

SENATE BILL NO. 679

101ST GENERAL ASSEMBLY

INTRODUCED BY SENATOR LUETKEMEYER.

3370S.02I

ADRIANE D. CROUSE, Secretary

AN ACT

To repeal sections 115.225, 115.237, 115.277, 115.283, 115.285, 115.291, 115.302, 115.427, 115.429, and 115.449, RSMo, and to enact in lieu thereof eleven new sections relating to elections.

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

Section A. Sections 115.225, 115.237, 115.277, 115.283, 2 115.285, 115.291, 115.302, 115.427, 115.429, and 115.449, RSMo, 3 are repealed and eleven new sections enacted in lieu thereof, 4 to be known as sections 115.225, 115.237, 115.277, 115.283, 5 115.285, 115.286, 115.291, 115.302, 115.427, 115.429, and 6 115.449, to read as follows:

115.225. 1. Before use by election authorities in 2 this state, the secretary of state shall approve the marking 3 devices and the automatic tabulating equipment used in 4 electronic voting systems and may promulgate rules and 5 regulations to implement the intent of sections 115.225 to 6 115.235.

2. No electronic voting system shall be approved 8 unless it:

- 9 (1) Permits voting in absolute secrecy;
- 10 (2) Permits each voter to vote for as many candidates 11 for each office as a voter is lawfully entitled to vote for;
- 12 (3) Permits each voter to vote for or against as many 13 questions as a voter is lawfully entitled to vote on, and no 14 more;

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

15 (4) Provides facilities for each voter to cast as many
16 write-in votes for each office as a voter is lawfully
17 entitled to cast;

18 (5) Permits each voter in a primary election to vote
19 for the candidates of only one party announced by the voter
20 in advance;

21 (6) Permits each voter at a presidential election to
22 vote by use of a single mark for the candidates of one party
23 or group of petitioners for president, vice president and
24 their presidential electors;

25 (7) Accurately counts all proper votes cast for each
26 candidate and for and against each question;

27 (8) Is set to reject all votes, except write-in votes,
28 for any office and on any question when the number of votes
29 exceeds the number a voter is lawfully entitled to cast;

30 (9) Permits each voter, while voting, to clearly see
31 the ballot label;

32 (10) Has been tested and is certified by an
33 independent authority that meets the voting system standards
34 developed by the Federal Election Commission or its
35 successor agency. The provisions of this subdivision shall
36 not be required for any system purchased prior to August 28,
37 2002.

38 3. The secretary of state shall promulgate rules and
39 regulations to allow the use of a computerized voting
40 system. The procedures shall provide for the use of a
41 computerized voting system with the ability to provide a
42 paper audit trail. Notwithstanding any provisions of this
43 chapter to the contrary, such a system may allow for the
44 storage of processed ballot materials in an electronic form.

45 4. Any rule or portion of a rule, as that term is
46 defined in section 536.010, that is created under the

47 authority delegated in this section shall become effective
48 only if it complies with and is subject to all of the
49 provisions of chapter 536 and, if applicable, section
50 536.028. This section and chapter 536 are nonseverable and
51 if any of the powers vested with the general assembly
52 pursuant to chapter 536 to review, to delay the effective
53 date or to disapprove and annul a rule are subsequently held
54 unconstitutional, then the grant of rulemaking authority and
55 any rule proposed or adopted after August 28, 2002, shall be
56 invalid and void.

57 **5. If any election authority uses any touchscreen,**
58 **direct-recording, electronic vote-counting machine, the**
59 **election authority may continue to use such machine. Upon**
60 **the removal of such voting machine from the election**
61 **authority's inventory because of mechanical malfunction,**
62 **wear and tear, or any other reason, the machine shall not be**
63 **replaced and no additional direct-recording electronic vote-**
64 **counting machine shall be added to the election authority's**
65 **inventory. Such machines shall not be used beginning**
66 **January 1, 2024, except that election authorities may allow**
67 **the machines to be used by voters who are disabled as long**
68 **as the machines are functional. Replacement of equipment**
69 **for use by voters who are disabled shall be with paper**
70 **ballot marking devices designed to assist voters.**

