

FIRST REGULAR SESSION

# HOUSE BILL NO. 67

## 98TH GENERAL ASSEMBLY

---

INTRODUCED BY REPRESENTATIVE DUGGER.

0228H.021

D. ADAM CRUMBLISS, Chief Clerk

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### AN ACT

To repeal sections 115.135, 115.257, 115.275, 115.279, 115.281, 115.283, 115.287, 115.291, 115.293, and 115.299, RSMo, and to enact in lieu thereof ten new sections relating to elections.

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

Section A. Sections 115.135, 115.257, 115.275, 115.279, 115.281, 115.283, 115.287, 2 115.291, 115.293, and 115.299, RSMo, are repealed and ten new sections enacted in lieu thereof, 3 to be known as sections 115.135, 115.257, 115.275, 115.279, 115.281, 115.283, 115.287, 4 115.291, 115.293, and 115.299, to read as follows:

115.135. 1. Any person who is qualified to vote, or who shall become qualified to vote 2 on or before the day of election, shall be entitled to register in the jurisdiction within which he 3 or she resides. In order to vote in any election for which registration is required, a person must 4 be registered to vote in the jurisdiction of his or her residence no later than 5:00 p.m., or the 5 normal closing time of any public building where the registration is being held if such time is 6 later than 5:00 p.m., on the fourth Wednesday prior to the election, unless the voter is an 7 interstate former resident, an intrastate new resident [or] , a new resident **or a person in federal** 8 **service**, as defined in section 115.275, **or a covered voter, as defined in section 115.902.** 9 **Except as provided in subsection 4**, in no case shall registration for an election extend beyond 10 10:00 p.m. on the fourth Wednesday prior to the election. Any person registering after such date 11 shall be eligible to vote in subsequent elections.

12 2. A person applying to register with an election authority or a deputy registration official 13 shall identify himself or herself by presenting a copy of a birth certificate, a Native American

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.

14 tribal document, other proof of United States citizenship, a valid Missouri drivers license or other  
15 form of personal identification at the time of registration.

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

19 **4. A person in federal service as defined in section 115.275 or covered voter as**  
20 **defined in section 115.902 who has been discharged from military service, has returned**  
21 **from a military deployment or activation, or has separated from employment outside the**  
22 **territorial limits of the United States, after the deadline to register to vote and who is**  
23 **otherwise qualified to register to vote, may register to vote in such election in person before**  
24 **the election authority until 5:00 p.m. on the Friday before such election. Such persons shall**  
25 **produce sufficient documentation showing evidence of qualifying for late registration**  
26 **under this section.**

115.257. 1. In jurisdictions where electronic voting machines are used, the election  
2 authority shall cause the voting machines to be put in order, set, adjusted and made ready for  
3 voting before they are delivered to polling places.

4 2. At least five days before preparing electronic voting machines for any election, notice  
5 of the time and place of such preparation shall be mailed to each independent candidate and the  
6 chairman of the county committee of each established political party named on the ballot. The  
7 preparation shall be watched by two observers designated by the election authority, one from  
8 each major political party, and shall be open to representatives of the political parties, candidates,  
9 the news media and the public.

10 3. When an electronic voting machine has been examined by such observers and shown  
11 to be in good working order, the machine shall be locked against voting. The observers shall  
12 certify the vote count on each machine is set at zero.

13 4. After an electronic voting machine has been properly prepared and locked, its keys  
14 shall be retained by the election authority and delivered to the election judges along with the  
15 other election supplies.

16 **5. For the purpose of processing absentee ballots, the election authority may cause**  
17 **a voting machine to be put in order, set, adjusted, and made ready for voting within one**  
18 **business day of the printing of absentee ballots as provided in section 115.281. The election**  
19 **authority shall have the recording counter except for the protective counter on the voting**  
20 **machine set to zero (000). After the voting machine has been made ready for voting, the**  
21 **election authority shall not permit any person to handle any voting machine, except voters**  
22 **while they are voting and others expressly authorized by the election authority. The**  
23 **election authority shall neither be nor permit any other person to be in any position or near**

24 **any position that enables the authority or person to see how any absentee voter votes or has**  
25 **voted.**

26 **6.** Nothing in this section shall prohibit the on-site storage of electronic voting machines  
27 and the preparation of the electronic machines for voting, provided the electronic voting  
28 machines are put in order, set, adjusted and made ready for voting as provided in subsections 1,  
29 2, 3 [and] , 4, **and 5** of this section.

