

SECOND REGULAR SESSION

SENATE BILL NO. 1082

94TH GENERAL ASSEMBLY

INTRODUCED BY SENATOR DAYS.

Read 1st time February 5, 2008, and ordered printed.

TERRY L. SPIELER, Secretary.

4940S.011

AN ACT

To repeal section 115.247, RSMo, and to enact in lieu thereof two new sections relating to election ballots.

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

Section A. Section 115.247, RSMo, is repealed and two new sections
2 enacted in lieu thereof, to be known as sections 115.247 and 115.428, to read as
3 follows:

115.247. 1. Each election authority shall provide all ballots for every
2 election within its jurisdiction. Ballots other than those printed by the election
3 authority in accordance with sections 115.001 to 115.641 and section 51.460,
4 RSMo, shall not be cast or counted at any election.

5 2. Whenever it appears that an error has occurred in any publication
6 required by sections 115.001 to 115.641 and section 51.460, RSMo, or in the
7 printing of any ballot, any circuit court may, upon the application of any voter,
8 order the appropriate election authorities to correct the error or to show cause
9 why the error should not be corrected.

10 3. [For each election held in a county with a charter form of government
11 and with more than two hundred fifty thousand but fewer than three hundred
12 fifty thousand inhabitants, the election authority may provide for each polling
13 place in its jurisdiction fifty-five ballots for each fifty and fraction of fifty voters
14 registered in the voting district at the time of the election.] For each election,
15 except a general election[, held in any county other than a county with a charter
16 form of government and with more than two hundred fifty thousand but fewer
17 than three hundred fifty thousand inhabitants,] the election authority shall
18 provide for each polling place in its jurisdiction a number of [ballots] **ballot**

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

19 **cards** equal to at least one and one-third times the number of **voters who cast**
20 **ballots [cast]** in the voting district served by such polling place at the election
21 held two years before at that polling place or at the polling place that served the
22 voting district in the previous election. For each general election [held in any
23 county other than a county with a charter form of government and with more
24 than two hundred fifty thousand but fewer than three hundred fifty thousand
25 inhabitants,] the election authority shall provide for each polling place in its
26 jurisdiction a number of [ballots] **ballot cards** equal to one and one-third times
27 the number of **voters who cast** ballots [cast] in the voting district served by
28 such polling place or at the polling place that served the voting district in the
29 general election held four years prior. When determining the number of [ballots]
30 **ballot cards** to provide for each polling place, the election authority shall
31 consider any factors that would affect the turnout at such polling place. The
32 election authority shall keep a record of the exact number of [ballots] **ballot**
33 **cards** delivered to each polling place. For purposes of this subsection, the
34 election authority shall not be required to count registered voters designated as
35 inactive pursuant to section 115.193. **For the purpose of this subsection, a**
36 **ballot card shall not include a ballot audit trail or paper cast vote**
37 **record produced by a direct recording electronic unit.**

38 4. After the polls have closed on every election day, the election judges
39 shall return all unused ballots to the election authority with the other election
40 supplies.

41 5. All ballots cast in public elections shall be printed and distributed at
42 public expense, payable as provided in sections 115.061 to 115.077.

115.428. 1. **The election judge at each polling place shall offer**
2 **each individual who is eligible to cast a vote in the election at that**
3 **polling place the opportunity to cast their vote using a paper ballot**
4 **which shall not include a paper audit trail or paper cast vote record**
5 **produced by a direct recording electronic unit.**

6 2. **Any paper ballot which is cast by an individual under this**
7 **section shall be counted and otherwise treated as a regular ballot for**
8 **all purposes, unless the individual casting the ballot would have**
9 **otherwise been required to cast a provisional ballot.**

10 3. **The election authority at each polling place shall post in a**
11 **conspicuous place a notice stating that paper ballots are available at**
12 **the polling place and that a voter may request to use such a ballot.**

13 4. All costs incurred by an election authority in printing a
14 sufficient number of paper ballots to comply with this section for all
15 elections in which a state or federal office is on the ballot shall be an
16 election cost as defined by section 115.065 and shall be paid by the state
17 in the manner provided for in section 115.077.

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Unofficial

Bill

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