shall be guilty of a class one election offense. If, upon counting,
16 challenge or election contest, it is ascertained that any absentee ballot was voted
17 with unlawful assistance, the ballot shall be rejected.

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

25 facsimile transmission or under a program approved by the Department of
26 Defense for electronic transmission of election 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 [an absent uniformed
35 services voter or overseas] **a covered** voter solely on the basis of restrictions on
36 envelope type.

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

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

115.541. 1. Whenever a recount is ordered pursuant to section 115.539,
2 the court shall order all materials and records relating to the contest brought
3 before it, so that the court has the same materials and records as the election
4 judges had while making the count and statements of returns. The court shall
5 have authority to pass upon the form and determine the legality of the votes
6 brought into question and to determine the qualifications of any voter whose vote
7 is brought into question, provided that the name of a voter upon a precinct
8 register for the polling place shall be prima facie evidence of the proper
9 qualifications of the voter. A comparison may be made between the signatures
10 on the identification certificates and those which appear in the precinct registers,
11 and no votes shall be counted except the votes of registered voters [and those
12 entitled to vote as provided in section 115.277 without being registered]. No
13 votes of any person found by the court to be unqualified to vote at the primary
14 election shall be counted.

15 2. Whenever a recount of votes cast on paper ballots is ordered pursuant
16 to section 115.539 or 115.601, the court shall proceed to open and count the votes

17 and, after the count has been completed, shall tabulate by voting district the
18 votes cast for the contestant and the contestee.

19 3. Whenever a recount of votes cast on any voting machine is ordered
20 pursuant to section 115.539 or 115.601, the court shall make visible the
21 registering counters of the machine and, without unlocking the machine against
22 voting, shall record the votes cast on the machine.

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

115.585. 1. Whenever a recount is ordered pursuant to section 115.583
2 or 115.601, the court or legislative body trying the contest shall issue a writ to
3 each election authority responsible for conducting the election in any area in
4 which an alleged irregularity occurred, commanding the election authority to
5 prepare its office and all records and materials relating to the contested election
6 for the recount. Such writ shall be served immediately on the election authority
7 by the sheriff of the county. Upon receipt of a writ, each election authority shall
8 set a day, not more than twenty days after receiving the writ, on which it will
9 have its office and all records and materials relating to the contested election
10 prepared. Immediately upon setting the day, the election authority shall send by
11 certified or registered mail a notice to the court or legislative body issuing the
12 writ. The notice shall set forth the day selected by the election authority for the
13 recount.

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

24 the court to be unqualified to vote at the election shall be counted.

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

29 4. Whenever a recount of votes cast on any voting machine is ordered
30 pursuant to section 115.583 or 115.601, the court or legislative body shall make
31 visible the registering counters of the machine and, without unlocking the
32 machine against voting, shall record the votes cast on the machine.

33 5. Whenever a recount of votes cast on ballot cards is ordered pursuant
34 to section 115.583 or 115.601, the court or legislative body shall supervise a test
35 of the automatic tabulating equipment conducted in the manner provided in
36 section 115.233 and shall cause the votes to be recounted automatically, or may
37 order a hand count of the votes. In its discretion, the court or legislative body
38 may order a new computer program to be made, which shall be tested in the
39 manner provided in section 115.233 before the votes in question are recounted
40 automatically.

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

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

3 (1) "Covered voter":

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

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

9 (c) An overseas voter;

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

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

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

- 18 **(5) "Military-overseas ballot":**
- 19 **(a) A federal write-in absentee ballot;**
- 20 **(b) A ballot specifically prepared or distributed for use by a**
21 **covered voter in accordance with sections 115.900 to 115.936; and**
- 22 **(c) A ballot cast by a covered voter in accordance with sections**
23 **115.900 to 115.936;**
- 24 **(6) "Overseas voter":**
- 25 **(a) A person who resides outside the United States and is**
26 **qualified to vote in the last place in which the person was domiciled**
27 **before leaving the United States; or**
- 28 **(b) A person who resides outside the United States and, but for**
29 **such residence, would be qualified to vote in the last place in which the**
30 **person was domiciled before leaving the United States;**
- 31 **(7) "State", a state of the United States, the District of Columbia,**
32 **Puerto Rico, the United States Virgin Islands, or any territory or**
33 **insular possession subject to the jurisdiction of the United States;**
- 34 **(8) "Uniformed services":**
- 35 **(a) Active and reserve components of the Army, Navy, Air Force,**
36 **Marine Corps, or Coast Guard of the United States;**
- 37 **(b) The Merchant Marine, the commissioned corps of the Public**
38 **Health Service, or the commissioned corps of the National Oceanic and**
39 **Atmospheric Administration of the United States; or**
- 40 **(c) The Missouri National Guard;**
- 41 **(9) "Uniformed services voter", an individual who is qualified to**
42 **vote and is:**
- 43 **(a) A member of the active or reserve components of the Army,**
44 **Navy, Air Force, Marine Corps, or Coast Guard of the United States who**
45 **is on active duty;**
- 46 **(b) A member of the Merchant Marine, the commissioned corps**
47 **of the Public Health Service, or the commissioned corps of the National**
48 **Oceanic and Atmospheric Administration of the United States;**
- 49 **(c) A member on activated status of the National Guard; or**
- 50 **(d) A spouse or dependent of a member referred to in this**
51 **subdivision;**
- 52 **(10) "United States", used in the territorial sense, the several**
53 **states, the District of Columbia, Puerto Rico, the United States Virgin**
54 **Islands, and any territory or insular possession subject to the**

