

FIRST REGULAR SESSION
[TRULY AGREED TO AND FINALLY PASSED]
HOUSE COMMITTEE SUBSTITUTE FOR
SENATE COMMITTEE SUBSTITUTE FOR

SENATE BILLS NOS. 34 & 105

98TH GENERAL ASSEMBLY

2015

0596H.05T

AN ACT

To repeal sections 115.135, 115.275, 115.277, 115.279, 115.283, 115.287, 115.291, 115.912, and 115.940, RSMo, and to enact in lieu thereof eight new sections relating to military and overseas voter registration, with an emergency clause.

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

Section A. Sections 115.135, 115.275, 115.277, 115.279, 115.283, 115.287, 2 115.291, 115.912, and 115.940, RSMo, are repealed and eight new sections 3 enacted in lieu thereof, to be known as sections 115.135, 115.275, 115.277, 4 115.279, 115.283, 115.287, 115.291, and 115.912, to read as follows:

115.135. 1. Any person who is qualified to vote, or who shall become 2 qualified to vote on or before the day of election, shall be entitled to register in 3 the jurisdiction within which he or she resides. In order to vote in any election 4 for which registration is required, a person must be registered to vote in the 5 jurisdiction of his or her residence no later than 5:00 p.m., or the normal closing 6 time of any public building where the registration is being held if such time is 7 later than 5:00 p.m., on the fourth Wednesday prior to the election, unless the 8 voter is an interstate former resident, an intrastate new resident [or], a new 9 resident, **or a covered voter**, as defined in section 115.275. **Except as** 10 **provided in subsection 4 of this section**, in no case shall registration for an 11 election extend beyond 10:00 p.m. on the fourth Wednesday prior to the 12 election. Any person registering after such date shall be eligible to vote in 13 subsequent elections.

14 2. A person applying to register with an election authority or a deputy

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

15 registration official shall identify himself or herself by presenting a copy of a
16 birth certificate, a Native American tribal document, other proof of United States
17 citizenship, a valid Missouri drivers license or other form of personal
18 identification at the time of registration.

19 3. Except as provided in federal law or federal elections and in section
20 115.277, no person shall be entitled to vote if the person has not registered to
21 vote in the jurisdiction of his or her residence prior to the deadline to register to
22 vote.

23 4. **A covered voter as defined in section 115.275 who has been**
24 **discharged from military service, has returned from a military**
25 **deployment or activation, or has separated from employment outside**
26 **the territorial limits of the United States after the deadline to register**
27 **to vote, and who is otherwise qualified to register to vote, may register**
28 **to vote in an election in person before the election authority until 5:00**
29 **p.m. on the Friday before such election. Such persons shall produce**
30 **sufficient documentation showing evidence of qualifying for late**
31 **registration pursuant to this section.**

115.275. As used in sections 115.275 to 115.304, unless the context clearly
2 indicates otherwise, the following terms shall mean:

3 (1) "Absentee ballot", any of the ballots a person is authorized to cast
4 away from a polling place pursuant to the provisions of sections 115.275 to
5 115.304;

6 (2) "Covered voter":

7 (a) **A uniformed services voter who is registered to vote in this**
8 **state;**

9 (b) **A uniformed services voter defined in this section whose**
10 **voting residence is in this state and who otherwise satisfies this state's**
11 **voter eligibility requirements;**

12 (c) **An overseas voter;**

13 (d) **Civilian employees of the United States government working**
14 **outside the boundaries of the United States, and their spouses and**
15 **dependents;**

16 (e) **Active members of religious or welfare organizations**
17 **assisting servicemen, and their spouses and dependents; or**

18 (f) **Persons who have been honorably discharged from the Armed**
19 **Forces or who have terminated their service or employment in any**

20 **group mentioned in this section within sixty days of an election, and**
21 **their spouses and dependents;**

22 **(3) "Interstate former resident",** a former resident and registered voter in
23 this state who moves from Missouri to another state after the deadline to register
24 to vote in any presidential election in the new state and who otherwise possesses
25 the qualifications to register and vote in such state;

