

House \_\_\_\_\_ Amendment NO. \_\_\_\_\_

Offered By

1 AMEND House Committee Substitute for House Bill No. 1936, in the title, Line 3, by deleting the  
2 word "primary" on said line; and

3  
4 Further amend said bill, Page 4, Section 115.123, Line 21, by inserting after all of said section and  
5 line the following:

6  
7 "115.275. As used in sections 115.275 to 115.304, unless the context clearly indicates  
8 otherwise, the following terms shall mean:

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

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

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

16 [(3)] (4) "Intrastate new resident", a registered voter of this state who moves from one  
17 election authority's jurisdiction in the state to another election authority's jurisdiction in the state  
18 after the last day authorized in this chapter to register to vote in an election and otherwise possesses  
19 the qualifications to vote;

20 [(4)] (5) "New resident", a person who moves to this state after the last date authorized in  
21 this chapter to register to vote in any presidential election;

22 [(5)] (6) "Persons in federal service" includes:

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

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

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

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

31 (e) Persons who have been honorably discharged from the Armed Forces or who have

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1 terminated their service or employment in any group mentioned in this section within sixty days of  
2 an election, and their spouses and dependents.

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

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

8 3. All advance ballots mailed to the election authority shall not be accepted or counted unless  
9 postmarked at least four days prior to the election.

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

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

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

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

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

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

24 8. This section shall become effective January 1, 2015.

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

27 115.280. 1. For advance ballots that are to be mailed to the voter, an application for an  
28 advance ballot may be made by the applicant in person, or by mail, or for the applicant, in person, by  
29 his or her guardian or a relative within the second degree by consanguinity or affinity. The election  
30 authority shall accept applications by facsimile transmission within the limits of its  
31 telecommunications capacity.

32 2. Each application shall be made to the election authority of the jurisdiction in which the  
33 person is or would be registered no earlier than the day after the election immediately preceding the  
34 election for which the advance ballot is requested and not later than the fourth Tuesday prior to the  
35 election. Each application shall be in writing and shall state the applicant's name, address at which  
36 he or she is or would be registered, and the address to which the ballot is to be mailed. Each  
37 application to vote in a primary election shall also state which ballot the applicant wishes to receive.  
38 If any application fails to designate a ballot, the election authority shall, within three working days  
39 after receiving the application, notify the applicant by mail that it will be unable to deliver an  
40 advance ballot until the applicant designates which political party ballot he or she wishes to receive.  
41 If the applicant does not respond to the request for political party designation, the election authority

1 is authorized to provide the voter with that part of the ballot for which no political party designation  
2 is required.

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

5 4. Each application for an advance ballot shall be signed by the applicant or, if the  
6 application is made by a guardian or relative under this section, the application shall be signed by the  
7 guardian or relative, who shall note on the application his or her relationship to the applicant. If an  
8 applicant, guardian or relative is blind, unable to read or write the English language or physically  
9 incapable of signing the application, he or she shall sign by mark, witnessed by the signature of an  
10 election official or person of his or her own choosing. Any person who knowingly makes, delivers  
11 or mails a fraudulent advance ballot application shall be guilty of a class one election offense.

12 115.282. 1. Not later than the sixth Tuesday prior to each primary and general election, or  
13 within fourteen days after candidates' names or questions are certified for such elections under  
14 section 115.125, the election authority shall cause to have printed and made available a sufficient  
15 quantity of advance ballots and ballot envelopes.

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

19 115.288. 1. Upon receipt of a signed application for an advance ballot and if satisfied the  
20 applicant is entitled to vote by advance ballot, the election authority shall, within three working days  
21 after receiving the application, deliver to the voter an advance ballot, ballot envelope, and such  
22 instructions as are necessary for the applicant to vote. Delivery shall be made to the voter by first  
23 class, registered, or certified mail at the discretion of the election authority. If the election authority  
24 is not satisfied that any applicant is entitled to vote by advance ballot, it shall not deliver an advance  
25 ballot to the applicant. Within three working days of receiving such an application, the election  
26 authority shall notify the applicant and state the reason he or she is not entitled to vote by advance  
27 ballot.

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

30 115.291. 1. Upon receiving an absentee ballot in person or by mail or an advance ballot by  
31 mail, the voter shall mark the ballot in secret, place the ballot in the ballot envelope, seal the  
32 envelope and fill out the statement on the ballot envelope. The affidavit of each person voting an  
33 absentee or advance ballot shall be subscribed and sworn to before the election official receiving the  
34 ballot, a notary public or other officer authorized by law to administer oaths, unless the voter is  
35 voting absentee due to incapacity or confinement due to the provisions of section 115.284, illness or  
36 physical disability, or the voter is a covered voter as defined in section 115.902. If the voter is blind,  
37 unable to read or write the English language, or physically incapable of voting the ballot, the voter  
38 may be assisted by a person of the voter's own choosing. Any person assisting a voter who is not  
39 entitled to such assistance, and any person who assists a voter and in any manner coerces or initiates  
40 a request or a suggestion that the voter vote for or against or refrain from voting on any question,  
41 ticket or candidate, shall be guilty of a class one election offense. If, upon counting, challenge or

1 election contest, it is ascertained that any absentee or advance ballot was voted with unlawful  
2 assistance, the ballot shall be rejected.

3 2. Except as provided in subsection 4 of this section, each absentee ballot shall be returned to  
4 the election authority in the ballot envelope and shall only be returned by the voter in person, or in  
5 person by a relative of the voter who is within the second degree of consanguinity or affinity, by mail  
6 or registered carrier or by a team of deputy election authorities; except that persons in federal  
7 service, when sent from a location determined by the secretary of state to be inaccessible on election  
8 day, shall be allowed to return their absentee ballots cast by use of facsimile transmission or under a  
9 program approved by the Department of Defense for electronic transmission of election materials.

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

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

18 115.293. 1. All proper votes on each absentee or advance ballot received by an election  
19 authority at or before the time fixed by law for the closing of the polls on election day shall be  
20 counted. No votes on any absentee or advance ballot received by an election authority after the time  
21 fixed by law for the closing of the polls on election day shall be counted.

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

29  
30 Further amend said bill by amending the title, enacting clause, and intersectional references  
31 accordingly.  
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