

SECOND REGULAR SESSION  
[P E R F E C T E D]  
SENATE COMMITTEE SUBSTITUTE FOR  
**SENATE BILL NO. 623**  
97TH GENERAL ASSEMBLY

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Reported from the Committee on Financial and Governmental Organizations and Elections, March 6, 2014, with recommendation that the Senate Committee Substitute do pass.

Senate Committee Substitute for Senate Bill No. 623, adopted March 24, 2014.

Taken up for Perfection March 24, 2014. Bill declared Perfected and Ordered Printed, as amended.

4376S.02P

TERRY L. SPIELER, Secretary.

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**AN ACT**

To repeal sections 115.225 and 115.237, RSMo, and to enact in lieu thereof four 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Section A. Sections 115.225 and 115.237, RSMo, are repealed and four  
2 new sections enacted in lieu thereof, to be known as sections 115.225, 115.237,  
3 115.506, and 190.336, 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

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

17 president, vice president and their presidential electors;

18 (7) Accurately counts all proper votes cast for each candidate and for and  
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.** Except as provided in subsection **[5] 6** of this section, each ballot  
19 shall have:

20 (1) Each party name printed in capital letters not less than eighteen point  
21 in size;

22 (2) The name of each office printed in capital letters not less than eight  
23 point in size;

24 (3) The name of each candidate printed in capital letters not less than ten  
25 point in size;

26 (4) A small square, the sides of which shall not be less than one-fourth  
27 inch in length, printed directly to the left of each candidate's name and on the  
28 same line as the candidate's name. When write-in votes are authorized and no  
29 candidate's name is to be printed under the name of an office in a party or  
30 nonpartisan column, under the name of the office in the column shall be printed  
31 a square. Directly to the right of the square shall be printed a horizontal line on  
32 which the voter may vote for a person whose name does not appear on the

33 ballot. When more than one position is to be filled for an office, and the number  
34 of candidates' names under the office in a column is less than the number of  
35 positions to be filled, the number of squares and write-in lines printed in the  
36 column shall equal the difference between the number of candidates' names and  
37 the number of positions to be filled;

38 (5) The list of candidates of each party and all nonpartisan candidates  
39 placed in separate columns with a heavy vertical line between each list;

40 (6) A horizontal line extending across the ballot three-eighths of an inch  
41 below the last name or write-in line under each office in such a manner that the  
42 names of all candidates and all write-in lines for the same office appear between  
43 the same horizontal lines. If write-in votes are not authorized, the horizontal line  
44 shall extend across the ballot three-eighths of an inch below the name of the last  
45 candidate under each office;

46 (7) In a separate column or beneath a heavy horizontal line under all  
47 names and write-in lines, all questions;

48 (8) At least three-eighths of an inch below all other matter on the ballot,  
49 printed in ten-point Gothic type, the words "Instructions to Voters" followed by  
50 directions to the voter on marking the ballot as provided in section 115.439;

51 (9) Printed at the top on the face of the ballot the words "Official Ballot"  
52 followed by the date of the election and the statement "Instruction to Voters:  
53 Place an X in the square opposite the name of the person for whom you wish to  
54 vote."

55 [3.] 4. As nearly as practicable, each ballot shall be in substantially the  
56 following form:

57 OFFICIAL BALLOT

DATE .....

58	REPUBLICAN	DEMOCRATIC	THIRD PARTY	INDEPENDENT
59				
60	For President	For President	For President	For President
61	and	and	and	and
62	Vice President	Vice President	Vice President	Vice President
63	<input type="checkbox"/> .....	<input type="checkbox"/> .....	<input type="checkbox"/> .....	<input type="checkbox"/> .....
64	For	For	For	For
65	United States	United States	United States	United States
66	Senator	Senator	Senator	Senator
67	<input type="checkbox"/> .....	<input type="checkbox"/> .....	<input type="checkbox"/> .....	<input type="checkbox"/> .....
68	For Governor	For Governor	For Governor	For Governor
69	<input type="checkbox"/> .....	<input type="checkbox"/> .....	<input type="checkbox"/> .....	<input type="checkbox"/> .....