26 **[(3)] (4) "Intrastate new resident",** a registered voter of this state who
27 moves from one election authority's jurisdiction in the state to another election
28 authority's jurisdiction in the state after the last day authorized in this chapter
29 to register to vote in an election and otherwise possesses the qualifications to
30 vote;

31 **[(4)] (5) "New resident",** a person who moves to this state after the last
32 date authorized in this chapter to register to vote in any presidential election;

33 **[(5) "Persons in federal service" includes:**

34 **(a) Members of the Armed Forces of the United States, while in active**
35 **service, and their spouses and dependents;**

36 **(b) Active members of the Merchant Marine of the United States and their**
37 **spouses and dependents;**

38 **(c) Civilian employees of the United States government working outside**
39 **the boundaries of the United States, and their spouses and dependents;**

40 **(d) Active members of religious or welfare organizations assisting**
41 **servicemen, and their spouses and dependents; or**

42 **(e) Persons who have been honorably discharged from the Armed Forces**
43 **or who have terminated their service or employment in any group mentioned in**
44 **this section within sixty days of an election, and their spouses and dependents.]**

45 **(6) "Overseas voter":**

46 **(a) A person who resides outside the United States and is**
47 **qualified to vote in the last place in which the person was domiciled**
48 **before leaving the United States; or**

49 **(b) A person who resides outside the United States and, but for**
50 **such residence, would be qualified to vote in the last place in which the**
51 **person was domiciled before leaving the United States;**

52 **(7) "Uniformed services":**

53 **(a) Active and reserve components of the Army, Navy, Air Force,**
54 **Marine Corps, or Coast Guard of the United States;**

55 **(b) The Merchant Marine, the commissioned corps of the Public**

56 **Health Service, or the commissioned corps of the National Oceanic and**
57 **Atmospheric Administration of the United States; or**

58 **(c) The Missouri National Guard;**

59 **(8) "Uniformed services voter", an individual who is qualified to**
60 **vote and is:**

61 **(a) A member of the active or reserve components of the Army,**
62 **Navy, Air Force, Marine Corps, or Coast Guard of the United States who**
63 **is on active duty;**

64 **(b) A member of the Merchant Marine, the commissioned corps**
65 **of the Public Health Service, or the commissioned corps of the National**
66 **Oceanic and Atmospheric Administration of the United States;**

67 **(c) A member on activated status of the National Guard; or**

68 **(d) A spouse or dependent of a member referred to in this**
69 **subdivision;**

70 **(9) "United States", used in the territorial sense, the several**
71 **states, the District of Columbia, Puerto Rico, the United States Virgin**
72 **Islands, and any territory or insular possession subject to the**
73 **jurisdiction of the United States.**

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

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

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

11 **(3) Religious belief or practice;**

12 **(4) Employment as an election authority, as a member of an election**
13 **authority, or by an election authority at a location other than such voter's polling**
14 **place;**

15 **(5) Incarceration, provided all qualifications for voting are retained;**

16 **(6) Certified participation in the address confidentiality program**
17 **established under sections 589.660 to 589.681 because of safety**
18 **concerns.**

19 2. Any [person in federal service] **covered voter**, as defined in section
20 115.275, who is eligible to register and vote in this state [but is not registered
21 may vote only in the election of presidential and vice presidential electors, United
22 States senator and representative in Congress] **may vote in any election for**
23 **federal office, statewide office, state legislative office, or statewide**
24 **ballot initiatives by submitting a federal postcard application to apply**
25 **to vote by absentee ballot or by submitting a federal postcard**
26 **application at the polling place** even though the person is not registered. A
27 **federal postcard application submitted by a covered voter pursuant to**
28 **this subsection shall also serve as a voter registration application**
29 **under section 115.908 and the election authority shall, if satisfied that**
30 **the applicant is entitled to register, place the voter's name on the voter**
31 **registration file.** Each [person in federal service] **covered voter** may vote by
32 absentee ballot or, upon submitting an affidavit that the person is qualified to
33 vote in the election, may vote at the person's polling place.

34 3. Any interstate former resident, as defined in section 115.275, may vote
35 by absentee ballot for presidential and vice presidential electors.

