FIRST REGULAR SESSION

SENATE BILL NO. 282

101ST GENERAL ASSEMBLY

INTRODUCED BY SENATOR HEGEMAN.

ADRIANE D. CROUSE, Secretary

AN ACT

To repeal sections 115.277, 115.279, 115.283, 115.285, 115.291, 115.302, 115.427, and 115.652, RSMo, and to enact in lieu thereof seven new sections relating to elections.

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

Section A. Sections 115.277, 115.279, 115.283, 115.285, 115.291, 115.302, 115.427, and 115.652, RSMo, are repealed and seven new sections enacted in lieu thereof, to be known as sections 115.277, 115.279, 115.283, 115.285, 115.291, 115.427, and 115.652, to read as follows:

115.277. 1. (1) Except as provided in subsections 2, 3, 4, and 5 of this section, any registered voter of this state may cast an absentee ballot in person at a location designated by the election authority for all candidates and issues for which such voter is eligible to vote at the polling place without providing a reason for the need to vote absentee.

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

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

EXPLANATION—Matter enclosed in bold-faced brackets [thus] in this bill is not enacted and is intended to be omitted in the law.
[(2)] (b) Incapacity or confinement due to illness or physical disability, including a person who is primarily responsible for the physical care of a person who is incapacitated or confined due to illness or disability;

[(3)] (c) Religious belief or practice;

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

[(5)] (e) Incarceration, provided all qualifications for voting are retained; or

[(6)] (f) Certified participation in the address confidentiality program established under sections 589.660 to 589.681 because of safety concerns; or

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

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

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

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

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

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

   (1) Are sixty-five years of age or older;

   (2) Live in a long-term care facility licensed under chapter 198;

   (3) Have chronic lung disease or moderate to severe asthma;

   (4) Have serious heart conditions;

   (5) Are immunocompromised;

   (6) Have diabetes;

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

   (8) Have liver disease.]

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

2. Each application shall be made to the election authority of the jurisdiction in which the person is or would be registered. Each application shall be in writing and shall state the applicant's name, address at which he or she is or would be registered, his or her reason for voting an absentee ballot, if casting an absentee ballot pursuant to subdivision (2) of subsection 1 of section 115.277, the address to which the ballot is to be mailed, if mailing is requested, and for absent uniformed services and overseas applicants, the applicant's email address if electronic transmission is requested. If the reason for the applicant voting absentee is due to the reasons established under paragraph (f) of subdivision [(6)] (2) of subsection 1 of section 115.277, the applicant shall state the voter's identification information provided by the address confidentiality program in lieu of the applicant's name, address at which he or she is or would be registered, and address to which the ballot is to be mailed, if mailing is requested. Each application to vote in a primary election shall also state which ballot the applicant wishes to receive. If any application fails to designate a ballot, the election authority shall, within three working days after receiving the application, notify the applicant by mail that it will be unable to deliver an absentee ballot until the applicant designates which political party ballot he or she wishes to receive. If the applicant does not respond to the request for political party designation, the
election authority is authorized to provide the voter with that part of the ballot for which no political party designation is required.

3. [Except as provided in subsection 3 of section 115.281,] All applications for absentee ballots received prior to the sixth Tuesday before an election shall be stored at the office of the election authority until such time as the applications are processed in accordance with section 115.281. No application for an absentee ballot received in the office of the election authority by mail, by facsimile transmission, by electronic mail, or by a guardian or relative after 5:00 p.m. on the second Wednesday immediately prior to the election shall be accepted by any election authority. No application for an absentee ballot submitted by the applicant in person after 5:00 p.m. on the day before the election shall be accepted by any election authority, except as provided in subsections 6, 8 and 9 of this section.

