

SENATE BILL NO. 282

101ST GENERAL ASSEMBLY

INTRODUCED BY SENATOR HEGEMAN.

1229S.02I

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,
2 115.291, 115.302, 115.427, and 115.652, RSMo, are repealed and
3 seven new sections enacted in lieu thereof, to be known as
4 sections 115.277, 115.279, 115.283, 115.285, 115.291, 115.427,
5 and 115.652, to read as follows:

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

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

14 **[(1)] (a) Absence on election day from the**
15 **jurisdiction of the election authority in which such voter**
16 **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.

17 [(2)] (b) Incapacity or confinement due to illness or
18 physical disability, including a person who is primarily
19 responsible for the physical care of a person who is
20 incapacitated or confined due to illness or disability;

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

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

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

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

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

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

48 upon submitting an affidavit that the person is qualified to
49 vote in the election, may vote at the person's polling place.

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

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

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

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

- 67 (1) Are sixty-five years of age or older;
68 (2) Live in a long-term care facility licensed under
69 chapter 198;
70 (3) Have chronic lung disease or moderate to severe
71 asthma;
72 (4) Have serious heart conditions;
73 (5) Are immunocompromised;
74 (6) Have diabetes;
75 (7) Have chronic kidney disease and are undergoing
76 dialysis; or
77 (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, **if casting an absentee ballot pursuant**
14 **to subdivision (2) of subsection 1 of section 115.277**, the
15 address to which the ballot is to be mailed, if mailing is
16 requested, and for absent uniformed services and overseas
17 applicants, the applicant's email address if electronic
18 transmission is requested. If the reason for the applicant
19 voting absentee is due to the reasons established under
20 **paragraph (f) of subdivision [(6)] (2) of subsection 1 of**
21 **section 115.277**, the applicant shall state the voter's
22 identification information provided by the address
23 confidentiality program in lieu of the applicant's name,
24 address at which he or she is or would be registered, and
25 address to which the ballot is to be mailed, if mailing is
26 requested. Each application to vote in a primary election
27 shall also state which ballot the applicant wishes to
28 receive. If any application fails to designate a ballot,
29 the election authority shall, within three working days
30 after receiving the application, notify the applicant by
31 mail that it will be unable to deliver an absentee ballot
32 until the applicant designates which political party ballot
33 he or she wishes to receive. If the applicant does not
34 respond to the request for political party designation, the

35 election authority is authorized to provide the voter with
36 that part of the ballot for which no political party
37 designation is required.

38 3. [Except as provided in subsection 3 of section
39 115.281,] All applications for absentee ballots received
40 prior to the sixth Tuesday before an election shall be
41 stored at the office of the election authority until such
42 time as the applications are processed in accordance with
43 section 115.281. No application for an absentee ballot
44 received in the office of the election authority by mail, by
45 facsimile transmission, by electronic mail, or by a guardian
46 or relative after 5:00 p.m. on the second Wednesday
47 immediately prior to the election shall be accepted by any
48 election authority. No application for an absentee ballot
49 submitted by the applicant in person after 5:00 p.m. on the
50 day before the election shall be accepted by any election
51 authority, except as provided in subsections 6, 8 and 9 of
52 this section.

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

66 5. (1) Notwithstanding any law to the contrary, any
67 resident of the state of Missouri who resides outside the
68 boundaries of the United States or who is on active duty
69 with the Armed Forces of the United States or members of
70 their immediate family living with them may request an
71 absentee ballot for both the primary and subsequent general
72 election with one application.

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

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

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

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

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

111 "STATE OF _____

112 COUNTY OF _____, ss.

113 I, _____, do solemnly swear that:

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

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

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

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

127 Signed _____

128 (Applicant)

129 _____

130 (Residence Address)
 131 Subscribed and sworn to before me this _____ day of
 132 _____,
 133 Signed _____
 134 (Title and name of officer authorized to administer oaths)"
 135

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

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

152 "STATE OF _____
 153 COUNTY OF _____, ss.