115.237. 1. Each ballot printed or designed for use
2 with an electronic voting system for any election pursuant
3 to this chapter shall contain all questions and the names of
4 all offices and candidates certified or filed pursuant to
5 this chapter and no other. **Beginning January 1, 2024, the**
6 **official ballot shall be a paper ballot that is hand-marked**
7 **by the voter, or in the case of voters with disabilities who**
8 **need assistance, by a paper ballot marking device designed**

9 **to assist voters, except as provided in subsection 5 of**
10 **section 115.225.** As far as practicable, all questions and
11 the names of all offices and candidates for which each voter
12 is entitled to vote shall be printed on one page except for
13 the ballot for political party committee persons in polling
14 places not utilizing an electronic voting system which may
15 be printed separately and in conformity with the
16 requirements contained in this section. As far as
17 practicable, ballots containing only questions and the names
18 of nonpartisan offices and candidates shall be printed in
19 accordance with the provisions of this section, except that
20 the ballot information may be listed in vertical or
21 horizontal rows. The names of candidates for each office
22 shall be listed in the order in which they are filed.

23 2. In polling places using electronic voting systems,
24 the ballot information may be arranged in vertical or
25 horizontal rows or on a number of separate pages or
26 screens. In any event, the name of each candidate, the
27 candidate's party, the office for which he or she is a
28 candidate, and each question shall be indicated clearly on
29 the ballot.

30 3. Nothing in this subchapter shall be construed as
31 prohibiting the use of a separate paper ballot for questions
32 or for the presidential preference primary in any polling
33 place using an electronic voting system.

34 4. Where electronic voting systems are used and when
35 write-in votes are authorized by law, a write-in ballot,
36 which may be in the form of a separate paper ballot, card,
37 or envelope, may be provided by the election authority to
38 permit each voter to write in the names of persons whose
39 names do not appear on the ballot.

40 5. No ballot printed or designed for use with an
41 electronic voting system for any partisan election held
42 under this chapter shall allow a person to vote a straight
43 political party ticket. For purposes of this subsection, a
44 "straight political party ticket" means voting for all of
45 the candidates for elective office who are on the ballot
46 representing a single political party by a single selection
47 on the ballot.

48 6. The secretary of state shall promulgate rules that
49 specify uniform standards for ballot layout for each
50 electronic or computerized ballot counting system approved
51 under the provisions of section 115.225 so that the ballot
52 used with any counting system is, where possible, consistent
53 with the intent of this section. Nothing in this section
54 shall be construed to require the format specified in this
55 section if it does not meet the requirements of the ballot
56 counting system used by the election authority.

57 7. Any rule or portion of a rule, as that term is
58 defined in section 536.010, that is created under the
59 authority delegated in this section shall become effective
60 only if it complies with and is subject to all of the
61 provisions of chapter 536 and, if applicable, section
62 536.028. This section and chapter 536 are nonseverable and
63 if any of the powers vested with the general assembly
64 pursuant to chapter 536 to review, to delay the effective
65 date or to disapprove and annul a rule are subsequently held
66 unconstitutional, then the grant of rulemaking authority and
67 any rule proposed or adopted after August 28, 2002, shall be
68 invalid and void.

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;

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 Mailing addresses Signature of notary or
74 (if different) other officer
75 authorized to
76 administer oaths

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

81 State of Missouri
82 County (City) of _____
83 I, _____ (print name), declare under the penalties
84 of perjury that I am a citizen of the United States
85 and eighteen years of age or older. I am not
86 adjudged incapacitated by any court of law, and if
87 I have been convicted of a felony or of a
88 misdemeanor connected with the right of suffrage, I
89 have had the voting disabilities resulting from
90 such conviction removed pursuant to law. I hereby
91 state under penalties of perjury that I am
92 qualified to vote at this election.

93 I am (check one):
94 _____ a resident of the state of Missouri and a
95 registered voter in _____ County and
96 moved from that county to _____ County,
97 Missouri, after the last day to register
98 to vote in this election.