4. Each application for an absentee ballot shall be signed by the applicant or, if the application is made by a guardian or relative pursuant to this section, the application shall be signed by the guardian or relative, who shall note on the application his or her relationship to the applicant. If an applicant, guardian or relative is blind, unable to read or write the English language or physically incapable of signing the application, he or she shall sign by mark, witnessed by the signature of an election official or person of his or her own choosing. Any person who knowingly makes, delivers or mails a fraudulent absentee ballot application shall be guilty of a class one election offense.
5. (1) Notwithstanding any law to the contrary, any resident of the state of Missouri who resides outside the boundaries of the United States or who is on active duty with the Armed Forces of the United States or members of their immediate family living with them may request an absentee ballot for both the primary and subsequent general election with one application.

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

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

(4) Not later than sixty days after the date of each regularly scheduled general election for federal office, each election authority which administered the election shall submit to the secretary of state in a format prescribed by the secretary a report on the combined number of absentee ballots transmitted to, and returned by, absent uniformed services voters and overseas voters for the election. The secretary shall submit to the Election Assistance Commission a combined report of such information not later than ninety days after the date of each regularly scheduled general election for federal office and in a standardized format developed by the commission pursuant to the Help America Vote Act of 2002. The secretary shall make the report available to the general public.
(5) As used in this section, the terms "absent uniformed services voter" and "overseas voter" shall have the meaning prescribed in 52 U.S.C. Section 20310.

6. An application for an absentee ballot by a new resident shall be submitted in person by the applicant in the office of the election authority in the election jurisdiction in which such applicant resides. The application shall be received by the election authority no later than 7:00 p.m. on the day of the election. Such application shall be in the form of an affidavit, executed in duplicate in the presence of the election authority or any authorized officer of the election authority, and in substantially the following form:

"STATE OF _________

COUNTY OF _________, ss.

I, _____, do solemnly swear that:

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

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

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

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

Signed __________________

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

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

"STATE OF ______
COUNTY OF ______, ss.

I, ______, do solemnly swear that:

(1) Before becoming a resident of this election jurisdiction, I resided at ______ (residence address) in ______ (town, township, village or city) of ______ county in the state of ______;

(2) I moved to this election jurisdiction after the last day to register to vote in such election;
9. An application for an absentee ballot by an interstate former resident shall be received in the office of the election authority where the applicant was formerly registered by 5:00 p.m. on the second Wednesday immediately prior to the election, unless the application is made in person by the applicant in the office of the election authority, in which case such application shall be made no later than 7:00 p.m. on the day of the election.

115.283. 1. Each ballot envelope shall bear a statement on which the voter shall state the voter's name, the voter's voting address, the voter's mailing address and, if casting an absentee ballot pursuant to subdivision (2) of subsection 1 of section 115.277, the voter's reason for voting an absentee ballot. If the reason for the voter voting absentee is due to the reasons established under paragraph (f) of subdivision [(6)](2) of subsection 1 of
section 115.277, the voter shall state the voter's identification information provided by the address confidentiality program in lieu of the applicant's name, voting address, and mailing address. On the form, the voter shall also state under penalties of perjury that the voter is qualified to vote in the election, that the voter has not previously voted and will not vote again in the election, that the voter has personally marked the voter's ballot in secret or supervised the marking of the voter's ballot if the voter is unable to mark it, that the ballot has been placed in the ballot envelope and sealed by the voter or under the voter's supervision if the voter is unable to seal it, and that all information contained in the statement is true. In addition, any person providing assistance to the absentee voter shall include a statement on the envelope identifying the person providing assistance under penalties of perjury. Persons authorized to vote only for federal and statewide officers shall also state their former Missouri residence.

2. The statement for persons voting absentee ballots pursuant to subdivision (1) of subsection 1 of section 115.277 who are registered voters shall be in substantially the following form:

State of Missouri
County (City) of ______

I, ______ (print name), a registered voter of ______ County (City of St. Louis, Kansas City), hereby state under penalties of perjury that I am qualified to vote at this election; I have not voted and will not vote other than by this ballot at this election. I further state that I marked the enclosed ballot in secret or that I am blind, unable to read or write English, or physically incapable of marking the ballot, and the person of my choosing indicated
The statement for persons voting absentee ballots who are registered voters shall be in substantially the following form:

below marked the ballot at my direction; all of the information on this statement is, to the best of my knowledge and belief, true.

