

SENATE BILL NO. 113

101ST GENERAL ASSEMBLY

INTRODUCED BY SENATOR ARTHUR.

0403S.01I

ADRIANE D. CROUSE, Secretary

AN ACT

To repeal sections 115.277, 115.279, 115.283, and 115.291, RSMo, and to enact in lieu thereof four new sections relating to absentee voting, with existing penalty provisions.

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

Section A. Sections 115.277, 115.279, 115.283, and
2 115.291, RSMo, are repealed and four new sections enacted in
3 lieu thereof, to be known as sections 115.277, 115.279, 115.283,
4 and 115.291, to read as follows:

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

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

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

14 (3) Religious belief or practice;

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

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

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

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

23 (7) For an election that occurs during the year 2020,
24 the voter has contracted or is in an at-risk category for
25 contracting or transmitting severe acute respiratory
26 syndrome coronavirus 2. This subdivision shall expire on
27 December 31, 2020].

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

43 3. Any interstate former resident may vote by absentee
44 ballot for presidential and vice presidential electors.

45 4. Any intrastate new resident may vote by absentee
46 ballot at the election for presidential and vice
47 presidential electors, United States senator, representative
48 in Congress, statewide elected officials and statewide
49 questions, propositions and amendments from such resident's

50 new jurisdiction of residence after registering to vote in
51 such resident's new jurisdiction of residence.

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

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

- 60 (1) Are sixty-five years of age or older;
- 61 (2) Live in a long-term care facility licensed under
62 chapter 198;
- 63 (3) Have chronic lung disease or moderate to severe
64 asthma;
- 65 (4) Have serious heart conditions;
- 66 (5) Are immunocompromised;
- 67 (6) Have diabetes;
- 68 (7) Have chronic kidney disease and are undergoing
69 dialysis; or
- 70 (8) Have liver disease.]

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

8 2. Each application shall be made to the election
9 authority of the jurisdiction in which the person is or
10 would be registered. Each application shall be in writing
11 and shall state the applicant's name, address at which he or

12 she is or would be registered, [his or her reason for voting
13 an absentee ballot] **whether the applicant is incapacitated**
14 **or confined due to illness or physical disability or is a**
15 **person who is primarily responsible for the physical care of**
16 **a person who is incapacitated or confined due to illness or**
17 **physical disability**, the address to which the ballot is to
18 be mailed, if mailing is requested, and for absent uniformed
19 services and overseas applicants, the applicant's email
20 address if electronic transmission is requested. If the
21 [reason for the applicant voting absentee is due to the
22 reasons established under subdivision (6) of subsection 1 of
23 section 115.277] **applicant is a certified participant in the**
24 **address confidentiality program established under sections**
25 **589.660 to 589.681**, the applicant shall state the voter's
26 identification information provided by the address
27 confidentiality program in lieu of the applicant's name,
28 address at which he or she is or would be registered, and
29 address to which the ballot is to be mailed, if mailing is
30 requested. Each application to vote in a primary election
31 shall also state which ballot the applicant wishes to
32 receive. If any application fails to designate a ballot,
33 the election authority shall, within three working days
34 after receiving the application, notify the applicant by
35 mail that it will be unable to deliver an absentee ballot
36 until the applicant designates which political party ballot
37 he or she wishes to receive. If the applicant does not
38 respond to the request for political party designation, the
39 election authority is authorized to provide the voter with
40 that part of the ballot for which no political party
41 designation is required.

42 3. [Except as provided in subsection 3 of section
43 115.281,] All applications for absentee ballots received

44 prior to the sixth Tuesday before an election shall be
45 stored at the office of the election authority until such
46 time as the applications are processed in accordance with
47 section 115.281. No application for an absentee ballot
48 received in the office of the election authority by mail, by
49 facsimile transmission, by electronic mail, or by a guardian
50 or relative after 5:00 p.m. on the second Wednesday
51 immediately prior to the election shall be accepted by any
52 election authority. No application for an absentee ballot
53 submitted by the applicant in person after 5:00 p.m. on the
54 day before the election shall be accepted by any election
55 authority, except as provided in subsections 6, 8 and 9 of
56 this section.