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

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

111 _____ Subscribed to and
 112 Signature of Voter sworn before me this
 113 _____ day of
 114 _____, _____

115 _____
 116 _____
 117 Address of Voter Signature of notary or
 118 other officer
 119 authorized to
 120 administer oaths

121 _____
 122 Mailing Address (if _____
 123 different) _____
 124 _____
 125 _____

126 Signature of Person Address of Last
 127 Assisting Voter Missouri Residence
 128 (if applicable)

129 4. The statement for persons voting absentee ballots
 130 who are entitled to vote at the election pursuant to the

131 provisions of subsection 2 of section 115.137 shall be in
132 substantially the following form:

133 State of Missouri

134 County (City) of _____

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

138

139 _____ absence on election day from the
140 jurisdiction of the election authority in
141 which I am directed to vote;

142 _____ incapacity or confinement due to illness
143 or physical disability, including caring
144 for a person who is incapacitated or
145 confined due to illness or disability;

146 _____ religious belief or practice;

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

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

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

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

168

169 _____ Subscribed and sworn
 170 Signature of Voter to before me this
 171 _____ day of
 172 _____, _____

173 _____
 174 _____
 175 Address Signature of notary or
 176 other officer
 177 authorized to
 178 administer oaths

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

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

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

196 Reason why voter needed assistance: _____

197 ASSISTING PERSON SIGN HERE

- 198 1. _____ (signature of assisting person)
- 199 2. _____ (assisting person's name printed)

200 3. _____ (assisting person's residence)

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

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

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

213 [8.] 7. Notwithstanding any other provision of this
214 section or section 115.291 to the contrary, the
215 subscription, signature and seal of a notary or other
216 officer authorized to administer oaths shall not be required
217 on any ballot, ballot envelope, or statement required by
218 this section if the reason for the voter voting absentee is
219 due to the reasons established pursuant to subdivision (2)
220 [or (7)] of subsection 1 of section 115.277.

221 [9.] 8. No notary shall charge or collect a fee for
222 notarizing the signature on any absentee ballot or absentee
223 voter registration.

224 [10.] 9. A notary public who charges more than the
225 maximum fee specified or who charges or collects a fee for
226 notarizing the signature on any absentee ballot or absentee
227 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.]

**115.286. Absentee ballots under sections 115.275 to
2 115.304 received by the election authority in person or at
3 any other authorized location designated by the election
4 authority are deemed cast when received prior to election
5 day. Absentee ballots received by the election authority
6 through a common carrier such as the United States Postal
7 Service are deemed cast when received prior to the time
8 fixed by law for the closing of the polls on election day.
9 The election authority shall stamp each ballot as it is
10 received, indicating the date the ballot was received.**

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.

115.302. [1. Any registered voter of this state may
2 cast a mail-in ballot as provided in this section. Nothing
3 in this section shall prevent a voter from casting an
4 absentee ballot, provided such person has not cast a ballot
5 pursuant to this section. Application for a mail-in ballot
6 may be made by the applicant in person, or by United States

7 mail, or on behalf of the applicant by his or her guardian
8 or relative within the second degree of consanguinity or
9 affinity.

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

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

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

36 5. Not later than the sixth Tuesday prior to each
37 election, or within fourteen days after candidate names or
38 questions are certified under section 115.125, the election

39 authority shall cause to have printed and made available a
 40 sufficient quantity of ballots, ballot envelopes, and
 41 mailing envelopes. As soon as possible after a proper
 42 official calls a special state or county election, the
 43 election authority shall cause to have printed and made
 44 available a sufficient quantity of mail-in ballots, ballot
 45 envelopes, and mailing envelopes.

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

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

57 State of Missouri
 58 County (City) of _____
 59 I, _____ (print name), a registered voter of
 60 _____ County (City of St. Louis, Kansas City),
 61 declare under the penalties of perjury that: I am
 62 qualified to vote at this election; I have not
 63 voted and will not vote other than by this ballot
 64 at this election. I further state that I marked
 65 the enclosed ballot in secret or that I am blind,
 66 unable to read or write English, or physically
 67 incapable of marking the ballot, and the person of
 68 my choosing indicated below marked the ballot at my
 69 direction; all of the information on this statement
 70 is, to the best of my knowledge and belief, true.