___________________
Signature of Voter

___________________
Signature of Person Assisting Voter

___________________
Signed ____________
Signed ____________
Address of Voter

___________________
__________________
Mailing addresses

__________________
__________________
Signature of notary or other officer authorized to administer oaths

(State of Missouri)

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

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

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

____ religious belief or practice;

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

____ incarceration, although I have retained all the
necessary qualifications for voting;

____ certified participation in the address
confidentiality program established under sections
589.660 to 589.681 because of safety concerns.

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

__________________________
Signature of Voter                     __________________________

__________________________
Signature of Person

Assisting Voter
(if applicable)

Signed _____

Signed _____

Address of Voter

__________________________
__________________________

Mailing addresses

__________________________
__________________________

Signature of notary
or

other officer

Signed ______

Subscribed and
sworn

to before me this
_____ day of
______, ______

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

State of Missouri
County (City) of ______

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

I am (check one):

_____ a resident of the state of Missouri and a registered voter in ______ County and moved from that county to ______ County, Missouri, after the last day to register to vote in this election.

_____ an interstate former resident of Missouri and authorized to vote for presidential and vice presidential electors.

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

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

Signature of Voter sworn before me this ______ day of ______, ______

____________________________
____________________________

Address of Voter Signature of notary or other officer

____________________________
____________________________

Mailing Address (if different) Address of Last Missouri Residence (if applicable)

____________________________
____________________________

Signature of Person Address of Last Missouri Residence (if applicable)

____________________________

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

State of Missouri

County (City) of ______

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

_____ absence on election day from the jurisdiction of the election authority in which I am directed to vote;
incapacity or confinement due to illness or physical disability, including caring for a person who is incapacitated or confined due to illness or disability;

religious belief or practice;

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

incarceration, although I have retained all the necessary qualifications of voting;

certified participation in the address confidentiality program established under sections 589.660 to 589.681 because of safety concerns.

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

_________________________  Subscribed and sworn

Signature of Voter  to before me this

_____ day of

____, _____

_________________________  __________________

Address  Signature of notary or

other officer authorized to

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

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

Reason why voter needed assistance: ______

ASSISTING PERSON SIGN HERE

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

6. The election authority shall, for an election held during 2020, adjust the forms described in this section to account for voters voting absentee due to the reason established pursuant to subdivision (7) of subsection 1 of section 115.277.

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

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

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

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

115.285. The secretary of state may prescribe uniform regulations with respect to the printing of ballot envelopes and mailing envelopes, which shall comply with standards established by federal law or postal regulations. Mailing envelopes for use in returning ballots shall be printed with business reply permits so that any ballot returned by mail does not require postage. All fees and costs for establishing and maintaining the business reply and postage-free mail for all ballots cast shall be paid by the secretary of state through state appropriations.

[Notwithstanding any provision of law to the contrary, a ballot envelope used under section 115.302 shall be the same ballot envelope used for absentee ballots, provided an option shall be listed on the envelope to clearly indicate]
whether the voter is casting an absentee ballot or a mail-in ballot.]