57 4. Each application for an absentee ballot shall be
58 signed by the applicant or, if the application is made by a
59 guardian or relative pursuant to this section, the
60 application shall be signed by the guardian or relative, who
61 shall note on the application his or her relationship to the
62 applicant. If an applicant, guardian or relative is blind,
63 unable to read or write the English language or physically
64 incapable of signing the application, he or she shall sign
65 by mark, witnessed by the signature of an election official
66 or person of his or her own choosing. Any person who
67 knowingly makes, delivers or mails a fraudulent absentee
68 ballot application shall be guilty of a class one election
69 offense.

70 5. (1) Notwithstanding any law to the contrary, any
71 resident of the state of Missouri who resides outside the
72 boundaries of the United States or who is on active duty
73 with the Armed Forces of the United States or members of
74 their immediate family living with them may request an

75 absentee ballot for both the primary and subsequent general
76 election with one application.

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

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

88 (4) Not later than sixty days after the date of each
89 regularly scheduled general election for federal office,
90 each election authority which administered the election
91 shall submit to the secretary of state in a format
92 prescribed by the secretary a report on the combined number
93 of absentee ballots transmitted to, and returned by, absent
94 uniformed services voters and overseas voters for the
95 election. The secretary shall submit to the Election
96 Assistance Commission a combined report of such information
97 not later than ninety days after the date of each regularly
98 scheduled general election for federal office and in a
99 standardized format developed by the commission pursuant to
100 the Help America Vote Act of 2002. The secretary shall make
101 the report available to the general public.

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

105 6. An application for an absentee ballot by a new
106 resident shall be submitted in person by the applicant in

107 the office of the election authority in the election
108 jurisdiction in which such applicant resides. The
109 application shall be received by the election authority no
110 later than 7:00 p.m. on the day of the election. Such
111 application shall be in the form of an affidavit, executed
112 in duplicate in the presence of the election authority or
113 any authorized officer of the election authority, and in
114 substantially the following form:

115 "STATE OF _____

116 COUNTY OF _____, ss.

117 I, _____, do solemnly swear that:

118 (1) Before becoming a resident of this state, I
119 resided at _____ (residence address) in _____
120 (town, township, village or city) of _____
121 County in the state of _____;

122 (2) I moved to this state after the last day to
123 register to vote in such general presidential
124 election and I am now residing in the county of
125 _____, state of Missouri;

126 (3) I believe I am entitled pursuant to the laws of
127 this state to vote in the presidential election
128 to be held November _____, _____ (year);

129 (4) I hereby make application for a presidential
130 and vice presidential ballot. I have not voted
131 and shall not vote other than by this ballot at
132 such election.

133 Signed _____

134 (Applicant)

135 _____

136 (Residence Address)

137 Subscribed and sworn to before me this _____ day

138 of _____, _____

139 Signed _____
 140 (Title and name of officer authorized to
 141 administer oaths)"

142 7. The election authority in whose office an
 143 application is filed pursuant to subsection 6 of this
 144 section shall immediately send a duplicate of such
 145 application to the appropriate official of the state in
 146 which the new resident applicant last resided and shall file
 147 the original of such application in its office.

148 8. An application for an absentee ballot by an
 149 intrastate new resident shall be made in person by the
 150 applicant in the office of the election authority in the
 151 election jurisdiction in which such applicant resides. The
 152 application shall be received by the election authority no
 153 later than 7:00 p.m. on the day of the election. Such
 154 application shall be in the form of an affidavit, executed
 155 in duplicate in the presence of the election authority or an
 156 authorized officer of the election authority, and in
 157 substantially the following form:

158 "STATE OF _____
 159 COUNTY OF _____, ss.

160 I, _____, do solemnly swear that:

- 161 (1) Before becoming a resident of this election
 162 jurisdiction, I resided at _____ (residence
 163 address) in _____ (town, township, village or
 164 city) of _____ county in the state of _____;
- 165 (2) I moved to this election jurisdiction after the
 166 last day to register to vote in such election;
- 167 (3) I believe I am entitled pursuant to the laws of
 168 this state to vote in the election to be held
 169 _____ (date);

170 (4) I hereby make application for an absentee
 171 ballot for candidates and issues on which I am
 172 entitled to vote pursuant to the laws of this
 173 state. I have not voted and shall not vote
 174 other than by this ballot at such election.