71 _____
 72 _____

73 Signature of Voter Signature of Person
74 Assisting Voter
75 (if applicable)

76 Subscribed and sworn to before me this _____
77 day of _____, _____.
78 _____

79 Signature of notary or other officer authorized to
80 administer oaths.
81 _____

82 _____

83 Mailing addresses
84 (if different)

85 8. Upon receipt of a signed application for a mail-in
86 ballot and if satisfied that the applicant is entitled to
87 vote by mail-in ballot, the election authority shall, within
88 three working days after receiving the application, or, if
89 mail-in ballots are not available at the time the
90 application is received, within five working days after such
91 ballots become available, deliver to the voter a mail-in
92 ballot, ballot envelope and such instructions as are
93 necessary for the applicant to vote. If the election
94 authority is not satisfied that any applicant is entitled to
95 vote by mail-in ballot, the authority shall not deliver a
96 mail-in ballot to the applicant. Within three working days
97 of receiving such an application, the election authority
98 shall notify the applicant and state the reason he or she is
99 not entitled to vote by mail-in ballot. The applicant may
100 file a complaint with the elections division of the
101 secretary of state's office under section 115.219.

102 9. On the mailing and ballot envelopes for each
103 covered voter, the election authority shall stamp the words
104 "ELECTION BALLOT, STATE OF MISSOURI" and "U.S. Postage Paid,
105 39 U.S.C. Section 3406".

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

109 11. Upon receiving a mail-in ballot by mail, the voter
110 shall mark the ballot in secret, place the ballot in the
111 ballot envelope, seal the envelope and fill out the
112 statement on the ballot envelope. The statement required
113 under subsection 7 of this section shall be subscribed and
114 sworn to before a notary public or other officer authorized
115 by law to administer oaths. If the voter is blind, unable
116 to read or write the English language, or physically
117 incapable of voting the ballot, the voter may be assisted by
118 a person of the voter's own choosing. Any person who
119 assists a voter and in any manner coerces or initiates a
120 request or suggestion that the voter vote for or against, or
121 refrain from voting on, any question or candidate, shall be
122 guilty of a class one election offense. If, upon counting,
123 challenge, or election contest, it is ascertained that any
124 mail-in ballot was voted with unlawful assistance, the
125 ballot shall be rejected.

126 12. Each mail-in ballot shall be returned to the
127 election authority in the ballot envelope and shall only be
128 returned by the voter by United States mail.

129 13. The secretary of state may prescribe uniform
130 regulations with respect to the printing of ballot envelopes
131 and mailing envelopes, which shall comply with standards
132 established by federal law or postal regulations. Mailing
133 envelopes for use in returning ballots shall be printed with

134 business reply permits so that any ballot returned by mail
135 does not require postage. All fees and costs for
136 establishing and maintaining the business reply and postage-
137 free mail for all ballots cast shall be paid by the
138 secretary of state through state appropriations.

139 14. All votes on each mail-in ballot received by an
140 election authority at or before the time fixed by law for
141 the closing of the polls on election day shall be counted.
142 No votes on any mail-in ballot received by an election
143 authority after the time fixed by law for the closing of the
144 polls on election day shall be counted.

145 15. If sufficient evidence is shown to an election
146 authority that any mail-in voter has died prior to the
147 opening of the polls on election day, the ballot of the
148 deceased voter shall be rejected if it is still sealed in
149 the ballot envelope. Any such rejected ballot, still sealed
150 in its ballot envelope, shall be sealed with the application
151 and any other papers connected therewith in an envelope
152 marked "Rejected ballot of _____, a mail-in voter of
153 _____ voting district". The reason for rejection shall
154 be noted on the envelope, which shall be kept by the
155 election authority with the other ballots from the election
156 until the ballots are destroyed according to law.

157 16. As each mail-in ballot is received by the election
158 authority, the election authority shall indicate its receipt
159 on the list.

160 17. All mail-in ballot envelopes received by the
161 election authority shall be kept together in a safe place
162 and shall not be opened except as provided under this
163 chapter.

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

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

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

176 21. The provisions of this section terminate and shall
177 be repealed on December 31, 2020, and shall not apply to any
178 election conducted after that date.] **Mail-in ballots shall**
179 **not be authorized by any executive or administrative order**
180 **and no authorization for the use of mail-in ballots shall be**
181 **inferred from any general law. This section shall not**
182 **preclude the use of absentee ballots authorized under this**
183 **chapter. Any expansion of the use of mail-in ballots**
184 **subsequent to the effective date of this act shall require**
185 **the repeal of this section by explicit reference thereto.**

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 115.277, at the office of the election**
5 **authority or other authorized location designated by the**
6 **election authority** by presenting a form of personal
7 identification to election officials. No form of personal
8 identification other than the forms listed in this section
9 shall be accepted to establish a voter's qualifications to