154 I, _____, do solemnly swear that:

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

159 (2) I moved to this election jurisdiction after the last day
 160 to register to vote in such election;

161 (3) I believe I am entitled pursuant to the laws of this
 162 state to vote in the election to be held _____ (date);

163 (4) I hereby make application for an absentee ballot for
 164 candidates and issues on which I am entitled to vote
 165 pursuant to the laws of this state. I have not voted and
 166 shall not vote other than by this ballot at such
 167 election.

168 Signed _____

169 (Applicant)

170 _____

171 (Residence Address)

172 Subscribed and sworn to before me this _____ day of
 173 _____, _____

174 Signed _____

175 (Title and name of officer authorized to administer oaths)"
 176

177 9. An application for an absentee ballot by an
 178 interstate former resident shall be received in the office
 179 of the election authority where the applicant was formerly
 180 registered by 5:00 p.m. on the second Wednesday immediately
 181 prior to the election, unless the application is made in
 182 person by the applicant in the office of the election
 183 authority, in which case such application shall be made no
 184 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, the voter's mailing address and,
 4 **if casting an absentee ballot pursuant to subdivision (2) of**
 5 **subsection 1 of section 115.277**, the voter's reason for
 6 voting an absentee ballot. If the reason for the voter
 7 voting absentee is due to the reasons established under
 8 **paragraph (f) of subdivision [(6)] (2) of subsection 1 of**

9 section 115.277, 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 **pursuant to subdivision (1) of subsection 1 of section**
30 **115.277 who are registered voters shall be in substantially**
31 **the following form:**

32 **State of Missouri**

33 **County (City) of _____**

34 **I, _____ (print name), a registered voter of _____ County**
35 **(City of St. Louis, Kansas City), hereby state under**
36 **penalties of perjury that I am qualified to vote at this**
37 **election; I have not voted and will not vote other than by**
38 **this ballot at this election. I further state that I**
39 **marked the enclosed ballot in secret or that I am blind,**
40 **unable to read or write English, or physically incapable of**
41 **marking the ballot, and the person of my choosing indicated**

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

45	_____	_____
46	Signature of Voter	Signature of Person
47		Assisting Voter
48		(if applicable)
49	Signed _____	Subscribed and sworn
50	Signed _____	to before me this
51	Address of Voter	____ day of ____, ____
52	_____	_____
53	_____	_____
54	Mailing addresses	Signature of notary
55		or
56	(if different)	other officer
57		authorized to
58		administer oaths

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

62 State of Missouri

63 County (City) of _____

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

68 _____ absence on election day from the jurisdiction of the
69 election authority in which I am registered;

70 _____ incapacity or confinement due to illness or physical
71 disability, including caring for a person who is

- 72 incapacitated or confined due to illness or
- 73 disability;
- 74 _____ religious belief or practice;
- 75 _____ employment as an election authority or by an
- 76 _____ election authority at a location other than my
- 77 polling place;
- 78 _____ incarceration, although I have retained all the
- 79 necessary qualifications for voting;
- 80 _____ certified participation in the address
- 81 confidentiality program established under sections
- 82 589.660 to 589.681 because of safety concerns.

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

92		
93	_____	_____
94	Signature of Voter	Signature of Person
95		Assisting Voter
96		(if applicable)
97	Signed _____	Subscribed and
98		sworn
99	Signed _____	to before me this
100	Address of Voter	_____ day of
101		_____, _____
102	_____	_____
103	_____	_____
104	Mailing addresses	Signature of notary
105		or
106	(if different)	other officer

107 authorized to
108 administer oaths

109 [3.] 4. The statement for persons voting absentee
110 ballots pursuant to the provisions of subsection 2, 3, 4, or
111 5 of section 115.277 without being registered shall be in
112 substantially the following form:

113 State of Missouri

114 County (City) of _____

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

124 I am (check one):

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

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

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

140 _____ Subscribed to and

141	Signature of Voter	sworn before me
142		this
143		_____ day of
144		_____, _____
145	_____	
146	_____	_____
147	Address of Voter	Signature of notary
148		or
149		other officer
150		authorized to
151		administer oaths
152	_____	_____
153	Mailing Address (if different)	_____
154		_____
155	_____	_____
156	Signature of Person	Address of Last
157	Assisting Voter	Missouri Residence
158		(if applicable)

