

SENATE BILL NO. 654

101ST GENERAL ASSEMBLY

INTRODUCED BY SENATOR CRAWFORD.

4383S.01H

ADRIANE D. CROUSE, Secretary

AN ACT

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

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

Section A. Sections 115.277, 115.283, 115.285, 115.291,
2 and 115.302, RSMo, are repealed and four new sections enacted
3 in lieu thereof, to be known as sections 115.277, 115.283,
4 115.285, and 115.291, to read as follows:

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

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

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

14 (3) Religious belief or practice;

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

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

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

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

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

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

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

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

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

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

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

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

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

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

65 (4) Have serious heart conditions;

66 (5) Are immunocompromised;

67 (6) Have diabetes;

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

70 (8) Have liver disease.]

115.283. 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 the voter's reason for voting an absentee ballot. If the
5 reason for the voter voting absentee is due to the reasons
6 established under subdivision (6) of subsection 1 of section
7 115.277, the voter shall state the voter's identification
8 information provided by the address confidentiality program
9 in lieu of the applicant's name, voting address, and mailing
10 address. On the form, the voter shall also state under
11 penalties of perjury that the voter is qualified to vote in

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

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

28 State of Missouri

29 County (City) of _____

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

35 _____ absence on election day from the
 36 jurisdiction of the election authority in
 37 which I am registered;

38 _____ incapacity or confinement due to illness
 39 or physical disability, including caring
 40 for a person who is incapacitated or
 41 confined due to illness or disability;

42 _____ religious belief or practice;

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

46 _____ incarceration, although I have retained
47 all the necessary qualifications for
48 voting;

49 _____ certified participation in the address
50 confidentiality program established under
51 sections 589.660 to 589.681 because of
52 safety concerns.

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

63 _____
64 _____
65 Signature of Voter Signature of Person

66 Assisting Voter
67 (if applicable)

68 Signed _____ Subscribed and sworn

69 Signed _____ to before me this

70 Address of Voter _____ day of _____,
71 _____

72 _____
73 _____

74 Mailing addresses Signature of notary or
75 (if different) other officer

76 authorized to

77 administer oaths

114 _____ day of
 115 _____, _____
 116 _____
 117 _____
 118 Address of Voter Signature of notary or
 119 other officer
 120 authorized to
 121 administer oaths
 122 _____
 123 Mailing Address (if
 124 different) _____
 125 _____
 126 _____
 127 Signature of Person Address of Last
 128 Assisting Voter Missouri Residence
 129 (if applicable)

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

134 State of Missouri
 135 County (City) of _____
 136 I, _____ (print name), declare under the penalties
 137 of perjury that I expect to be prevented from going
 138 to the polls on election day due to (check one):
 139
 140 _____ absence on election day from the
 141 jurisdiction of the election authority in
 142 which I am directed to vote;
 143 _____ incapacity or confinement due to illness
 144 or physical disability, including caring

145 for a person who is incapacitated or
146 confined due to illness or disability;

147 _____ religious belief or practice;

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

151 _____ incarceration, although I have retained
152 all the necessary qualifications of
153 voting;

154 _____ certified participation in the address
155 confidentiality program established under
156 sections 589.660 to 589.681 because of
157 safety concerns.

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

169
170 _____ Subscribed and sworn

171 Signature of Voter to before me this

172 _____ day of

173 _____, _____

174 _____

175 _____

176 Address Signature of notary or

177 other officer

178 authorized to

179 administer oaths

180 _____
 181 Signature of Person
 182 Assisting Voter
 183 (if applicable)

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

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

197 Reason why voter needed assistance: _____

198 ASSISTING PERSON SIGN HERE

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

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

208 7.] Notwithstanding any other provision of this
 209 section, any covered voter as defined in section 115.902 or
 210 persons who have declared themselves to be permanently

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

214 [8.] 7. Notwithstanding any other provision of this
215 section or section 115.291 to the contrary, the
216 subscription, signature and seal of a notary or other
217 officer authorized to administer oaths shall not be required
218 on any ballot, ballot envelope, or statement required by
219 this section if the reason for the voter voting absentee is
220 due to the reasons established pursuant to subdivision (2)
221 [or (7)] of subsection 1 of section 115.277.

222 [9.] 8. No notary shall charge or collect a fee for
223 notarizing the signature on any absentee ballot or absentee
224 voter registration.

225 [10.] 9. A notary public who charges more than the
226 maximum fee specified or who charges or collects a fee for
227 notarizing the signature on any absentee ballot or absentee
228 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.

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

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

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

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

45 5. Not later than the sixth Tuesday prior
46 to each election, or within fourteen days after
47 candidate names or questions are certified under
48 section 115.125, the election authority shall
49 cause to have printed and made available a
50 sufficient quantity of ballots, ballot
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
72 voter of _____ County (City of St.
73 Louis, Kansas City), declare under the
74 penalties of perjury that: I am qualified
75 to vote at this election; I have not voted
76 and will not vote other than by this ballot
77 at this election. I further state that I
78 marked the enclosed ballot in secret or that
79 I am blind, unable to read or write English,
80 or physically incapable of marking the
81 ballot, and the person of my choosing
82 indicated below marked the ballot at my
83 direction; all of the information on this
84 statement is, to the best of my knowledge
and belief, true.

85 _____

86 Signature of Voter Signature of Person

87 Assisting Voter

88 (if applicable)

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

91 _____

92 Signature of notary or other officer
93 authorized to 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.]

✓