115.291. 1. Upon receiving an absentee ballot by mail, the voter shall mark the ballot in secret, place the ballot in the ballot envelope, seal the envelope and fill out the statement on the ballot envelope. The affidavit of each person voting an absentee ballot shall be subscribed and sworn to before the election official receiving the ballot, a notary public or other officer authorized by law to administer oaths, unless the voter is voting absentee due to incapacity or confinement due to the provisions of section 115.284, illness or physical disability, [for an election that occurs during the year 2020, the voter has contracted or is in an at-risk category for contracting or transmitting severe acute respiratory syndrome coronavirus 2, as defined in section 115.277,] or the voter is a covered voter as defined in section 115.902. If the voter is blind, unable to read or write the English language, or physically incapable of voting the ballot, the voter may be assisted by a person of the voter's own choosing. Any person assisting a voter who is not entitled to such assistance, and any person who assists a voter and in any manner coerces or initiates a request or a suggestion that the voter vote for or against or refrain from voting on any question, ticket or candidate, shall be guilty of a class one election offense. If, upon counting, challenge or election contest, it is ascertained that any absentee ballot was voted with unlawful assistance, the ballot shall be rejected. [For purposes of this subsection, the voters who are in an at-risk category for contracting or transmitting severe acute respiratory syndrome coronavirus 2 are voters who:

(1) Sixty-five years of age or older;
(2) Live in a long-term care facility licensed under chapter 198;

(3) Have chronic lung disease or moderate to severe asthma;

(4) Have serious heart conditions;

(5) Are immunocompromised;

(6) Have diabetes;

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

(8) Have liver disease.]

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

3. In cases of an emergency declared by the President of the United States or the governor of this state where the conduct of an election may be affected, the secretary of state may provide for the delivery and return of absentee ballots by use of a facsimile transmission device or system. Any rule promulgated pursuant to this subsection shall apply to a class or classes of voters as provided for by the secretary of state.
4. No election authority shall refuse to accept and process any otherwise valid marked absentee ballot submitted in any manner by a covered voter solely on the basis of restrictions on envelope type.

115.427. 1. Persons seeking to vote in a public election shall establish their identity and eligibility to vote at the polling place, or, if voting absentee in person under section 115.257, at the office of the election authority, by presenting a form of personal identification to election officials. No form of personal identification other than the forms listed in this section shall be accepted to establish a voter's qualifications to vote. Forms of personal identification that satisfy the requirements of this section are any one of the following:

   (1) Nonexpired Missouri driver's license;
   (2) Nonexpired or nonexpiring Missouri nondriver's license;
   (3) A document that satisfies all of the following requirements:
       (a) The document contains the name of the individual to whom the document was issued, and the name substantially conforms to the most recent signature in the individual's voter registration record;
       (b) The document shows a photograph of the individual;
       (c) The document includes an expiration date, and the document is not expired, or, if expired, the document expired after the date of the most recent general election; and
       (d) The document was issued by the United States or the state of Missouri; or
   (4) Any identification containing a photograph of the individual which is issued by the Missouri National Guard,
the United States Armed Forces, or the United States Department of Veteran Affairs to a member or former member of the Missouri National Guard or the United States Armed Forces and that is not expired or does not have an expiration date.

2. (1) An individual who appears at a polling place without a form of personal identification described in subsection 1 of this section and who is otherwise qualified to vote at that polling place [may execute a statement, under penalty of perjury, averring that the individual is the person listed in the precinct register; averring that the individual does not possess a form of personal identification described in subsection 1 of this section; acknowledging that the individual is eligible to receive a Missouri nondriver's license free of charge if desiring it in order to vote; and acknowledging that the individual is required to present a form of personal identification, as described in subsection 1 of this section, in order to vote. Such statement shall be executed and sworn to before the election official receiving the statement. Upon executing such statement, the individual may cast a regular ballot, provided such individual presents one of the following forms of identification:

(a) Identification issued by the state of Missouri, an agency of the state, or a local election authority of the state;

(b) Identification issued by the United States government or agency thereof;

(c) Identification issued by an institution of higher education, including a university, college, vocational and technical school, located within the state of Missouri;
(d) A copy of a current utility bill, bank statement, government check, paycheck, or other government document that contains the name and address of the individual;

(e) Other identification approved by the secretary of state under rules promulgated pursuant to this section.

(2) For any individual who appears at a polling place without a form of personal identification described in subsection 1 of this section and who is otherwise qualified to vote at that polling place, the election authority may take a picture of such individual and keep it as part of that individual's voter registration file at the election authority.