55 jurisdiction of the United States.

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

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

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

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

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

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

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

16 4. The secretary of state shall:

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

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

24 5. The secretary of state shall prescribe the form and content of
25 a declaration for use by a covered voter to swear or affirm specific
26 representations pertaining to the voter's identity, eligibility to vote,
27 status as a covered voter, and timely and proper completion of a
28 military-overseas ballot. The declaration shall be based on the

29 declaration prescribed to accompany a federal write-in absentee ballot,
30 as modified to be consistent with sections 115.900 to 115.936. The
31 secretary of state shall ensure that a form for the execution of the
32 declaration, including an indication of the date of execution of the
33 declaration, is a prominent part of all balloting materials for which the
34 declaration is required.

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

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

11 3. The secretary of state shall ensure that the electronic
12 transmission system described in subdivision (3) of section 115.906 is
13 capable of accepting both a federal postcard application and any other
14 approved electronic registration application sent to the appropriate
15 election official. The voter may use the electronic transmission system
16 or any other approved method to register to vote.

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

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

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

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

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

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

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

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

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

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

11 2. A covered voter who requests that a ballot and balloting
12 materials be sent to the voter by electronic transmission may choose
13 facsimile transmission or electronic mail delivery, or, if offered by the
14 voter's jurisdiction, internet delivery. The election authority in each
15 jurisdiction charged with distributing a ballot and balloting materials

16 shall transmit the ballot and balloting materials to the voter using the
17 means of transmission chosen by the voter.

18 3. If a ballot application from a covered voter arrives after the
19 jurisdiction begins transmitting ballots and balloting materials to
20 voters, the election authority charged with distributing a ballot and
21 balloting materials shall transmit them to the voter not later than two
22 business days after the application arrives.

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

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

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

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

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

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

4 (1) The voter's federal postcard application or other registration
5 or military-overseas ballot application has been received and accepted;
6 and

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

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

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

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

13 2. A covered voter may request a copy of an election notice. The
14 election authority charged with preparing the election notice shall send
15 the notice to the voter by facsimile, electronic mail, or regular mail, as
16 the voter requests.

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

22 4. A local election jurisdiction that maintains an internet website
23 shall make the election notice prepared under subsection 1 of this
24 section and updated versions of the election notice regularly available
25 on the website.

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

13 2. Notarization shall not be required for the execution of a
14 document under sections 115.900 to 115.936. An authentication, other
15 than the declaration specified in section 115.922 or the declaration on
16 the federal postcard application and federal write-in absentee ballot,
17 shall not be required for execution of a document under sections
18 115.900 to 115.936. The declaration and any information in the
19 declaration may be compared with information on file to ascertain the
20 validity of the document.

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

4 (1) A covered voter alleging a grievance under sections 115.900

5 to 115.936; or

6 (2) An election authority in this state.

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

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

[115.156. 1. The secretary of state shall establish
2 procedures for absent uniformed services voters and overseas
3 voters to request, by mail or electronically, that voter registration
4 applications be sent to the voter, and to request that such voter
5 registration applications be sent by mail or electronically in the
6 preferred method of transmission designated by the voter. The
7 secretary of state shall designate not less than one means of
8 electronic communication for use by absent uniformed services
9 voters and overseas voters to request voter registration
10 applications and to send such voter registration applications.

11 2. No election authority shall refuse to accept and process
12 any otherwise valid voter registration application submitted by an
13 absent uniformed services voter or an overseas voter solely on the
14 basis of restrictions on paper type.]

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

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

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

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

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

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

✓