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

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

5 (2) **"Emergency worker", a registered voter in this state engaged in responding to**  
6 **an emergency declared in this state or any other state;**

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

11 ~~[(3)]~~ (4) "Intrastate new resident", a registered voter of this state who moves from one  
12 election authority's jurisdiction in the state to another election authority's jurisdiction in the state  
13 after the last day authorized in this chapter to register to vote in an election and otherwise  
14 possesses the qualifications to vote;

15 ~~[(4)]~~ (5) "New resident", a person who moves to this state after the last date authorized  
16 in this chapter to register to vote in any presidential election;

17 ~~[(5)]~~ (6) "Persons in federal service" includes:

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

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

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

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

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

115.279. 1. Application for an absentee ballot may be made by the applicant in person,  
2 or by mail, or for the applicant, in person, by his or her guardian or a relative within the second

3 degree by consanguinity or affinity. The election authority shall accept applications by facsimile  
4 transmission within the limits of its telecommunications capacity.

5         2. Each application shall be made to the election authority of the jurisdiction in which  
6 the person is or would be registered. Each application shall be in writing and shall state the  
7 applicant's name, address at which he or she is or would be registered, his or her reason for  
8 voting an absentee ballot, the address to which the ballot is to be mailed, if mailing is requested,  
9 and for absent uniformed services and overseas applicants, the applicant's email address if  
10 electronic transmission is requested. Each application to vote in a primary election shall also  
11 state which ballot the applicant wishes to receive. If any application fails to designate a ballot,  
12 the election authority shall, within three working days after receiving the application, notify the  
13 applicant by mail that it will be unable to deliver an absentee ballot until the applicant designates  
14 which political party ballot he or she wishes to receive. If the applicant does not respond to the  
15 request for political party designation, the election authority is authorized to provide the voter  
16 with that part of the ballot for which no political party designation is required.

17         3. Except as provided in subsection 3 of section 115.281, all applications for absentee  
18 ballots received prior to the sixth Tuesday before an election shall be stored at the office of the  
19 election authority until such time as the applications are processed in accordance with section  
20 115.281. **Except as provided in section 115.291**, no application for an absentee ballot received  
21 in the office of the election authority by mail, by facsimile transmission or by a guardian or  
22 relative after 5:00 p.m. on the Wednesday immediately prior to the election shall be accepted by  
23 any election authority. No application for an absentee ballot submitted by the applicant in person  
24 after 5:00 p.m. on the day before the election shall be accepted by any election authority, except  
25 as provided in subsections 6, 8 and 9 of this section.

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

34         5. (1) Notwithstanding any law to the contrary, any resident of the state of Missouri who  
35 resides outside the boundaries of the United States or who is on active duty with the Armed  
36 Forces of the United States or members of their immediate family living with them may request  
37 an absentee ballot for both the primary and subsequent general election with one application.

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

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

45 (4) Not later than sixty days after the date of each regularly scheduled general election  
46 for federal office, each election authority which administered the election shall submit to the  
47 secretary of state in a format prescribed by the secretary a report on the combined number of  
48 absentee ballots transmitted to, and returned by, absent uniformed services voters and overseas  
49 voters for the election. The secretary shall submit to the Election Assistance Commission a  
50 combined report of such information not later than ninety days after the date of each regularly  
51 scheduled general election for federal office and in a standardized format developed by the  
52 commission pursuant to the Help America Vote Act of 2002. The secretary shall make the report  
53 available to the general public.

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

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

62 "STATE OF.....

63 COUNTY OF....., ss.

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

65 (1) Before becoming a resident of this state, I resided at  
66 ..... (residence address) in ..... (town, township,  
67 village or city) of ..... County in the state of .....

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

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

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

74 Signed .....

75 (Applicant)

76 .....

77 (Residence Address)

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

79 Signed .....

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

81 7. The election authority in whose office an application is filed pursuant to subsection  
82 6 of this section shall immediately send a duplicate of such application to the appropriate official  
83 of the state in which the new resident applicant last resided and shall file the original of such  
84 application in its office.

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

91 "STATE OF .....

92 COUNTY OF ....., ss.

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

94 (1) Before becoming a resident of this election jurisdiction, I resided at  
95 ..... (residence address) in ..... (town, township, village or city)  
96 of ..... county in the state of .....

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

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

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

104 Signed .....

105 (Applicant)

106 .....