(3) Any individual who chooses not to execute the statement described in subdivision (1) of this subsection may cast a provisional ballot. Such provisional ballot shall be counted, provided that it meets the requirements of subsection 4 of this section.

(4) For the purposes of this section, the term "election official" shall include any person working under the authority of the election authority.

3. The statement to be used for voting under subdivision (1) of subsection 2 of this section shall be substantially in the following form:

"State of ______
County of ______

I do solemnly swear (or affirm) that my name is ______; that I reside at ______; that I am the person listed in the precinct register under this name and at this address; and that, under penalty of perjury, I do not possess a form of personal identification approved for voting. As a person who does not possess a form of personal identification approved for voting, I acknowledge that I am eligible to receive free of charge a Missouri nondriver's license at
4. A voter shall be allowed to cast a provisional ballot [under section 115.430 even if the election judges cannot establish the voter's identity under this section] pursuant to this subsection. The election judges shall make a notation on the provisional ballot envelope to indicate that the voter's identity was not verified.

   (2) No person described in subdivision (1) of this subsection shall be entitled to receive a provisional ballot until such person has completed a provisional ballot affidavit on the provisional ballot envelope described in subdivision (3) of this subsection. All provisional ballots cast pursuant to this subsection shall be marked with a conspicuous stamp or mark that makes them distinguishable from other ballots.

   (3) (a) The provisional ballot envelope shall be completed by the voter for use in determining the voter's eligibility to cast a ballot.

   (b) The provisional ballot envelope shall provide a place for the voter's name, address, date of birth, and last
four digits of his or her Social Security number, followed
by a certificate in substantially the following form:
"I do solemnly swear that I am the person
identified above and the information provided is
correct. I understand that my vote will not be
counted unless:
(1) I return to this polling place today
between 6:00 a.m. and 7:00 p.m. and provide one
of the following forms of identification:
(a) Nonexpired Missouri driver's license;
(b) Nonexpired or nonexpiring Missouri
nondriver's license;
(c) A document that satisfies all of the
following requirements:
a. The document contains my name, in
substantially the same form as the most recent
signature on my voter registration record;
b. The document contains my photograph;
c. The document contains an expiration date and
the document is not expired, or if expired, the
document expired after the date of the most
recent general election; and
d. The document was issued by the United States
or the state of Missouri; or
(d) Identification containing my photograph
issued to me by the Missouri National Guard, the
United States Armed Forces, or the United States
Department of Veteran Affairs as a member or
former member of the Missouri National Guard or
the United States Armed Forces and that is not
expired or does not have an expiration date; or
(2) The election authority verifies my identity by comparing my signature on this envelope to the signature on file with the election authority and determines that I was eligible to cast a ballot at this polling place; and

(3) This provisional ballot otherwise qualifies to be counted under the laws of the state of Missouri.

__________________  
Signature of Voter  

Date  

__________________

Signatures of Elections Officials"

Once voted, the provisional ballot shall be sealed in the provisional ballot envelope and deposited in the ballot box.

3. The provisional ballot cast by such voter shall not be counted unless:

(1) (a) The voter returns to the polling place during the uniform polling hours established by section 115.407 and provides a form of personal identification that allows the election judges to verify the voter's identity as provided in subsection 1 of this section; or

   (b) The election authority verifies the identity of the individual by comparing that individual's signature to the signature on file with the election authority and determines that the individual was eligible to cast a ballot at the polling place where the ballot was cast; and

(2) The provisional ballot otherwise qualifies to be counted under section 115.430.
5. The secretary of state shall provide advance notice of the personal identification requirements of subsection 1 of this section in a manner calculated to inform the public generally of the requirement for forms of personal identification as provided in this section. Such advance notice shall include, at a minimum, the use of advertisements and public service announcements in print, broadcast television, radio, and cable television media, as well as the posting of information on the opening pages of the official state internet websites of the secretary of state and governor.