70	For Lieutenant Governor	For Lieutenant Governor	For Lieutenant Governor	For Lieutenant Governor
71				
72	<input type="checkbox"/> .....	<input type="checkbox"/> .....	<input type="checkbox"/> .....	<input type="checkbox"/> .....
73	For Secretary of State	For Secretary of State	For Secretary of State	For Secretary of State
74				
75	<input type="checkbox"/> .....	<input type="checkbox"/> .....	<input type="checkbox"/> .....	<input type="checkbox"/> .....
76	For Treasurer	For Treasurer	For Treasurer	For Treasurer
77				
78	<input type="checkbox"/> .....	<input type="checkbox"/> .....	<input type="checkbox"/> .....	<input type="checkbox"/> .....
79	For Attorney General	For Attorney General	For Attorney General	For Attorney General
80				
81	<input type="checkbox"/> .....	<input type="checkbox"/> .....	<input type="checkbox"/> .....	<input type="checkbox"/> .....
82	For United States Representative	For United States Representative	For United States Representative	For United States Representative
83				
84	<input type="checkbox"/> .....	<input type="checkbox"/> .....	<input type="checkbox"/> .....	<input type="checkbox"/> .....
85	For State Senator	For State Senator	For State Senator	For State Senator
86				
87	<input type="checkbox"/> .....	<input type="checkbox"/> .....	<input type="checkbox"/> .....	<input type="checkbox"/> .....
88	For State Representative	For State Representative	For State Representative	For State Representative
89				
90	<input type="checkbox"/> .....	<input type="checkbox"/> .....	<input type="checkbox"/> .....	<input type="checkbox"/> .....
91	For Circuit Judge	For Circuit Judge	For Circuit Judge	For Circuit Judge
92				
93	<input type="checkbox"/> .....	<input type="checkbox"/> .....	<input type="checkbox"/> .....	<input type="checkbox"/> .....

94 [4.] 5. No ballot printed or designed for use with an electronic voting  
 95 system for any partisan election held under this chapter shall allow a person to  
 96 vote a straight political party ticket. For purposes of this subsection, a "straight  
 97 political party ticket" means voting for all of the candidates for elective office who  
 98 are on the ballot representing a single political party by a single selection on the  
 99 ballot.

100 [5.] 6. The secretary of state shall promulgate rules that specify uniform  
 101 standards for ballot layout for each electronic or computerized ballot counting  
 102 system approved under the provisions of section 115.225 so that the ballot used  
 103 with any counting system is, where possible, consistent with the intent of this  
 104 section. Nothing in this section shall be construed to require the format specified  
 105 in this section if it does not meet the requirements of the ballot counting system  
 106 used by the election authority.

107           **[6.] 7.** Any rule or portion of a rule, as that term is defined in section  
108 536.010, that is created under the authority delegated in this section shall  
109 become effective only if it complies with and is subject to all of the provisions of  
110 chapter 536 and, if applicable, section 536.028. This section and chapter 536 are  
111 nonseverable and if any of the powers vested with the general assembly pursuant  
112 to chapter 536 to review, to delay the effective date or to disapprove and annul  
113 a rule are subsequently held unconstitutional, then the grant of rulemaking  
114 authority and any rule proposed or adopted after August 28, 2002, shall be  
115 invalid and void.

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

**190.336. 1.** Each member of an emergency services board  
2 established pursuant to section 190.335 shall be subject to recall from  
3 office by the registered voters of the election district from which he or  
4 she was elected. Proceedings may be commenced for the recall of any  
5 such member by the filing of a notice of intention to circulate a recall  
6 petition under this section.

7           **2.** Proceedings may not be commenced against any member if, at  
8 the time of commencement, such member:

9           **(1)** Has not held office during his or her current term for a  
10 period of more than one hundred eighty days;

11           **(2)** Has one hundred eighty days or less remaining in his or her  
12 term; or

13           **(3)** Has had a recall election determined in his or her favor  
14 within the current term of office.

15           **3.** The notice of intention to circulate a recall petition shall be  
16 served personally, or by certified mail, on the board member sought to  
17 be recalled. A copy thereof shall be filed, along with an affidavit of the  
18 time and manner of service, with the election authority, as defined in  
19 chapter 115. A separate notice shall be filed for each board member  
20 sought to be recalled and shall contain all of the following:

21           **(1)** The name of the board member sought to be recalled;

22           **(2)** A statement, not exceeding two hundred words in length, of  
23 the reasons for the proposed recall; and

24           **(3)** The names and business or residential addresses of at least  
25 one but not more than five proponents of the recall.