175 Signed _____

176 (Applicant)

177 _____

178 (Residence Address)

179 Subscribed and sworn to before me this _____ day
 180 of _____, _____

181 Signed _____

182 (Title and name of officer authorized to
 183 administer oaths)"

184 9. An application for an absentee ballot by an
 185 interstate former resident shall be received in the office
 186 of the election authority where the applicant was formerly
 187 registered by 5:00 p.m. on the second Wednesday immediately
 188 prior to the election, unless the application is made in
 189 person by the applicant in the office of the election
 190 authority, in which case such application shall be made no
 191 later than 7:00 p.m. on the day of the election.

115.283. 1. Each ballot envelope shall bear a
 2 statement on which the voter shall state the voter's name,
 3 the voter's voting address, **and** the voter's mailing address
 4 [and the voter's reason for voting an absentee ballot]. If
 5 the [reason for the voter voting absentee is due to the
 6 reasons established under subdivision (6) of subsection 1 of
 7 section 115.277] **applicant is a certified participant in the**
 8 **address confidentiality program established under sections**
 9 **589.660 to 589.681**, the voter shall state the voter's
 10 identification information provided by the address

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

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

31 State of Missouri

32 County (City) of _____

33 I, _____ (print name), a registered voter of _____
 34 County (City of St. Louis, Kansas City), declare
 35 under the penalties of perjury [that I expect to be
 36 prevented from going to the polls on election day
 37 due to (check one):

38 _____ absence on election day from the
 39 jurisdiction of the election authority in
 40 which I am registered;

41 _____ incapacity or confinement due to illness
 42 or physical disability, including caring

43 for a person who is incapacitated or
 44 confined due to illness or disability;
 45 _____ religious belief or practice;
 46 _____ employment as an election authority or by
 47 an election authority at a location other
 48 than my polling place;
 49 _____ incarceration, although I have retained
 50 all the necessary qualifications for
 51 voting;
 52 _____ certified participation in the address
 53 confidentiality program established under
 54 sections 589.660 to 589.681 because of
 55 safety concerns.

56 I hereby state under penalties of perjury] that I am
 57 qualified to vote at this election; I have not voted
 58 and will not vote other than by this ballot at this
 59 election. I further state that I marked the enclosed
 60 ballot in secret or that I am blind, unable to read
 61 or write English, or physically incapable of marking
 62 the ballot, and the person of my choosing indicated
 63 below marked the ballot at my direction; all of the
 64 information on this statement is, to the best of my
 65 knowledge and belief, true.

66	_____	_____
67	Signature of Voter	Signature of Person
68		Assisting Voter
69		(if applicable)
70	Signed _____	Subscribed and sworn
71	Signed _____	to before me this
72	Address of Voter	_____ day of _____,
73		_____
74	_____	_____
75	_____	_____
76	Mailing addresses	Signature of notary
77		or

114 information on this statement is, to the best of my
115 knowledge and belief, true.

116 _____ Subscribed to and
117 Signature of Voter sworn before me
118 this

119 _____ day of
120 _____, _____

121 _____
122 _____

123 Address of Voter Signature of notary
124 or other officer
125 authorized to
126 administer oaths

127 _____
128 Mailing Address (if different) _____

129 _____
130 _____

131 Signature of Person Address of Last
132 Assisting Voter Missouri Residence
133 (if applicable)

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

138 State of Missouri
139 County (City) of _____

140 I, _____ (print name), declare under the penalties
141 of perjury [that I expect to be prevented from
142
143

going to the polls on election day due to (check one):

- 144 _____ absence on election day from the
- 145 jurisdiction of the election authority in
- 146 which I am directed to vote;
- 147 _____ incapacity or confinement due to illness
- 148 or physical disability, including caring
- 149 for a person who is incapacitated or
- 150 confined due to illness or disability;
- 151 _____ religious belief or practice;
- 152 _____ employment as an election authority or by
- 153 an election authority at a location other
- 154 than my polling place;
- 155 _____ incarceration, although I have retained
- 156 all the necessary qualifications of
- 157 voting;
- 158 _____ certified participation in the address
- 159 confidentiality program established under
- 160 sections 589.660 to 589.681 because of
- 161 safety concerns.

162 I hereby state under penalties of perjury] that I
 163 own property in the _____ district and am
 164 qualified to vote at this election; I have not
 165 voted and will not vote other than by this ballot
 166 at this election. I further state that I marked the
 167 enclosed ballot in secret or that I am blind,
 168 unable to read and write English, or physically
 169 incapable of marking the ballot, and the person of
 170 my choosing indicated below marked the ballot at my
 171 direction; all of the information on this statement
 172 is, to the best of my knowledge and belief, true.