107 (Residence Address)

108 Subscribed and sworn to before me this ..... day of ....., .....

109 Signed .....

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

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

115.281. 1. Except as provided in section 115.914, not later than the sixth Tuesday prior  
2 to each election, or within fourteen days after candidates' names or questions are certified  
3 pursuant to section 115.125, the election authority shall cause to have printed and made available  
4 a sufficient quantity of absentee ballots, ballot envelopes **or affidavits** and mailing envelopes.  
5 As soon as possible after the proper officer calls a special state or county election, the election  
6 authority shall cause to have printed and made available a sufficient quantity of absentee ballots,  
7 ballot envelopes and mailing envelopes.

8 2. All absentee ballots for an election shall be in the same form as the official ballots for  
9 the election.

115.283. 1. Each ballot envelope **or affidavit filed by a voter voting in person in the**  
2 **office of the election authority** shall bear a statement on which the voter shall state the voter's  
3 name, the voter's voting address, the voter's mailing address and the voter's reason for voting an  
4 absentee ballot. On the form, the voter shall also state under penalties of perjury that the voter  
5 is qualified to vote in the election, that the voter has not previously voted and will not vote again  
6 in the election, that the voter has personally marked the voter's ballot in secret or supervised the  
7 marking of the voter's ballot if the voter is unable to mark it, **and if the voter is not voting in**  
8 **person in the office of the election authority**, that the ballot has been placed in the ballot  
9 envelope and sealed by the voter or under the voter's supervision if the voter is unable to seal it,  
10 and **all voters shall state** that all information contained in the statement is true. In addition, any  
11 person providing assistance to the absentee voter shall include a statement on the envelope  
12 identifying the person providing assistance under penalties of perjury. Persons authorized to vote  
13 only for federal and statewide officers shall also state their former Missouri residence.

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

16 State of Missouri

17 County (City) of .....

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

- 21 ..... absence on election day from the jurisdiction of the election authority in which I
- 22 amregistered;
- 23 ..... incapacity or confinement due to illness or physical disability, including caring for a person
- 24 who is incapacitated or confined due to illness or disability;
- 25 ..... religious belief or practice;
- 26 ..... employment as an election authority or by an election authority at a location other than my
- 27 polling place;
- 28 ..... incarceration, although I have retained all the necessary qualifications for voting.

29 I hereby state under penalties of perjury that I am qualified to vote at this election; I have not  
 30 voted and will not vote other than by this ballot at this election. I further state that I marked [the  
 31 enclosed] **this absentee** ballot in secret or that I am blind, unable to read or write English, or  
 32 physically incapable of marking the ballot, and the person of my choosing indicated below  
 33 marked the ballot at my direction; all of the information on this statement is, to the best of my  
 34 knowledge and belief, true.

35 .....	.....
36 Signature of Voter	Signature of Person
37	Assisting Voter
38	(if applicable)
39 Signed .....	Subscribed and sworn to
40 Signed .....	before me this ..... day
41 Address of Voter	of ....., .....
42 .....	.....
43 .....	.....
44 Mailing addresses	Signature of notary or
45 (if different)	other officer authorized
46	to administer oaths

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

50 State of Missouri  
 51 County (City) of .....

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



57 I am (check one):  
 58 ..... a resident of the state of Missouri and a registered voter in ..... County and moved  
 59 from that county to ..... County, Missouri, after the last day to register to vote in  
 60 this election.  
 61 ..... an interstate former resident of Missouri and authorized to vote for presidential and vice  
 62 presidential electors.

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

68 ..... Subscribed to and sworn  
 69 Signature of Voter before me this ..... day  
 70 of ....., .....

71 .....  
 72 .....  
 73 Address of Voter Signature of notary or  
 74 other officer authorized  
 75 to administer oaths

76 .....  
 77 Mailing Address .....  
 78 (if different) .....  
 79 .....

80 ..... Address of Last  
 81 Signature of Person Missouri Residence  
 82 Assisting Voter (if applicable)

83

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

87 State of Missouri  
 88 County (City) of .....

89 I, ..... (print name), declare under the penalties of perjury that I expect to  
 90 be prevented from going to the polls on election day due to (check one):  
 91 ..... absence on election day from the jurisdiction of the election authority in which I am  
 92 directed to vote;

93 ..... incapacity or confinement due to illness or physical disability, including caring for a person  
 94 who is incapacitated or confined due to illness or disability;  
 95 ..... religious belief or practice;  
 96 ..... employment as an election authority or by an election authority at a location other than my  
 97 polling place;  
 98 ..... incarceration, although I have retained all the necessary qualifications of voting.