36 4. Any intrastate new resident, as defined in section 115.275, may vote
37 by absentee ballot at the election for presidential and vice presidential electors,
38 United States senator, representative in Congress, statewide elected officials and
39 statewide questions, propositions and amendments from such resident's new
40 jurisdiction of residence after registering to vote in such resident's new
41 jurisdiction of residence.

42 5. Any new resident, as defined in section 115.275, may vote by absentee
43 ballot for presidential and vice presidential electors after registering to vote in
44 such resident's new jurisdiction of residence.

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

6 2. Each application shall be made to the election authority of the
7 jurisdiction in which the person is or would be registered. Each application shall
8 be in writing and shall state the applicant's name, address at which he or she is
9 or would be registered, his or her reason for voting an absentee ballot, the
10 address to which the ballot is to be mailed, if mailing is requested, and for absent

11 uniformed services and overseas applicants, the applicant's email address if
12 electronic transmission is requested. **If the reason for the applicant voting**
13 **absentee is due to the reasons established under subdivision (6) of**
14 **subsection 1 of section 115.277, the applicant shall state the voter's**
15 **identification information provided by the address confidentiality**
16 **program in lieu of the applicant's name, address at which he or she is**
17 **or would be registered, and address to which the ballot is to be mailed,**
18 **if mailing is requested.** Each application to vote in a primary election shall
19 also state which ballot the applicant wishes to receive. If any application fails to
20 designate a ballot, the election authority shall, within three working days after
21 receiving the application, notify the applicant by mail that it will be unable to
22 deliver an absentee ballot until the applicant designates which political party
23 ballot he or she wishes to receive. If the applicant does not respond to the
24 request for political party designation, the election authority is authorized to
25 provide the voter with that part of the ballot for which no political party
26 designation is required.

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

37 4. Each application for an absentee ballot shall be signed by the applicant
38 or, if the application is made by a guardian or relative pursuant to this section,
39 the application shall be signed by the guardian or relative, who shall note on the
40 application his or her relationship to the applicant. If an applicant, guardian or
41 relative is blind, unable to read or write the English language or physically
42 incapable of signing the application, he or she shall sign by mark, witnessed by
43 the signature of an election official or person of his or her own choosing. Any
44 person who knowingly makes, delivers or mails a fraudulent absentee ballot
45 application shall be guilty of a class one election offense.

46 5. (1) Notwithstanding any law to the contrary, any resident of the state

47 of Missouri who resides outside the boundaries of the United States or who is on
48 active duty with the Armed Forces of the United States or members of their
49 immediate family living with them may request an absentee ballot for both the
50 primary and subsequent general election with one application.

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

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

60 (4) Not later than sixty days after the date of each regularly scheduled
61 general election for federal office, each election authority which administered the
62 election shall submit to the secretary of state in a format prescribed by the
63 secretary a report on the combined number of absentee ballots transmitted to,
64 and returned by, absent uniformed services voters and overseas voters for the
65 election. The secretary shall submit to the Election Assistance Commission a
66 combined report of such information not later than ninety days after the date of
67 each regularly scheduled general election for federal office and in a standardized
68 format developed by the commission pursuant to the Help America Vote Act of
69 2002. The secretary shall make the report available to the general public.

70 (5) As used in this section, the terms "absent uniformed services voter"
71 and "overseas voter" shall have the meaning prescribed in 42 U.S.C. **Section**
72 1973ff-6.

73 6. An application for an absentee ballot by a new resident, as defined in
74 section 115.275, shall be submitted in person by the applicant in the office of the
75 election authority in the election jurisdiction in which such applicant
76 resides. The application shall be received by the election authority no later than
77 7:00 p.m. on the day of the election. Such application shall be in the form of an
78 affidavit, executed in duplicate in the presence of the election authority or any
79 authorized officer of the election authority, and in substantially the following
80 form:

81 "STATE OF"
82 COUNTY OF, ss.

