

FIRST REGULAR SESSION

HOUSE BILL NO. 449

98TH GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVE ENGLISH.

0120H.011

D. ADAM CRUMBLISS, Chief Clerk

AN ACT

To repeal sections 115.275, 115.291, and 115.293, RSMo, and to enact in lieu thereof seven new sections relating to advance voting, with penalty provisions.

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

Section A. Sections 115.275, 115.291, and 115.293, RSMo, are repealed and seven new sections enacted in lieu thereof, to be known as sections 115.275, 115.276, 115.280, 115.282, 115.288, 115.291, and 115.293, to read as follows:

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

(1) "Absentee ballot", any of the ballots a person is authorized to cast away from a polling place pursuant to the provisions of sections 115.275 to 115.304, **but not including the advance ballots a person is authorized to cast in accordance with section 115.276;**

(2) **"Advance ballot", any of the ballots a person is authorized to cast under section 115.276;**

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

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

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.

16 [(4)] (5) "New resident", a person who moves to this state after the last date authorized
17 in this chapter to register to vote in any presidential election;

18 [(5)] (6) "Persons in federal service" includes:

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

21 (b) Active members of the Merchant Marine of the United States and their spouses and
22 dependents;

23 (c) Civilian employees of the United States government working outside the boundaries
24 of the United States, and their spouses and dependents;

25 (d) Active members of religious or welfare organizations assisting servicemen, and their
26 spouses and dependents;

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

**115.276. 1. Any registered voter of this state may vote by advance ballot in primary
2 and general elections in person at the location of the election authority or by mail. The
3 advance voting period shall begin the third Wednesday prior to the primary and general
4 elections.**

5 **2. All election authorities shall conduct advance voting at the location of the
6 election authority until the close of regular business hours on the day of the election.**

7 **3. No advance ballots mailed to the election authority shall be accepted or counted
8 unless postmarked at least four days prior to the election.**

9 **4. The hours for advance voting shall be regular business hours as required by
10 section 115.057 and shall include Saturday until 12:00 p.m. Regular business hours shall
11 not begin earlier than 7:00 a.m., nor shall they extend beyond 7:00 p.m.**

12 **5. Except as otherwise required by this chapter, procedures for casting an advance
13 ballot in person shall be the same as the procedures contained in sections 115.407 to
14 115.445.**

15 **6. Procedures for counting advance ballots shall be the same as the procedures
16 contained in sections 115.447 to 115.525.**

17 **7. The election judge shall not allow any person who has voted by an advance ballot
18 in the election to vote a provisional ballot or vote at the polls on election day. If it is
19 determined that any voter submitted an advance ballot and voted a provisional ballot or
20 voted at the polls on election day:**

21 **(1) Such person, having voted more than once, is guilty of a class one election
22 offense under subdivision (2) of section 115.631;**

23 **(2) The election authority shall certify that fact and the name of the voter to the**
24 **verification board. Such certificate shall be included with the abstracts drawn by the**
25 **verification board.**

26 **8. This section shall become effective January 1, 2016.**

27 **9. All costs associated with the implementation of advance voting as authorized by**
28 **this section shall be paid from the general revenue of the state of Missouri.**

115.280. 1. For advance ballots that are to be mailed to the voter, an application
2 **for an advance ballot may be made by the applicant in person, or by mail, or for the**
3 **applicant, in person, by his or her guardian or a relative within the second degree by**
4 **consanguinity or affinity. The election authority shall accept applications by facsimile**
5 **transmission within the limits of its telecommunications capacity.**

6 **2. Each application shall be made to the election authority of the jurisdiction in**
7 **which the person is or would be registered no earlier than the day after the election**
8 **immediately preceding the election for which the advance ballot is requested and not later**
9 **than the fourth Tuesday prior to the election. Each application shall be in writing and**
10 **shall state the applicant's name, address at which he or she is or would be registered, and**
11 **the address to which the ballot is to be mailed. Each application to vote in a primary**
12 **election shall also state which ballot the applicant wishes to receive. If any application fails**
13 **to designate a ballot, the election authority shall, within three working days after receiving**
14 **the application, notify the applicant by mail that it will be unable to deliver an advance**
15 **ballot until the applicant designates which political party ballot he or she wishes to receive.**
16 **If the applicant does not respond to the request for political party designation, the election**
17 **authority is authorized to provide the voter with that part of the ballot for which no**
18 **political party designation is required.**

19 **3. The election authority shall mail all advance ballots to applicants who have**
20 **requested that the ballots be mailed to them no later than the third Tuesday prior to the**
21 **election.**

22 **4. Each application for an advance ballot shall be signed by the applicant or, if the**
23 **application is made by a guardian or relative under this section, the application shall be**
24 **signed by the guardian or relative, who shall note on the application his or her relationship**
25 **to the applicant. If an applicant, guardian, or relative is blind; unable to read or write the**
26 **English language; or physically incapable of signing the application; he or she shall sign**
27 **by mark witnessed by the signature of an election official or person of his or her own**
28 **choosing. Any person who knowingly makes, delivers or mails a fraudulent advance ballot**
29 **application shall be guilty of a class one election offense.**

115.282. 1. Not later than the sixth Tuesday prior to each primary and general election, or within fourteen days after candidates' names or questions are certified for such elections under section 115.125, the election authority shall cause to have printed and made available a sufficient quantity of advance ballots and ballot envelopes.

2. All absentee ballots for an election shall be in the same form as the official ballots for the election, except that in lieu of the words "Official Ballot" at the top of the ballot, the words "Official Advance Ballot" shall appear.

115.288. 1. Upon receipt of a signed application for an advance ballot and if satisfied the applicant is entitled to vote by advance ballot, the election authority shall, within three working days after receiving the application, deliver to the voter an advance ballot, ballot envelope, and such instructions as are necessary for the applicant to vote. Delivery shall be made to the voter by first class, registered, or certified mail at the discretion of the election authority. If the election authority is not satisfied that any applicant is entitled to vote by advance ballot, it shall not deliver an advance ballot to the applicant. Within three working days of receiving such an application, the election authority shall notify the applicant and state the reason he or she is not entitled to vote by advance ballot.

2. No information which encourages a vote for or against a candidate or issue shall be provided to any voter with an advance ballot.

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

2. Except as provided in subsection 4 of this section, each absentee ballot shall be returned to the election authority in the ballot envelope and shall only be returned by the voter in person, or in person by a relative of the voter who is within the second degree of consanguinity

18 or affinity, by mail or registered carrier or by a team of deputy election authorities; except that
19 persons in federal service, when sent from a location determined by the secretary of state to be
20 inaccessible on election day, shall be allowed to return their absentee ballots cast by use of
21 facsimile transmission or under a program approved by the Department of Defense for electronic
22 transmission of election materials.

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

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

115.293. 1. All proper votes on each absentee **or advance** ballot received by an election
2 authority at or before the time fixed by law for the closing of the polls on election day shall be
3 counted. No votes on any absentee **or advance** ballot received by an election authority after the
4 time fixed by law for the closing of the polls on election day shall be counted.

5 2. If sufficient evidence is shown to an election authority that any absentee voter has died
6 prior to the opening of the polls on election day, the ballot of the deceased voter shall be rejected.
7 Any ballot so rejected, still sealed in its ballot envelope, shall be sealed with the application and
8 any other papers connected therewith in an envelope marked "Rejected ballot of
9, an absentee voter of voting district". The reason for
10 rejection shall be noted on the envelope, which shall be kept by the election authority with the
11 other ballots from the election until the ballots are destroyed according to law.