26           **4.** Within seven days after the filing of the notice of intention,

27 the board member may file with the election authority a statement, not  
28 exceeding two hundred words in length, in answer to the statement of  
29 the proponents. If an answer is filed, the board member shall also  
30 serve a copy of it, personally or by certified mail, on one of the  
31 proponents named in the notice of intention. The statement and  
32 answer are intended solely to be used for the information of the voters.  
33 No insufficiency in form or substance of such statements shall affect  
34 the validity of the election proceedings.

35 5. Before any signature may be affixed to a recall petition, the  
36 petition is required to bear all of the following:

37 (1) A request that an election be called to elect a successor to the  
38 board member;

39 (2) A copy of the notice of intention, including the statement of  
40 grounds for recall;

41 (3) The answer of the board member sought to be recalled, if any  
42 exists. If the board member has not answered, the petition shall so  
43 state; and

44 (4) A place for each signer to affix his or her signature, printed  
45 name, and residential address, including any address in a city, town,  
46 village, or unincorporated community.

47 6. Each section of the petition, when submitted to the election  
48 authority, shall have attached to it an affidavit signed by the person  
49 circulating such section, setting forth all of the following:

50 (1) The printed name of the affiant;

51 (2) The residential address of the affiant;

52 (3) That the affiant circulated that section and saw the appended  
53 signatures be written;

54 (4) That according to the best information and belief of the  
55 affiant, each signature is the genuine signature of the person whose  
56 name it purports to be;

57 (5) That the affiant is a registered voter of the election district  
58 of the board member sought to be recalled; and

59 (6) The dates between which all the signatures to the petition  
60 were obtained.

61 7. A recall petition shall be filed with the election authority not  
62 more than one hundred eighty days after the filing of the notice of  
63 intention.

64           8. The number of qualified signatures required in order to recall  
65 a board member shall be equal in number to at least twenty-five  
66 percent of the number of voters who voted in the most recent  
67 gubernatorial election in such election district.

68           9. Within twenty days from the filing of the recall petition the  
69 election authority shall determine whether the petition was signed by  
70 the required number of qualified signatures. The election authority  
71 shall file with the petition a certificate showing the results of the  
72 examination. The election authority shall give the proponents a copy  
73 of the certificate upon their request.

74           10. If the election authority certifies the petition to be  
75 insufficient, it may be supplemented within ten days of the date of  
76 certification by filing additional petition sections containing all of the  
77 information required by this section. Within ten days after the  
78 supplemental copies are filed, the election authority shall file with  
79 them a certificate stating whether or not the petition as supplemented  
80 is sufficient.

81           11. If the certificate shows that the petition as supplemented is  
82 insufficient, no action shall be taken on it; however, the petition shall  
83 remain on file.

84           12. If the election authority finds the signatures on the petition,  
85 together with the supplementary petition sections, if any, to be  
86 sufficient, it shall submit its certificate as to the sufficiency of the  
87 petition to the emergency services board prior to its next meeting. The  
88 certificate shall contain:

- 89           (1) The name of the member whose recall is sought;  
90           (2) The number of signatures required by law;  
91           (3) The total number of signatures on the petition; and  
92           (4) The number of valid signatures on the petition.

93           13. Following the emergency services board's receipt of the  
94 certificate, the election authority shall order an election to be held on  
95 one of the election days specified in section 115.123. The election shall  
96 be held not less than forty-five days but not more than one hundred  
97 twenty days from the date the emergency services board receives the  
98 petition. Nominations for board membership openings under this  
99 section shall be made by filing a statement of candidacy with the  
100 election authority.



101           14. At any time prior to forty-two days before the election, the  
102 member sought to be recalled may offer his or her resignation. If his  
103 or her resignation is offered, the recall question shall be removed from  
104 the ballot and the office declared vacant. The member who resigned  
105 shall not fill the vacancy, which shall be filled as otherwise provided  
106 by law.

107           15. The provisions of chapter 115 governing the conduct of  
108 elections shall apply, where appropriate, to recall elections held under  
109 this section. The costs of the election shall be paid as provided in  
110 chapter 115.

Unofficial

✓

Bill

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