83 I,....., do solemnly swear that:

84 (1) Before becoming a resident of this state, I resided at
85 (residence address) in (town,
86 township, village or city) of County in the state of
87

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

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

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

96 Signed

97 (Applicant)

98

99 (Residence Address)

100 Subscribed and sworn to before me this day of,

101 Signed

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

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

107 8. An application for an absentee ballot by an intrastate new resident, as
108 defined in section 115.275, shall be made in person by the applicant in the office
109 of the election authority in the election jurisdiction in which such applicant
110 resides. The application shall be received by the election authority no later than
111 7:00 p.m. on the day of the election. Such application shall be in the form of an
112 affidavit, executed in duplicate in the presence of the election authority or an
113 authorized officer of the election authority, and in substantially the following
114 form:

115 "STATE OF

116 COUNTY OF, ss.

117 I,, do solemnly swear that:

118 (1) Before becoming a resident of this election jurisdiction, I resided at

119 (residence address) in (town, township,
120 village or city) of county in the state of

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

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

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

128 Signed

129 (Applicant)

130

131 (Residence Address)

132 Subscribed and sworn to before me this day of,

133 Signed

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

135 9. An application for an absentee ballot by an interstate former resident,
136 as defined in section 115.275, shall be received in the office of the election
137 authority where the applicant was formerly registered by 5:00 p.m. on the
138 Wednesday immediately prior to the election, unless the application is made in
139 person by the applicant in the office of the election authority, in which case such
140 application shall be made no later than 7:00 p.m. on the day of the election.

115.283. 1. Each ballot envelope shall bear a statement on which the
2 voter shall state the voter's name, the voter's voting address, the voter's mailing
3 address and the voter's reason for voting an absentee ballot. **If the reason for**
4 **the voter voting absentee is due to the reasons established under**
5 **subdivision (6) of subsection 1 of section 115.277, the voter shall state**
6 **the voter's identification information provided by the address**
7 **confidentiality program in lieu of the applicant's name, voting address,**
8 **and mailing address.** On the form, the voter shall also state under penalties
9 of perjury that the voter is qualified to vote in the election, that the voter has not
10 previously voted and will not vote again in the election, that the voter has
11 personally marked the voter's ballot in secret or supervised the marking of the
12 voter's ballot if the voter is unable to mark it, that the ballot has been placed in
13 the ballot envelope and sealed by the voter or under the voter's supervision if the
14 voter is unable to seal it, and that all information contained in the statement is

15 true. In addition, any person providing assistance to the absentee voter shall
16 include a statement on the envelope identifying the person providing assistance
17 under penalties of perjury. Persons authorized to vote only for federal and
18 statewide officers shall also state their former Missouri residence.

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

21 State of Missouri

22 County (City) of

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

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

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

31 religious belief or practice;

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

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

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

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

46

47 Signature of Voter

48

49

50 Signed

.....

Signature of Person

Assisting Voter

(if applicable)

Subscribed and sworn to

51 Signed before me this day
 52 Address of Voter of,
 53
 54
 55 Mailing addresses Signature of notary or
 56 (if different) other officer authorized
 57 to administer oaths

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

61 State of Missouri
 62 County (City) of

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

69 I am (check one):
 70 a resident of the state of Missouri and a registered voter in
 71 County and moved from that county to County, Missouri, after
 72 the last day to register to vote in this election.
 73 an interstate former resident of Missouri and authorized to vote for
 74 presidential and vice presidential electors.

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

81 Subscribed to and sworn
 82 Signature of Voter before me this day
 83 of,
 84
 85
 86 Address of Voter Signature of notary or

87		other officer authorized
88		to administer oaths
89
90	Mailing Address (if different)
91	
92
93	Signature of Person	Address of Last
94	Assisting Voter	Missouri Residence
95		(if applicable)

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

99 State of Missouri
 100 County (City) of

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

- 104 absence on election day from the jurisdiction of the election authority in
- 105 which I am directed to vote;
- 106 incapacity or confinement due to illness or physical disability, including
- 107 caring for a person who is incapacitated or confined due to illness or
- 108 disability;
- 109 religious belief or practice;
- 110 employment as an election authority or by an election authority at a
- 111 location other than my polling place;
- 112 incarceration, although I have retained all the necessary qualifications of
- 113 voting;
- 114 **certified participation in the address confidentiality program**
- 115 **established under sections 589.660 to 589.681 because of safety**
- 116 **concerns.**

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

123 statement is, to the best of my knowledge and belief, true.