159 **[4.] 5.** The statement for persons voting absentee
160 ballots who are entitled to vote at the election pursuant to
161 the provisions of subsection 2 of section 115.137 shall be
162 in substantially the following form:

163 State of Missouri
164 County (City) of _____
165 I, _____ (print name), declare under the penalties of
166 perjury that I expect to be prevented from going to the
167 polls on election day due to (check one):
168 _____ absence on election day from the jurisdiction of the
169 election authority in which I am directed to vote;
170

171 _____ incapacity or confinement due to illness or physical
172 disability, including caring for a person who is
173 incapacitated or confined due to illness or
174 disability;

175 _____ religious belief or practice;

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

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

181 _____ certified participation in the address
182 confidentiality program established under sections
183 589.660 to 589.681 because of safety concerns.

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

194 _____

Subscribed and
sworn

196 Signature of Voter

to before me this

197

_____ day of

198

_____, _____

199

200

201 Address

Signature of notary
or

202

203

other officer

204

authorized to

205

administer oaths

206 _____
 207 Signature of Person
 208 Assisting Voter
 209 (if applicable)

210 [5.] 6. The statement for persons providing assistance
 211 to absentee voters shall be in substantially the following
 212 form:

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

223 Reason why voter needed assistance: _____

224 ASSISTING PERSON SIGN HERE

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

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

234 7. Notwithstanding any other provision of this
 235 section, any covered voter as defined in section 115.902 or
 236 persons who have declared themselves to be permanently

237 disabled pursuant to section 115.284, otherwise entitled to
238 vote, shall not be required to obtain a notary seal or
239 signature on his or her absentee ballot.

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

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

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

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

11 [Notwithstanding any provision of law to the contrary, a
12 ballot envelope used under section 115.302 shall be the same
13 ballot envelope used for absentee ballots, provided an
14 option shall be listed on the envelope to clearly indicate

15 whether the voter is casting an absentee ballot or a mail-in
16 ballot.]

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.

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

- 11 (1) Nonexpired Missouri driver's license;
- 12 (2) Nonexpired or nonexpiring Missouri nondriver's
13 license;
- 14 (3) A document that satisfies all of the following
15 requirements:
 - 16 (a) The document contains the name of the individual
17 to whom the document was issued, and the name substantially
18 conforms to the most recent signature in the individual's
19 voter registration record;
 - 20 (b) The document shows a photograph of the individual;
 - 21 (c) The document includes an expiration date, and the
22 document is not expired, or, if expired, the document
23 expired after the date of the most recent general election;
24 and
 - 25 (d) The document was issued by the United States or
26 the state of Missouri; or
- 27 (4) Any identification containing a photograph of the
28 individual which is issued by the Missouri National Guard,

29 the United States Armed Forces, or the United States
30 Department of Veteran Affairs to a member or former member
31 of the Missouri National Guard or the United States Armed
32 Forces and that is not expired or does not have an
33 expiration date.

34 2. (1) An individual who appears at a polling place
35 without a form of personal identification described in
36 subsection 1 of this section and who is otherwise qualified
37 to vote at that polling place [may execute a statement,
38 under penalty of perjury, averring that the individual is
39 the person listed in the precinct register; averring that
40 the individual does not possess a form of personal
41 identification described in subsection 1 of this section;
42 acknowledging that the individual is eligible to receive a
43 Missouri nondriver's license free of charge if desiring it
44 in order to vote; and acknowledging that the individual is
45 required to present a form of personal identification, as
46 described in subsection 1 of this section, in order to
47 vote. Such statement shall be executed and sworn to before
48 the election official receiving the statement. Upon
49 executing such statement, the individual may cast a regular
50 ballot, provided such individual presents one of the
51 following forms of identification:

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

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

57 (c) Identification issued by an institution of higher
58 education, including a university, college, vocational and
59 technical school, located within the state of Missouri;

60 (d) A copy of a current utility bill, bank statement,
61 government check, paycheck, or other government document
62 that contains the name and address of the individual;