6. (1) Notwithstanding the provisions of section 136.055 and section 302.181 to the contrary, the state and all fee offices shall provide one nondriver's license at no cost to any otherwise qualified voter who does not already possess such identification and who desires the identification [in order to vote] for voting.

(2) This state and its agencies shall provide one copy of each of the following, free of charge, if needed by an individual seeking to obtain a form of personal identification described in subsection 1 of this section [in order to vote] for voting:

(a) A birth certificate;
(b) A marriage license or certificate;
(c) A divorce decree;
(d) A certificate of decree of adoption;
(e) A court order changing the person's name;
(f) A Social Security card reflecting an updated name; and
(g) Naturalization papers or other documents from the United States Department of State proving citizenship.
Any individual seeking one of the above documents in order to obtain a form of personal identification described in subsection 1 of this section [in order to vote] **for voting** may request the secretary of state to facilitate the acquisition of such documents. The secretary of state shall pay any fee or fees charged by another state or its agencies, or any court of competent jurisdiction in this state or any other state, or the federal government or its agencies, in order to obtain any of the above documents from such state or the federal government.

(3) [All costs associated with the implementation of this section shall be reimbursed from the general revenue of this state by an appropriation for that purpose. If there is not a sufficient appropriation of state funds, then the personal identification requirements of subsection 1 of this section shall not be enforced.]

(4) Any applicant who requests a nondriver's license for [the purpose of] voting shall not be required to pay a fee [if the applicant executes a statement, under penalty of perjury, averring that the applicant does not have any other form of personal identification that meets the requirements of this section]. The state of Missouri shall pay the legally required fees for any such applicant. [The director of the department of revenue shall design a statement to be used for this purpose. The total cost associated with nondriver's license photo identification under this subsection shall be borne by the state of Missouri from funds appropriated to the department of revenue for that specific purpose.] The department of revenue and a local election authority may enter into a contract that allows the local election authority to assist the department in issuing nondriver's license photo identifications.
[7.] 5. The director of the department of revenue shall, by January first of each year, prepare and deliver to each member of the general assembly a report documenting the number of individuals who have requested and received a nondriver's license photo identification for the purposes of voting under this section. The report shall also include the number of persons requesting a nondriver's license for purposes of voting under this section, but not receiving such license, and the reason for the denial of the nondriver's license.

[8.] 6. The precinct register shall serve as the voter identification certificate. The following form shall be printed at the top of each page of the precinct register:

VOTER'S IDENTIFICATION CERTIFICATE

Warning: It is against the law for anyone to vote, or attempt to vote, without having a lawful right to vote.

PRECINCT
WARD OR TOWNSHIP ______

GENERAL (SPECIAL, PRIMARY) ELECTION

Held _____, 20_____

Date

I hereby certify that I am qualified to vote at this election by signing my name and verifying my address by signing my initials next to my address.

[9.] 7. The secretary of state shall promulgate rules to effectuate the provisions of this section.

[10.] 8. Any rule or portion of a rule, as that term is defined in section 536.010, that is created under the authority delegated in this section shall become effective only if it complies with and is subject to all of the
provisions of chapter 536 and, if applicable, section 536.028. This section and chapter 536 are nonseverable and if any of the powers vested with the general assembly pursuant to chapter 536 to review, to delay the effective date or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after August 28, 2002, shall be invalid and void.

[11.] 9. If any voter is unable to sign his name at the appropriate place on the certificate or computer printout, an election judge shall print the name and address of the voter in the appropriate place on the precinct register, the voter shall make his mark in lieu of signature, and the voter's mark shall be witnessed by the signature of an election judge.

[12.] This section shall become effective only upon the passage and approval by the voters of a constitutional amendment submitted to them by the general assembly regarding the authorization of photo identification requirements for elections by general law. If such constitutional amendment is approved by the voters, this section shall become effective June 1, 2017.]

