

FIRST REGULAR SESSION

HOUSE BILL NO. 1362

101ST GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVE BILLINGTON.

0700H.011

DANA RADEMAN MILLER, Chief Clerk

AN ACT

To repeal section 115.279, RSMo, and to enact in lieu thereof one new section relating to absentee ballot request forms.

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

Section A. Section 115.279, RSMo, is repealed and one new section enacted in lieu thereof, to be known as section 115.279, to read as follows:

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

2. Each application shall be made to the election authority of the jurisdiction in which the person is or would be registered. Each application shall be in writing and shall state the applicant's name, address at which he or she is or would be registered, his or her reason for voting an absentee ballot, the address to which the ballot is to be mailed, if mailing is requested, and for absent uniformed services and overseas applicants, the applicant's email address if electronic transmission is requested. If the reason for the applicant voting absentee is due to the reasons established under subdivision (6) of subsection 1 of section 115.277, the applicant shall state the voter's identification information provided by the address confidentiality program in lieu of the applicant's name, address at which he or she is or would be registered, and address to which the ballot is to be mailed, if mailing is requested. Each application to vote in a primary election shall also state which ballot the applicant wishes to receive. If any application fails to designate a ballot, the election authority shall, within three working days after receiving the application, notify the applicant by mail that it will be unable to deliver an absentee ballot until

EXPLANATION — Matter enclosed in bold-faced brackets [thus] in the above bill is not enacted and is intended to be omitted from the law. Matter in **bold-face** type in the above bill is proposed language.

18 the applicant designates which political party ballot he or she wishes to receive. If the applicant
19 does not respond to the request for political party designation, the election authority is authorized
20 to provide the voter with that part of the ballot for which no political party designation is
21 required.

22 3. Except as provided in subsection 3 of section 115.281, all applications for absentee
23 ballots received prior to the sixth Tuesday before an election shall be stored at the office of the
24 election authority until such time as the applications are processed in accordance with section
25 115.281. No application for an absentee ballot received in the office of the election authority by
26 mail, by facsimile transmission, by electronic mail, or by a guardian or relative after 5:00 p.m.
27 on the second Wednesday immediately prior to the election shall be accepted by any election
28 authority. No application for an absentee ballot submitted by the applicant in person after 5:00
29 p.m. on the day before the election shall be accepted by any election authority, except as
30 provided in subsections 6, 8 and 9 of this section.

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

39 5. (1) Notwithstanding any law to the contrary, any resident of the state of Missouri who
40 resides outside the boundaries of the United States or who is on active duty with the Armed
41 Forces of the United States or members of their immediate family living with them may request
42 an absentee ballot for both the primary and subsequent general election with one application.

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

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

50 (4) Not later than sixty days after the date of each regularly scheduled general election
51 for federal office, each election authority which administered the election shall submit to the
52 secretary of state in a format prescribed by the secretary a report on the combined number of
53 absentee ballots transmitted to, and returned by, absent uniformed services voters and overseas

54 voters for the election. The secretary shall submit to the Election Assistance Commission a
55 combined report of such information not later than ninety days after the date of each regularly
56 scheduled general election for federal office and in a standardized format developed by the
57 commission pursuant to the Help America Vote Act of 2002. The secretary shall make the report
58 available to the general public.

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

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

67

68 "STATE OF _____
69 COUNTY OF _____, ss.

70 I, _____, do solemnly swear that:

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

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

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

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

79 Signed _____

80 (Applicant)

81 _____

82 (Residence Address)

83 Subscribed and sworn to before me this _____ day of _____, _____

84 Signed _____

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

86

87 7. The election authority in whose office an application is filed pursuant to subsection
88 6 of this section shall immediately send a duplicate of such application to the appropriate official

89 of the state in which the new resident applicant last resided and shall file the original of such
 90 application in its office.

91 8. An application for an absentee ballot by an intrastate new resident shall be made in
 92 person by the applicant in the office of the election authority in the election jurisdiction in which
 93 such applicant resides. The application shall be received by the election authority no later than
 94 7:00 p.m. on the day of the election. Such application shall be in the form of an affidavit,
 95 executed in duplicate in the presence of the election authority or an authorized officer of the
 96 election authority, and in substantially the following form:

97

98 "STATE OF _____
 99 COUNTY OF _____, ss.

100 I, _____, do solemnly swear that:

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

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

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

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

111 Signed _____
 112 (Applicant)

113 _____
 114 (Residence Address)

115 Subscribed and sworn to before me this _____ day of _____, _____

116 Signed _____
 117 (Title and name of officer authorized to administer oaths)"

118

119 9. An application for an absentee ballot by an interstate former resident shall be received
 120 in the office of the election authority where the applicant was formerly registered by 5:00 p.m.
 121 on the second Wednesday immediately prior to the election, unless the application is made in
 122 person by the applicant in the office of the election authority, in which case such application shall
 123 be made no later than 7:00 p.m. on the day of the election.

124 **10. No individual or organization shall distribute unsolicited applications for**
125 **absentee ballots by mail, electronic mail, or any other means.**

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