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

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

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

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

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

83 "State of _____

84 County of _____

85 I do solemnly swear (or affirm) that my name is _____;
86 that I reside at _____; that I am the person listed in the
87 precinct register under this name and at this address; and
88 that, under penalty of perjury, I do not possess a form of
89 personal identification approved for voting. As a person
90 who does not possess a form of personal identification
91 approved for voting, I acknowledge that I am eligible to
92 receive free of charge a Missouri nondriver's license at

93 any fee office if desiring it in order to vote. I
 94 furthermore acknowledge that I am required to present a
 95 form of personal identification, as prescribed by law, in
 96 order to vote.

97 I understand that knowingly providing false information is
 98 a violation of law and subjects me to possible criminal
 99 prosecution.

100

101

Signature of voter

102

Subscribed and affirmed before me this _____ day of

103

_____, 20_____

104

105

Signature of election official"

106

107

108

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111

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.

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**(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.**

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121

122

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

123

124

**(b) The provisional ballot envelope shall provide a
 place for the voter's name, address, date of birth, and last**

125 four digits of his or her Social Security number, followed
126 by a certificate in substantially the following form:

127 "I do solemnly swear that I am the person
128 identified above and the information provided is
129 correct. I understand that my vote will not be
130 counted unless:

131 (1) I return to this polling place today
132 between 6:00 a.m. and 7:00 p.m. and provide one
133 of the following forms of identification:

134 (a) Nonexpired Missouri driver's license;

135 (b) Nonexpired or nonexpiring Missouri
136 nondriver's license;

137 (c) A document that satisfies all of the
138 following requirements:

139 a. The document contains my name, in
140 substantially the same form as the most recent
141 signature on my voter registration record;

142 b. The document contains my photograph;

143 c. The document contains an expiration date and
144 the document is not expired, or if expired, the
145 document expired after the date of the most
146 recent general election; and

147 d. The document was issued by the United States
148 or the state of Missouri; or

149 (d) Identification containing my photograph
150 issued to me by the Missouri National Guard, the
151 United States Armed Forces, or the United States
152 Department of Veteran Affairs as a member or
153 former member of the Missouri National Guard or
154 the United States Armed Forces and that is not
155 expired or does not have an expiration date; or

184 [5. The secretary of state shall provide advance
185 notice of the personal identification requirements of
186 subsection 1 of this section in a manner calculated to
187 inform the public generally of the requirement for forms of
188 personal identification as provided in this section. Such
189 advance notice shall include, at a minimum, the use of
190 advertisements and public service announcements in print,
191 broadcast television, radio, and cable television media, as
192 well as the posting of information on the opening pages of
193 the official state internet websites of the secretary of
194 state and governor.

195 6.] 4. (1) Notwithstanding the provisions of section
196 136.055 and section 302.181 to the contrary, the state and
197 all fee offices shall provide one nondriver's license at no
198 cost to any otherwise qualified voter who does not already
199 possess such identification and who desires the
200 identification [in order to vote] **for voting.**

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

- 206 (a) A birth certificate;
- 207 (b) A marriage license or certificate;
- 208 (c) A divorce decree;
- 209 (d) A certificate of decree of adoption;
- 210 (e) A court order changing the person's name;
- 211 (f) A Social Security card reflecting an updated name;

212 and

213 (g) Naturalization papers or other documents from the
214 United States Department of State proving citizenship.

215 Any individual seeking one of the above documents in order
216 to obtain a form of personal identification described in
217 subsection 1 of this section [in order to vote] **for voting**
218 may request the secretary of state to facilitate the
219 acquisition of such documents. The secretary of state shall
220 pay any fee or fees charged by another state or its
221 agencies, or any court of competent jurisdiction in this
222 state or any other state, or the federal government or its
223 agencies, in order to obtain any of the above documents from
224 such state or the federal government.