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

105 ..... Subscribed and sworn  
 106 Signature of Voter to before me this .....  
 107 day of ....., .....

108 .....

109 .....

110 Address Signature of notary or  
 111 other officer authorized  
 112 to administer oaths

113 .....

114 Signature of Person

115 Assisting Voter

116 (if applicable)

117 5. The statement for persons providing assistance to absentee voters shall be in  
 118 substantially the following form: The voter needed assistance in marking the ballot and signing  
 119 above, because of blindness, other physical disability, or inability to read or to read English. I  
 120 marked the ballot enclosed in this envelope at the voter's direction, when I was alone with the  
 121 voter, and I had no other communication with the voter as to how he or she was to vote. The  
 122 voter swore or affirmed the voter affidavit above and I then signed the voter's name and  
 123 completed the other voter information above. Signed under the penalties of perjury.

124 Reason why voter needed assistance: .....

125 ASSISTING PERSON SIGN HERE

- 126 1. .... (signature of assisting person)
- 127 2. .... (assisting person's name printed)
- 128 3. .... (assisting person's residence)

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

130 6. Notwithstanding any other provision of this section, any covered voter as defined in  
131 section 115.902 or persons who have declared themselves to be permanently disabled pursuant  
132 to section 115.284, otherwise entitled to vote, shall not be required to obtain a notary seal or  
133 signature on his or her absentee ballot.

134 7. Notwithstanding any other provision of this section or section 115.291 to the contrary,  
135 the subscription, signature and seal of a notary or other officer authorized to administer oaths  
136 shall not be required on any ballot, ballot envelope, or statement required by this section if the  
137 reason for the voter voting absentee is due to the reasons established pursuant to subdivision (2)  
138 of subsection 1 of section 115.277.

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

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

115.287. 1. Upon receipt of a signed application for an absentee ballot and if satisfied  
2 the applicant is entitled to vote by absentee ballot, the election authority shall, within three  
3 working days after receiving the application, or if absentee ballots are not available at the time  
4 the application is received, within five working days after they become available, deliver to the  
5 voter an absentee ballot, ballot envelope **or, if the voter is voting in person in the office of the**  
6 **election authority, an absentee affidavit with the statement required under section 115.283,**  
7 and such instructions as are necessary for the applicant to vote. Delivery shall be made to the  
8 voter personally in the office of the election authority or by bipartisan teams appointed by the  
9 election authority, or by first class, registered, or certified mail at the discretion of the election  
10 authority, or in 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 county clerk, the  
12 members of bipartisan teams representing the political party other than that of county clerk shall  
13 be selected from a list of persons submitted to the county clerk by the county chairman of that  
14 party. If no list is provided by the time that absentee ballots are to be made available, the county  
15 clerk may select a person or persons from lists provided in accordance with section 115.087. If  
16 the election authority is not satisfied that any applicant is entitled to vote by absentee ballot, it  
17 shall not deliver an absentee ballot to the applicant. Within three working days of receiving such  
18 an application, the election authority shall notify the applicant and state the reason he or she is  
19 not entitled to vote by absentee ballot. The applicant may appeal the decision of the election  
20 authority to the circuit court in the manner provided in section 115.223.

21           2. If, after 5:00 p.m. on the Wednesday before an election, any voter from the jurisdiction  
22 has become hospitalized, becomes confined due to illness or injury, or is confined in an adult  
23 boarding facility, intermediate care facility, residential care facility, or skilled nursing facility,  
24 as defined in section 198.006, in the county in which the jurisdiction is located or in the  
25 jurisdiction or an adjacent election authority within the same county, the election authority shall  
26 appoint a team to deliver, witness the signing of and return the voter's application and deliver,  
27 witness the voting of and return the voter's absentee ballot. In counties with a charter form of  
28 government and in cities not within a county, and in each city which has over three hundred  
29 thousand inhabitants, and is situated in more than one county, if the election authority receives  
30 ten or more applications for absentee ballots from the same address it may appoint a team to  
31 deliver and witness the voting and return of absentee ballots by voters residing at that address,  
32 except when such addresses are for an apartment building or other structure wherein individual  
33 living units are located, each of which has its own separate cooking facilities. Each team  
34 appointed pursuant to this subsection shall consist of two registered voters, one from each major  
35 political party. Both members of any team appointed pursuant to this subsection shall be present  
36 during the delivery, signing or voting and return of any application or absentee ballot signed or  
37 voted pursuant to this subsection.