115.652. [1.] An election shall not be conducted under sections 115.650 to 115.660 unless:

(1) The officer or agency calling the election submits a written request that the election be conducted by mail. Such request shall be submitted not later than the date specified in section 115.125 for submission of the notice of election and sample ballot;

(2) The election authority responsible for conducting the election authorizes the use of mailed ballots for the election;
(3) The election is nonpartisan;

(4) The election is not one at which any candidate is elected, retained or recalled; and

(5) The election is an issue election at which all of the qualified voters of any one political subdivision are the only voters eligible to vote.

[2. Notwithstanding the provisions of subsection 1 of this section or any other provision of law to the contrary, an election may be conducted by mail as authorized under section 115.302, during the year 2020, to avoid the risk of contracting or transmitting severe acute respiratory syndrome coronavirus 2. This subsection shall expire December 31, 2020.]

[115.302. 1. Any registered voter of this state may cast a mail-in ballot as provided in this section. Nothing in this section shall prevent a voter from casting an absentee ballot, provided such person has not cast a ballot pursuant to this section. Application for a mail-in ballot may be made by the applicant in person, or by United States mail, or on behalf of the applicant by his or her guardian or relative within the second degree of consanguinity or affinity.

2. Each application for a mail-in ballot shall be made to the election authority of the jurisdiction in which the person is registered. Each application shall be in writing and shall state the applicant's name, address at which he or she is registered, the address to which the ballot is to be mailed.

3. All applications for mail-in ballots received prior to the sixth Tuesday before an election shall be stored at the office of the election authority until such time as the applications are processed under section 115.281. No application for a mail-in ballot received in the office of the election authority after 5:00 p.m. on the second Wednesday immediately prior to the election shall be accepted by any election authority.

4. Each application for a mail-in ballot shall be signed by the applicant or, if the application is made by a guardian or relative under this section, the application shall be signed by the guardian or relative, who shall
note on the application his or her relationship to the applicant. If an applicant, guardian, or relative is blind, unable to read or write the English language, or physically incapable of signing the application, he or she shall sign by mark that is witnessed by the signature of an election official or person of his or her choice. Knowingly making, delivering, or mailing a fraudulent mail-in-ballot application is a class one election offense.

5. Not later than the sixth Tuesday prior to each election, or within fourteen days after candidate names or questions are certified under section 115.125, the election authority shall cause to have printed and made available a sufficient quantity of ballots, ballot envelopes, and mailing envelopes. As soon as possible after a proper official calls a special state or county election, the election authority shall cause to have printed and made available a sufficient quantity of mail-in ballots, ballot envelopes, and mailing envelopes.

6. Each ballot envelope shall bear a statement in substantially the same form described in subsection 9 of this section. In addition, any person providing assistance to the mail-in voter shall include a signature on the envelope identifying the person providing such assistance under penalties of perjury. Persons authorized to vote only for federal and statewide offices shall also state their former Missouri residence.

7. The statement for persons voting mail-in ballots who are registered voters shall be in substantially the following form:

State of Missouri

County (City) of _________

I, _________ (print name), a registered voter of _________ County (City of St. Louis, Kansas City), declare under the penalties of perjury that: I am qualified to vote at this election; I have not voted and will not vote other than by this ballot at this election. I further state that I marked the enclosed ballot in secret or that I am blind, unable to read or write English, or physically incapable of marking the ballot, and the person of my choosing indicated below marked the ballot at my direction; all of the information on this statement is, to the best of my knowledge and belief, true.