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

231 (4) Any applicant who requests a nondriver's license
232 for [the purpose of] voting shall not be required to pay a
233 fee [if the applicant executes a statement, under penalty of
234 perjury, averring that the applicant does not have any other
235 form of personal identification that meets the requirements
236 of this section]. The state of Missouri shall pay the
237 legally required fees for any such applicant. [The director
238 of the department of revenue shall design a statement to be
239 used for this purpose. The total cost associated with
240 nondriver's license photo identification under this
241 subsection shall be borne by the state of Missouri from
242 funds appropriated to the department of revenue for that
243 specific purpose.] The department of revenue and a local
244 election authority may enter into a contract that allows the
245 local election authority to assist the department in issuing
246 nondriver's license photo identifications.

247 [7.] 5. The director of the department of revenue
 248 shall, by January first of each year, prepare and deliver to
 249 each member of the general assembly a report documenting the
 250 number of individuals who have requested and received a
 251 nondriver's license photo identification for the purposes of
 252 voting under this section. The report shall also include
 253 the number of persons requesting a nondriver's license for
 254 purposes of voting under this section, but not receiving
 255 such license, and the reason for the denial of the
 256 nondriver's license.

257 [8.] 6. The precinct register shall serve as the voter
 258 identification certificate. The following form shall be
 259 printed at the top of each page of the precinct register:

260 VOTER'S IDENTIFICATION CERTIFICATE

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

263 PRECINCT

264 WARD OR TOWNSHIP _____

265 GENERAL (SPECIAL, PRIMARY) ELECTION

266 Held _____, 20_____

267 Date

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

271 [9.] 7. The secretary of state shall promulgate rules
 272 to effectuate the provisions of this section.

273 [10.] 8. Any rule or portion of a rule, as that term
 274 is defined in section 536.010, that is created under the
 275 authority delegated in this section shall become effective
 276 only if it complies with and is subject to all of the

277 provisions of chapter 536 and, if applicable, section
278 536.028. This section and chapter 536 are nonseverable and
279 if any of the powers vested with the general assembly
280 pursuant to chapter 536 to review, to delay the effective
281 date or to disapprove and annul a rule are subsequently held
282 unconstitutional, then the grant of rulemaking authority and
283 any rule proposed or adopted after August 28, 2002, shall be
284 invalid and void.

285 [11.] 9. If any voter is unable to sign his name at
286 the appropriate place on the certificate or computer
287 printout, an election judge shall print the name and address
288 of the voter in the appropriate place on the precinct
289 register, the voter shall make his mark in lieu of
290 signature, and the voter's mark shall be witnessed by the
291 signature of an election judge.

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

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

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

8 (2) The election authority responsible for conducting
9 the election authorizes the use of mailed ballots for the
10 election;

- 11 (3) The election is nonpartisan;
- 12 (4) The election is not one at which any candidate is
13 elected, retained or recalled; and
- 14 (5) The election is an issue election at which all of
15 the qualified voters of any one political subdivision are
16 the only voters eligible to vote.

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

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

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

19 3. All applications for mail-in ballots
20 received prior to the sixth Tuesday before an
21 election shall be stored at the office of the
22 election authority until such time as the
23 applications are processed under section
24 115.281. No application for a mail-in ballot
25 received in the office of the election authority
26 after 5:00 p.m. on the second Wednesday
27 immediately prior to the election shall be
28 accepted by any election authority.

29 4. Each application for a mail-in ballot
30 shall be signed by the applicant or, if the
31 application is made by a guardian or relative
32 under this section, the application shall be
33 signed by the guardian or relative, who shall

34 note on the application his or her relationship
 35 to the applicant. If an applicant, guardian, or
 36 relative is blind, unable to read or write the
 37 English language, or physically incapable of
 38 signing the application, he or she shall sign by
 39 mark that is witnessed by the signature of an
 40 election official or person of his or her
 41 choice. Knowingly making, delivering, or
 42 mailing a fraudulent mail-in-ballot application
 43 is a class one election offense.