173
 174 _____ Subscribed and sworn
 175
 176 Signature of Voter to before me this
 177 _____ day of
 178 _____, _____
 179 _____

180 _____

181 Address Signature of notary

182 or other officer

183 authorized to

184 administer oaths

185 _____

186 Signature of Person

187 Assisting Voter

188 (if applicable)

189 5. The statement for persons providing assistance to

190 absentee voters shall be in substantially the following form:

191 The voter needed assistance in marking the ballot

192 and signing above, because of blindness, other

193 physical disability, or inability to read or to

194 read English. I marked the ballot enclosed in this

195 envelope at the voter's direction, when I was

196 alone with the voter, and I had no other

197 communication with the voter as to how he or she

198 was to vote. The voter swore or affirmed the voter

199 affidavit above and I then signed the voter's name

200 and completed the other voter information above.

201 Signed under the penalties of perjury.

202 Reason why voter needed assistance: _____

203 ASSISTING PERSON SIGN HERE

- 204 1. _____ (signature of assisting person)
- 205 2. _____ (assisting person's name printed)
- 206 3. _____ (assisting person's residence)
- 207 4. _____ (assisting person's home city or town).

208 6. [The election authority shall, for an election held

209 during 2020, adjust the forms described in this section to

210 account for voters voting absentee due to the reason

211 established pursuant to subdivision (7) of subsection 1 of
212 section 115.277.

213 7.] Notwithstanding any other provision of this
214 section, any covered voter as defined in section 115.902 or
215 persons who have declared themselves to be permanently
216 disabled pursuant to section 115.284, otherwise entitled to
217 vote, shall not be required to obtain a notary seal or
218 signature on his or her absentee ballot.

219 [8.] 7. Notwithstanding any other provision of this
220 section or section 115.291 to the contrary, the
221 subscription, signature and seal of a notary or other
222 officer authorized to administer oaths shall not be required
223 on any ballot, ballot envelope, or statement required by
224 this section if the [reason for the] voter voting absentee
225 is [due to the reasons established pursuant to subdivision
226 (2) or (7) of subsection 1 of section 115.277] **incapacitated
227 or confined due to illness or physical disability, including
228 a person who is primarily responsible for the physical care
229 of a person who is incapacitated or confined due to illness
230 or physical disability.**

231 [9.] 8. No notary shall charge or collect a fee for
232 notarizing the signature on any absentee ballot or absentee
233 voter registration.

234 [10.] 9. A notary public who charges more than the
235 maximum fee specified or who charges or collects a fee for
236 notarizing the signature on any absentee ballot or absentee
237 voter registration is guilty of official misconduct.

115.291. 1. Upon receiving an absentee ballot by
2 mail, the voter shall mark the ballot in secret, place the
3 ballot in the ballot envelope, seal the envelope and fill
4 out the statement on the ballot envelope. The affidavit of
5 each person voting an absentee ballot shall be subscribed

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

- 30 (1) Sixty-five years of age or older;
- 31 (2) Live in a long-term care facility licensed under
32 chapter 198;
- 33 (3) Have chronic lung disease or moderate to severe
34 asthma;
- 35 (4) Have serious heart conditions;
- 36 (5) Are immunocompromised;
- 37 (6) Have diabetes;

38 (7) Have chronic kidney disease and are undergoing
39 dialysis; or

40 (8) Have liver disease.

41 2. Except as provided in subsection 4 of this section,
42 each absentee ballot that is not cast by the voter in person
43 in the office of the election authority shall be returned to
44 the election authority in the ballot envelope and shall only
45 be returned by the voter in person, or in person by a
46 relative of the voter who is within the second degree of
47 consanguinity or affinity, by mail or registered carrier or
48 by a team of deputy election authorities; except that
49 covered voters, when sent from a location determined by the
50 secretary of state to be inaccessible on election day, shall
51 be allowed to return their absentee ballots cast by use of
52 facsimile transmission or under a program approved by the
53 Department of Defense for electronic transmission of
54 election materials.

55 3. In cases of an emergency declared by the President
56 of the United States or the governor of this state where the
57 conduct of an election may be affected, the secretary of
58 state may provide for the delivery and return of absentee
59 ballots by use of a facsimile transmission device or
60 system. Any rule promulgated pursuant to this subsection
61 shall apply to a class or classes of voters as provided for
62 by the secretary of state.

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

✓