38           3. On the mailing and ballot envelopes for each applicant in federal service, the election  
39 authority shall stamp prominently in black the words "FEDERAL BALLOT, STATE OF  
40 MISSOURI" and "U.S. Postage Paid, 39 U.S.C. 3406".

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

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

15           2. Except as provided in subsection 4 of this section, each absentee ballot shall be  
16 returned to the election authority in the ballot envelope and shall only be returned by the voter  
17 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. **Each person voting in person in the office of the election authority may,  
31 upon completion of an affidavit with the statements required under section 115.283, be  
32 authorized to cast his or her ballot on automated equipment approved by the secretary of  
33 state under section 115.225.**

34           **5. In the event of a state of emergency declared in this or any other state or by the  
35 federal government, an election authority shall provide an absentee ballot and  
36 accompanying voting materials to an emergency worker by mail, facsimile transmission,  
37 or electronic transmission, as requested by the emergency worker and accept absentee  
38 ballots and accompanying voting materials from emergency workers via mail, facsimile  
39 transmission, or electronic transmission as requested by the emergency worker.**

40           **6. If the emergency is declared after the deadline for requesting absentee ballots,  
41 emergency workers shall be eligible to request absentee ballots until 5:00 p.m. on the  
42 Monday immediately prior to the election.**

43           **7. In order to be counted, an absentee ballot cast by an emergency worker shall be  
44 received at or before the time fixed by law for the closing of the polls on election day.**

115.293. 1. All proper votes on each absentee ballot received by an election authority  
2 at or before the time fixed by law for the closing of the polls on election day shall be counted.  
3 **Except as provided in section 115.920,** no votes on any absentee ballot received by an election  
4 authority after the 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 **if it is still sealed in the ballot envelope.** Any ballot so rejected, still sealed in its ballot  
 8 envelope, shall be sealed with the application and any other papers connected therewith in an  
 9 envelope marked "Rejected ballot of ....., an absentee voter of .....  
 10 voting district". The reason for rejection shall be noted on the envelope, which shall be kept by  
 11 the election authority with the other ballots from the election until the ballots are destroyed  
 12 according to law.

115.299. 1. To count absentee votes on election day, the election authority shall appoint  
 2 a sufficient number of teams of election judges comprised of an equal number of judges from  
 3 each major political party.

4 2. The teams so appointed shall meet **as authorized under section 115.300 or on**  
 5 election day after the time fixed by law for the opening of the polls at a central location  
 6 designated by the election authority. The election authority shall deliver the absentee ballots to  
 7 the teams, and shall maintain a record of the delivery. The record shall include the number of  
 8 ballots delivered to each team and shall include a signed receipt from two judges, one from each  
 9 major political party. The election authority shall provide each team with a ballot box, tally  
 10 sheets and statements of returns as are provided to a polling place.

11 3. Each team shall count votes on all absentee ballots designated by the election  
 12 authority.

13 4. **Except as provided in subsection 5 of this section,** one member of each team,  
 14 closely observed by another member of the team from a different political party, shall open each  
 15 envelope and call the voter's name in a clear voice. Without unfolding the ballot, two team  
 16 members, one from each major political party, shall initial the ballot, and an election judge shall  
 17 place the ballot, still folded, in a ballot box. No ballot box shall be opened until all of the ballots  
 18 a team is counting have been placed in the box. The votes shall be tallied and the returns made  
 19 as provided in sections 115.447 to 115.525 for paper ballots. After the votes on all ballots  
 20 assigned to a team have been counted, the ballots and ballot envelopes shall be placed on a string  
 21 and enclosed in sealed containers marked "voted absentee ballots and ballot envelopes from the  
 22 election held ....., 20...". All rejected absentee ballots and envelopes shall be enclosed  
 23 and sealed in a separate container marked "rejected absentee ballots and envelopes from the  
 24 election held ....., 20...". On the outside of each voted ballot and rejected ballot  
 25 container, each member of the team shall write his name, and all such containers shall be  
 26 returned to the election authority. Upon receipt of the returns and ballots, the election authority  
 27 shall tabulate the absentee vote along with the votes certified from each polling place in its  
 28 jurisdiction.

29 **5. The team or teams appointed to supervise the counting of absentee ballots cast**  
 30 **and tabulated on equipment authorized under section 115.225 shall be consistent with the**

31 **procedures and statutes established for counting ballots at a polling place with such**  
32 **automatic, computerized or electronic voting equipment.**

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