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

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

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

69 State of Missouri

70 County (City) of _____

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

83 _____
 84
 85 Signature of Voter

 Signature of
 Person
 Assisting Voter

86
 87

88 (if applicable)

89 Subscribed and sworn to before me this
 90 _____ day of _____, _____ .
 91 _____

92 Signature of notary or other officer authorized to
 93 administer oaths.
 94 _____

95 _____

96 Mailing addresses

97 (if different)

98 8. Upon receipt of a signed application
 99 for a mail-in ballot and if satisfied that the
 100 applicant is entitled to vote by mail-in ballot,
 101 the election authority shall, within three
 102 working days after receiving the application,
 103 or, if mail-in ballots are not available at the
 104 time the application is received, within five
 105 working days after such ballots become
 106 available, deliver to the voter a mail-in
 107 ballot, ballot envelope and such instructions as
 108 are necessary for the applicant to vote. If the
 109 election authority is not satisfied that any
 110 applicant is entitled to vote by mail-in ballot,
 111 the authority shall not deliver a mail-in ballot
 112 to the applicant. Within three working days of
 113 receiving such an application, the election
 114 authority shall notify the applicant and state
 115 the reason he or she is not entitled to vote by
 116 mail-in ballot. The applicant may file a
 117 complaint with the elections division of the
 118 secretary of state's office under section
 119 115.219.

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

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

128 11. Upon receiving a mail-in ballot by
 129 mail, the voter shall mark the ballot in secret,
 130 place the ballot in the ballot envelope, seal
 131 the envelope and fill out the statement on the
 132 ballot envelope. The statement required under
 133 subsection 7 of this section shall be subscribed
 134 and sworn to before a notary public or other
 135 officer authorized by law to administer oaths.
 136 If the voter is blind, unable to read or write

137 the English language, or physically incapable of
138 voting the ballot, the voter may be assisted by
139 a person of the voter's own choosing. Any
140 person who assists a voter and in any manner
141 coerces or initiates a request or suggestion
142 that the voter vote for or against, or refrain
143 from voting on, any question or candidate, shall
144 be guilty of a class one election offense. If,
145 upon counting, challenge, or election contest,
146 it is ascertained that any mail-in ballot was
147 voted with unlawful assistance, the ballot shall
148 be rejected.

149 12. Each mail-in ballot shall be returned
150 to the election authority in the ballot envelope
151 and shall only be returned by the voter by
152 United States mail.

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

166 14. All votes on each mail-in ballot
167 received by an election authority at or before
168 the time fixed by law for the closing of the
169 polls on election day shall be counted. No
170 votes on any mail-in ballot received by an
171 election authority after the time fixed by law
172 for the closing of the polls on election day
173 shall be counted.

174 15. If sufficient evidence is shown to an
175 election authority that any mail-in voter has
176 died prior to the opening of the polls on
177 election day, the ballot of the deceased voter
178 shall be rejected if it is still sealed in the
179 ballot envelope. Any such rejected ballot,
180 still sealed in its ballot envelope, shall be
181 sealed with the application and any other papers
182 connected therewith in an envelope marked
183 "Rejected ballot of _____, a mail-in voter
184 of _____ voting district". The reason for
185 rejection shall be noted on the envelope, which
186 shall be kept by the election authority with the
187 other ballots from the election until the
188 ballots are destroyed according to law.

189 16. As each mail-in ballot is received by
190 the election authority, the election authority
191 shall indicate its receipt on the list.

192 17. All mail-in ballot envelopes received
193 by the election authority shall be kept together

194 in a safe place and shall not be opened except
195 as provided under this chapter.
196 18. Mail-in ballots shall be counted using
197 the procedures set out in sections 115.297,
198 115.299, 115.300, and 115.303.
199 19. The false execution of a mail-in
200 ballot is a class one election offense. The
201 attorney general or any prosecuting or circuit
202 attorney shall have the authority to prosecute
203 such offense either in the county of residence
204 of the person or in the circuit court of Cole
205 County.
206 20. The provisions of this section shall
207 apply only to an election that occurs during the
208 year 2020, to avoid the risk of contracting or
209 transmitting severe acute respiratory syndrome
210 coronavirus 2.
211 21. The provisions of this section
212 terminate and shall be repealed on December 31,
213 2020, and shall not apply to any election
214 conducted after that date.]

✓