124 Subscribed and sworn

125 Signature of Voter to before me this

126 day of,

127

128

129 Address Signature of notary or

130 other officer authorized

131 to administer oaths

132

133 Signature of Person

134 Assisting Voter

135 (if applicable)

136 5. The statement for persons providing assistance to absentee voters shall

137 be in substantially the following form:

138 The voter needed assistance in marking the ballot and signing above, because of

139 blindness, other physical disability, or inability to read or to read English. I

140 marked the ballot enclosed in this envelope at the voter's direction, when I was

141 alone with the voter, and I had no other communication with the voter as to how

142 he or she was to vote. The voter swore or affirmed the voter affidavit above and

143 I then signed the voter's name and completed the other voter information

144 above. Signed under the penalties of perjury.

145 Reason why voter needed assistance:

146 ASSISTING PERSON SIGN HERE

147 1. (signature of assisting person)

148 2. (assisting person's name printed)

149 3. (assisting person's residence)

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

151 6. Notwithstanding any other provision of this section, any covered voter

152 as defined in section 115.902 or persons who have declared themselves to be

153 permanently disabled pursuant to section 115.284, otherwise entitled to vote,

154 shall not be required to obtain a notary seal or signature on his or her absentee

155 ballot.

156 7. Notwithstanding any other provision of this section or section 115.291

157 to the contrary, the subscription, signature and seal of a notary or other officer

158 authorized to administer oaths shall not be required on any ballot, ballot

Unofficial

Bill

Copy

159 envelope, or statement required by this section if the reason for the voter voting
160 absentee is due to the reasons established pursuant to subdivision (2) of
161 subsection 1 of section 115.277.

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

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

115.287. 1. Upon receipt of a signed application for an absentee ballot
2 and if satisfied the applicant is entitled to vote by absentee ballot, the election
3 authority shall, within three working days after receiving the application, or if
4 absentee ballots are not available at the time the application is received, within
5 five working days after they become available, deliver to the voter an absentee
6 ballot, ballot envelope and such instructions as are necessary for the applicant
7 to vote. Delivery shall be made to the voter personally in the office of the election
8 authority or by bipartisan teams appointed by the election authority, or by first
9 class, registered, or certified mail at the discretion of the election authority, or in
10 the case of a covered voter as defined in section 115.902, the method of
11 transmission prescribed in section 115.914. Where the election authority is a
12 county clerk, the members of bipartisan teams representing the political party
13 other than that of county clerk shall be selected from a list of persons submitted
14 to the county clerk by the county chairman of that party. If no list is provided by
15 the time that absentee ballots are to be made available, the county clerk may
16 select a person or persons from lists provided in accordance with section 115.087.
17 If the election authority is not satisfied that any applicant is entitled to vote by
18 absentee ballot, it shall not deliver an absentee ballot to the applicant. Within
19 three working days of receiving such an application, the election authority shall
20 notify the applicant and state the reason he or she is not entitled to vote by
21 absentee ballot. The applicant may appeal the decision of the election authority
22 to the circuit court in the manner provided in section 115.223.

23 2. If, after 5:00 p.m. on the Wednesday before an election, any voter from
24 the jurisdiction has become hospitalized, becomes confined due to illness or
25 injury, or is confined in an adult boarding facility, intermediate care facility,
26 residential care facility, or skilled nursing facility, as defined in section 198.006,
27 in the county in which the jurisdiction is located or in the jurisdiction or an
28 adjacent election authority within the same county, the election authority shall

29 appoint a team to deliver, witness the signing of and return the voter's
30 application and deliver, witness the voting of and return the voter's absentee
31 ballot. In counties with a charter form of government and in cities not within a
32 county, and in each city which has over three hundred thousand inhabitants, and
33 is situated in more than one county, if the election authority receives ten or more
34 applications for absentee ballots from the same address it may appoint a team to
35 deliver and witness the voting and return of absentee ballots by voters residing
36 at that address, except when such addresses are for an apartment building or
37 other structure wherein individual living units are located, each of which has its
38 own separate cooking facilities. Each team appointed pursuant to this subsection
39 shall consist of two registered voters, one from each major political party. Both
40 members of any team appointed pursuant to this subsection shall be present
41 during the delivery, signing or voting and return of any application or absentee
42 ballot signed or voted pursuant to this subsection.