__________________  __________________
Signature of Voter     Signature of Person
Assisting Voter
8. Upon receipt of a signed application for a mail-in ballot and if satisfied that the applicant is entitled to vote by mail-in ballot, the election authority shall, within three working days after receiving the application, or, if mail-in ballots are not available at the time the application is received, within five working days after such ballots become available, deliver to the voter a mail-in ballot, ballot envelope and such instructions as are necessary for the applicant to vote. If the election authority is not satisfied that any applicant is entitled to vote by mail-in ballot, the authority shall not deliver a mail-in ballot to the applicant. Within three working days of receiving such an application, the election authority shall notify the applicant and state the reason he or she is not entitled to vote by mail-in ballot. The applicant may file a complaint with the elections division of the secretary of state's office under section 115.219.

9. On the mailing and ballot envelopes for each covered voter, the election authority shall stamp the words "ELECTION BALLOT, STATE OF MISSOURI" and "U.S. Postage Paid, 39 U.S.C. Section 3406".

10. No information which encourages a vote for or against a candidate or issue shall be provided to any voter with a mail-in ballot.

11. Upon receiving a mail-in ballot by mail, the voter shall mark the ballot in secret, place the ballot in the ballot envelope, seal the envelope and fill out the statement on the ballot envelope. The statement required under subsection 7 of this section shall be subscribed and sworn to before a notary public or other officer authorized by law to administer oaths.

If the voter is blind, unable to read or write

(if applicable)

Subscribed and sworn to before me this
________day of __________, _________.

__________________
Signature of notary or other officer authorized to administer oaths.

__________________

Mailing addresses

(if different)
the English language, or physically incapable of
voting the ballot, the voter may be assisted by
a person of the voter's own choosing. Any
person who assists a voter and in any manner
coerces or initiates a request or suggestion
that the voter vote for or against, or refrain
from voting on, any question or candidate, shall
be guilty of a class one election offense. If,
upon counting, challenge, or election contest,
the ballot, it is ascertained that any mail-in ballot was
voted with unlawful assistance, the ballot shall
be rejected.
12. Each mail-in ballot shall be returned
to the election authority in the ballot envelope
and shall only be returned by the voter by
United States mail.
13. The secretary of state may prescribe
uniform regulations with respect to the printing
of ballot envelopes and mailing envelopes, which
shall comply with standards established by
federal law or postal regulations. Mailing
envelopes for use in returning ballots shall be
printed with business reply permits so that any
ballot returned by mail does not require
postage. All fees and costs for establishing
and maintaining the business reply and postage-
free mail for all ballots cast shall be paid by
the secretary of state through state
appropriations.
14. All votes on each mail-in ballot
received by an election authority at or before
the time fixed by law for the closing of the
polls on election day shall be counted. No
votes on any mail-in ballot received by an
election authority after the time fixed by law
for the closing of the polls on election day
shall be counted.
15. If sufficient evidence is shown to an
election authority that any mail-in voter has
died prior to the opening of the polls on
election day, the ballot of the deceased voter
shall be rejected if it is still sealed in the
ballot envelope. Any such rejected ballot,
still sealed in its ballot envelope, shall be
sealed with the application and any other papers
connected therewith in an envelope marked
"Rejected ballot of _________, a mail-in voter
of _________ voting district". The reason for
rejection shall be noted on the envelope, which
shall be kept by the election authority with the
other ballots from the election until the
ballots are destroyed according to law.
16. As each mail-in ballot is received by
the election authority, the election authority
shall indicate its receipt on the list.
17. All mail-in ballot envelopes received
by the election authority shall be kept together
in a safe place and shall not be opened except as provided under this chapter.

18. Mail-in ballots shall be counted using the procedures set out in sections 115.297, 115.299, 115.300, and 115.303.

19. The false execution of a mail-in ballot is a class one election offense. The attorney general or any prosecuting or circuit attorney shall have the authority to prosecute such offense either in the county of residence of the person or in the circuit court of Cole County.

20. The provisions of this section shall apply only to an election that occurs during the year 2020, to avoid the risk of contracting or transmitting severe acute respiratory syndrome coronavirus 2.

21. The provisions of this section terminate and shall be repealed on December 31, 2020, and shall not apply to any election conducted after that date.]