10 vote. Forms of personal identification that satisfy the
11 requirements of this section are any one of the following:

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

35 2. (1) An individual who appears at a polling place
36 without a form of personal identification described in
37 subsection 1 of this section and who is otherwise qualified
38 to vote at that polling place [may execute a statement,
39 under penalty of perjury, averring that the individual is
40 the person listed in the precinct register; averring that
41 the individual does not possess a form of personal

42 identification described in subsection 1 of this section;
43 acknowledging that the individual is eligible to receive a
44 Missouri nondriver's license free of charge if desiring it
45 in order to vote; and acknowledging that the individual is
46 required to present a form of personal identification, as
47 described in subsection 1 of this section, in order to
48 vote. Such statement shall be executed and sworn to before
49 the election official receiving the statement. Upon
50 executing such statement, the individual may cast a regular
51 ballot, provided such individual presents one of the
52 following forms of identification:

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

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

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

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

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

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

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

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

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

84 "State of _____

85 County of _____

86 I do solemnly swear (or affirm) that my name is
87 _____; that I reside at _____; that I am the
88 person listed in the precinct register under this
89 name and at this address; and that, under penalty
90 of perjury, I do not possess a form of personal
91 identification approved for voting. As a person
92 who does not possess a form of personal
93 identification approved for voting, I acknowledge
94 that I am eligible to receive free of charge a
95 Missouri nondriver's license at any fee office if
96 desiring it in order to vote. I furthermore
97 acknowledge that I am required to present a form
98 of personal identification, as prescribed by law,
99 in order to vote.

100 I understand that knowingly providing false
101 information is a violation of law and subjects me
102 to possible criminal prosecution.

103 _____

104 Signature of voter

105 Subscribed and affirmed before me this _____ day
106 of _____, 20_____

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108

Signature of election official"

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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]. 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 shall be entitled to receive a provisional ballot until such person has completed a provisional ballot affidavit on the provisional ballot envelope. All provisional ballots shall be marked with a conspicuous stamp or mark that makes them distinguishable from other ballots.

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

3. 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;

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

140 (i) The document contains my name, in
141 substantially the same form as the most recent
142 signature on my voter registration record;

143 (ii) The document contains my photograph;

144 (iii) The document contains an expiration
145 date and is not expired, or if expired, the
146 document expired after the date of the most recent
147 general election; and

148 (iv) The document was issued by the United
149 States or the state of Missouri; or

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

157 (2) The election authority verifies my
158 identity by comparing my signature on this
159 envelope to the signature on file with the
160 election authority and determines that I was
161 eligible to cast a ballot at this polling place;
and

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

165

166

Signature of Voter Date

168

169

Signatures of Election Officials"

170

171 **Once voted, the provisional ballot shall be sealed in the**
172 **provisional ballot envelope and placed in a separate secured**
173 **container by the election judge.**

174 4. The provisional ballot cast by such voter shall not
175 be counted unless:

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

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

186 (2) The provisional ballot otherwise qualifies to be
187 counted under section 115.430.

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

199 6. (1) Notwithstanding the provisions of section
200 136.055 and section 302.181 to the contrary, the state and
201 all fee offices shall provide one nondriver's license at no

202 cost to any otherwise qualified voter who does not already
203 possess such identification and who desires the
204 identification [in order to vote] **for voting**.

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

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

216 and

- 217 (g) Naturalization papers or other documents from the
218 United States Department of State proving citizenship.

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

229 (3) All costs associated with the implementation of
230 this section shall be reimbursed from the general revenue of
231 this state by an appropriation for that purpose. If there
232 is not a sufficient appropriation of state funds, then the

233 personal identification requirements of subsection 1 of this
234 section shall not be enforced.

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

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

261 8. The precinct register shall serve as the voter
262 identification certificate. The following form shall be
263 printed at the top of each page of the precinct register:

264 VOTER'S IDENTIFICATION CERTIFICATE

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

268 PRECINCT

269 WARD OR TOWNSHIP _____

270 GENERAL (SPECIAL, PRIMARY) ELECTION Held _____,
271 20_____ Date

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

275 9. The secretary of state shall promulgate rules to
276 effectuate the provisions of this section.