43 3. On the mailing and ballot envelopes for each [applicant in federal
44 service] **covered voter**, the election authority shall stamp prominently in black
45 the words "FEDERAL BALLOT, STATE OF MISSOURI" and "U.S. Postage Paid,
46 39 U.S.C. 3406".

47 4. No information which encourages a vote for or against a candidate or
48 issue shall be provided to any voter with an absentee ballot.

115.291. 1. Upon receiving an absentee ballot in person or by mail, the
2 voter shall mark the ballot in secret, place the ballot in the ballot envelope, seal
3 the envelope and fill out the statement on the ballot envelope. The affidavit of
4 each person voting an absentee ballot shall be subscribed and sworn to before the
5 election official receiving the ballot, a notary public or other officer authorized by
6 law to administer oaths, unless the voter is voting absentee due to incapacity or
7 confinement due to the provisions of section 115.284 illness or physical disability,
8 or the voter is a covered voter as defined in section 115.902. If the voter is blind,
9 unable to read or write the English language, or physically incapable of voting
10 the ballot, the voter may be assisted by a person of the voter's own choosing. Any
11 person assisting a voter who is not entitled to such assistance, and any person
12 who assists a voter and in any manner coerces or initiates a request or a
13 suggestion that the voter vote for or against or refrain from voting on any
14 question, ticket or candidate, shall be guilty of a class one election offense. If,
15 upon counting, challenge or election contest, it is ascertained that any absentee
16 ballot was voted with unlawful assistance, the ballot shall be rejected.

17 2. Except as provided in subsection 4 of this section, each absentee ballot
18 shall be returned to the election authority in the ballot envelope and shall only
19 be returned by the voter in person, or in person by a relative of the voter who is
20 within the second degree of consanguinity or affinity, by mail or registered carrier
21 or by a team of deputy election authorities; except that [persons in federal
22 service] **covered voters**, when sent from a location determined by the secretary
23 of state to be inaccessible on election day, shall be allowed to return their
24 absentee ballots cast by use of facsimile transmission or under a program
25 approved by the Department of Defense for electronic transmission of election
26 materials.

27 3. In cases of an emergency declared by the President of the United States
28 or the governor of this state where the conduct of an election may be affected, the
29 secretary of state may provide for the delivery and return of absentee ballots by
30 use of a facsimile transmission device or system. Any rule promulgated pursuant
31 to this subsection shall apply to a class or classes of voters as provided for by the
32 secretary of state.

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

115.912. An application for a military-overseas ballot is timely if received
2 by 5:00 p.m. on the [Wednesday] **Friday** prior to the election. An application for
3 a military-overseas ballot for a primary election, whether or not timely, shall be
4 effective as an application for a military-overseas ballot for the general election.

[115.940. Notwithstanding any other provision of law, a
2 person in the federal service as defined under section 115.275 may
3 vote in the same manner, using the same technology and
4 requirements, as an overseas voter under sections 115.900 to
5 115.936.]

Section B. Because immediate action is necessary to allow the provisions
2 of this act to apply to election procedures before August 28, 2015, in order to
3 protect the security needs of victims of domestic violence, rape, sexual assault, or
4 stalking, the repeal and reenactment of sections 115.277, 115.279, and 115.283
5 of this act are deemed necessary for the immediate preservation of the public
6 health, welfare, peace, and safety, and are hereby declared to be an emergency
7 act within the meaning of the constitution, and the repeal and reenactment of
8 sections 115.277, 115.279, and 115.283 of this act shall be in full force and effect

9 on July 1, 2015, or upon its passage and approval, whichever first occurs.

✓

Unofficial

Bill

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