

FIRST REGULAR SESSION

SENATE BILL NO. 399

98TH GENERAL ASSEMBLY

INTRODUCED BY SENATOR ONDER.

Read 1st time February 4, 2015, and ordered printed.

ADRIANE D. CROUSE, Secretary.

0571S.011

AN ACT

To repeal sections 115.225 and 115.237, RSMo, and to enact in lieu thereof three new sections relating to elections.

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

Section A. Sections 115.225 and 115.237, RSMo, are repealed and three
2 new sections enacted in lieu thereof, to be known as sections 115.225, 115.237,
3 and 115.506, to read as follows:

115.225. 1. Before use by election authorities in this state, the secretary
2 of state shall approve the marking devices and the automatic tabulating
3 equipment used in electronic voting systems and may promulgate rules and
4 regulations to implement the intent of sections 115.225 to 115.235.

5 2. No electronic voting system shall be approved unless it:

6 (1) Permits voting in absolute secrecy;

7 (2) Permits each voter to vote for as many candidates for each office as a
8 voter is lawfully entitled to vote for;

9 (3) Permits each voter to vote for or against as many questions as a voter
10 is lawfully entitled to vote on, and no more;

11 (4) Provides facilities for each voter to cast as many write-in votes for
12 each office as a voter is lawfully entitled to cast;

13 (5) Permits each voter in a primary election to vote for the candidates of
14 only one party announced by the voter in advance;

15 (6) Permits each voter at a presidential election to vote by use of a single
16 punch or mark for the candidates of one party or group of petitioners for
17 president, vice president and their presidential electors;

18 (7) Accurately counts all proper votes cast for each candidate and for and

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

19 against each question;

20 (8) Is set to reject all votes, except write-in votes, for any office and on any
21 question when the number of votes exceeds the number a voter is lawfully
22 entitled to cast;

23 (9) **Produces the election results from paper ballots that voters**
24 **have marked by hand or, in the case of disabled voters who need**
25 **assistance, from paper ballots that have been marked by paper ballot**
26 **marking devices designed to assist disabled voters;**

27 (10) Permits each voter, while voting, to clearly see the ballot label;

28 [(10)] (11) Has been tested and is certified by an independent authority
29 that meets the voting system standards developed by the Federal Election
30 Commission or its successor agency. The provisions of this subdivision shall not
31 be required for any system purchased prior to August 28, 2002.

32 3. **If any election authority uses any direct-record electronic**
33 **touch-screen, vote-counting machine to accommodate disabled voters,**
34 **the election authority may continue to use such machine solely for**
35 **disabled voters who desire to use it. Upon the removal of such voting**
36 **machine from the election authority's inventory because of mechanical**
37 **malfunction, wear and tear, or any other reason, the machine shall not**
38 **be replaced and no additional direct-record electronic voting machine**
39 **shall be added to the election authority's inventory. Replacement of**
40 **equipment for use by disabled voters shall be with paper ballot**
41 **marking devices designed to assist the disabled.**

42 4. The secretary of state shall promulgate rules and regulations to allow
43 the use of a computerized voting system. The procedures shall provide for the use
44 of a computerized voting system with the ability to provide a paper audit
45 trail. Notwithstanding any provisions of this chapter to the contrary, such a
46 system may allow for the storage of processed ballot materials in an electronic
47 form.

48 [4.] 5. Any rule or portion of a rule, as that term is defined in section
49 536.010, that is created under the authority delegated in this section shall
50 become effective only if it complies with and is subject to all of the provisions of
51 chapter 536 and, if applicable, section 536.028. This section and chapter 536 are
52 nonseverable and if any of the powers vested with the general assembly pursuant
53 to chapter 536 to review, to delay the effective date or to disapprove and annul
54 a rule are subsequently held unconstitutional, then the grant of rulemaking

55 authority and any rule proposed or adopted after August 28, 2002, shall be
56 invalid and void.

115.237. 1. **The official ballot shall be a paper ballot that is hand-
2 marked by the voter, or in the case of disabled voters who need
3 assistance, by a paper ballot-marking device designed to assist the
4 disabled, except as provided in subsection 3 of section 115.225.**

5 2. Each ballot printed or designed for use with an electronic voting system
6 for any election pursuant to this chapter shall contain all questions and the
7 names of all offices and candidates certified or filed pursuant to this chapter and
8 no other. As far as practicable, all questions and the names of all offices and
9 candidates for which each voter is entitled to vote shall be printed on one page
10 except for the ballot for political party committee persons in polling places not
11 utilizing an electronic voting system which may be printed separately and in
12 conformity with the requirements contained in this section. As far as practicable,
13 ballots containing only questions and the names of nonpartisan offices and
14 candidates shall be printed in accordance with the provisions of this section,
15 except that the ballot information may be listed in vertical or horizontal
16 rows. The names of candidates for each office shall be listed in the order in
17 which they are filed.

18 [2.] 3. In polling places using electronic voting systems, the ballot
19 information may be arranged in vertical or horizontal rows or on a number of
20 separate pages or screens. In any event, the name of each candidate, the
21 candidate's party, the office for which he or she is a candidate, and each question
22 shall be indicated clearly on the ballot.

23 [3.] 4. Nothing in this subchapter shall be construed as prohibiting the
24 use of a separate paper ballot for questions or for the presidential preference
25 primary in any polling place using an electronic voting system.

26 [4.] 5. Where electronic voting systems are used and when write-in votes
27 are authorized by law, a write-in ballot, which may be in the form of a separate
28 paper ballot, card, or envelope, may be provided by the election authority to
29 permit each voter to write in the names of persons whose names do not appear
30 on the ballot.

31 [5.] 6. No ballot printed or designed for use with an electronic voting
32 system for any partisan election held under this chapter shall allow a person to
33 vote a straight political party ticket. For purposes of this subsection, a "straight
34 political party ticket" means voting for all of the candidates for elective office who

35 are on the ballot representing a single political party by a single selection on the
36 ballot.

37 [6.] 7. The secretary of state shall promulgate rules that specify uniform
38 standards for ballot layout for each electronic or computerized ballot counting
39 system approved under the provisions of section 115.225 so that the ballot used
40 with any counting system is, where possible, consistent with the intent of this
41 section. Nothing in this section shall be construed to require the format specified
42 in this section if it does not meet the requirements of the ballot counting system
43 used by the election authority.

44 [7.] 8. Any rule or portion of a rule, as that term is defined in section
45 536.010, that is created under the authority delegated in this section shall
46 become effective only if it complies with and is subject to all of the provisions of
47 chapter 536 and, if applicable, section 536.028. This section and chapter 536 are
48 nonseverable and if any of the powers vested with the general assembly pursuant
49 to chapter 536 to review, to delay the effective date or to disapprove and annul
50 a rule are subsequently held unconstitutional, then the grant of rulemaking
51 authority and any rule proposed or adopted after August 28, 2002, shall be
52 invalid and void.

**115.506. No election shall be certified until an audit shall have
2 been completed on the election returns.**

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