277 10. Any rule or portion of a rule, as that term is
278 defined in section 536.010, that is created under the
279 authority delegated in this section shall become effective
280 only if it complies with and is subject to all of the
281 provisions of chapter 536 and, if applicable, section
282 536.028. This section and chapter 536 are nonseverable and
283 if any of the powers vested with the general assembly
284 pursuant to chapter 536 to review, to delay the effective
285 date or to disapprove and annul a rule are subsequently held
286 unconstitutional, then the grant of rulemaking authority and
287 any rule proposed or adopted after August 28, 2002, shall be
288 invalid and void.

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

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

115.429. 1. The election judges shall not permit any
2 person to vote unless satisfied that such person is the
3 person whose name appears on the precinct register.

4 2. The identity or qualifications of any person
5 offering to vote may be challenged by any election authority
6 personnel, any registered voter, or any duly authorized
7 challenger at the polling place. No person whose right to
8 vote is challenged shall receive a ballot until his or her
9 identity and qualifications have been established.

10 3. Any question of doubt concerning the identity or
11 qualifications of a voter shall be decided by a majority of
12 the judges from the major political parties. If such
13 election judges decide not to permit a person to vote
14 because of doubt as to his or her identity or
15 qualifications, the person may apply to the election
16 authority as provided in section 115.193 or file a complaint
17 with the elections division of the secretary of state's
18 office under and pursuant to section 115.219.

19 4. If the election judges cannot reach a decision on
20 the identity or qualifications of any person, the question
21 shall be decided by the election authority.

22 5. The election judges or the election authority may
23 require any person whose right to vote is challenged to
24 execute an affidavit affirming his or her qualifications.
25 The election authority shall furnish to the election judges

26 a sufficient number of blank affidavits of qualification,
27 and the election judges shall enter any appropriate
28 information or comments under the title "Remarks" which
29 shall appear at the bottom of the affidavit. All executed
30 affidavits of qualification shall be returned to the
31 election authority with the other election supplies. Any
32 person who makes a false affidavit of qualification shall be
33 guilty of a class one election offense.

34 **6. During the course of any challenge to any ballot,**
35 **including any absentee or provisional ballot, all**
36 **challengers at the polling place shall be entitled to access**
37 **the ballot cast.**

115.449. 1. As soon as the polls close in each
2 polling place using paper ballots, the election judges shall
3 begin to count the votes. If earlier counting is begun
4 pursuant to section 115.451, the election judges shall
5 complete the count in the manner provided by this section.
6 Once begun, no count shall be adjourned or postponed until
7 all proper votes have been counted.

8 2. One counting judge, closely observed by the other
9 counting judge, shall take the ballots out of the ballot box
10 one at a time and, holding each ballot in such a way that
11 the other counting judge may read it, shall read the name of
12 each candidate properly voted for and the office sought by
13 each. As each vote is called out, the recording judges
14 shall each record the vote on a tally sheet. The votes for
15 and against all questions shall likewise be read and
16 recorded. If more than one political subdivision or special
17 district is holding an election on the same day at the same
18 polling place and using separate ballots, the counting
19 judges may separate the ballots of each political
20 subdivision and special district and first read one set,

21 then the next and so on until all proper votes have been
22 counted.

23 3. After the recording of all proper votes, the
24 recording judges shall compare their tallies. When the
25 recording judges agree on the count, they shall sign both of
26 the tally sheets, and one of the recording judges shall
27 announce in a loud voice the total number of votes for each
28 candidate and for and against each question.

29 4. After the announcement of the vote, the election
30 judges shall record the vote totals in the appropriate
31 places on each statement of returns. If any tally sheet or
32 statement of returns contains no heading for any question,
33 the election judges shall write the necessary headings on
34 the tally sheet or statement of returns.

35 5. **No election authority, or employee thereof, shall**
36 **report any information whatsoever concerning vote returns to**
37 **any party, other than an election authority or employee,**
38 **until all removable media devices, or other methods of data**
39 **transport, are secured.**

40 6. **As soon as practicable after the election, the**
41 **election authority shall count all ballots cast, unused**
42 **ballots, spoiled ballots, and provisional ballots to ensure**
43 **that the same number of ballots which the election authority**
44 **sent to each precinct were returned to the election**
45 **authority at the close of the polls. Any discrepancy in**
46 **such ballot numbers shall be immediately reported to the**
47 **secretary of state.**

✓