

FIRST REGULAR SESSION

# SENATE BILL NO. 437

99TH GENERAL ASSEMBLY

INTRODUCED BY SENATOR HOLSMAN.

Read 1st time February 20, 2017, and ordered printed.

ADRIANE D. CROUSE, Secretary.

1996S.011

## AN ACT

To repeal section 115.436, RSMo, and to enact in lieu thereof one new section relating to the use of voting machines by blind or visually impaired voters.

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

Section A. Section 115.436, RSMo, is repealed and one new section  
2 enacted in lieu thereof, to be known as section 115.436, to read as follows:

115.436. 1. In jurisdictions using paper ballots and electronic voting  
2 systems, when any physically disabled voter within two hundred feet of a polling  
3 place is unable to enter the polling place, two election judges, one of each major  
4 political party, shall take a ballot, equipment and materials necessary for voting  
5 to the voter. The voter shall mark the ballot, and the election judges shall place  
6 the ballot in an envelope and place it in the ballot box.

7 2. In jurisdictions using voting machines, when any physically disabled  
8 voter within two hundred feet of a polling place is unable to enter the polling  
9 place, two election judges, one of each major political party, shall take an  
10 absentee ballot to the voter. The voter shall mark the ballot, and the election  
11 judges shall place the ballot in an envelope and place it in the ballot box.

12 3. Upon request to the election authority, the election authority in any  
13 jurisdiction shall designate a polling place accessible to any physically disabled  
14 voter other than the polling place to which that voter would normally be assigned  
15 to vote, provided that the candidates and issues voted on are consistent for both  
16 the designated location and the voting location for the voter's precinct. Upon  
17 request, the election authority may also assign members of the physically  
18 disabled voter's household and such voter's caregiver to the same voting location  
19 as the physically disabled voter. In no event shall a voter be assigned under this  
20 section to a designated location apart from the established voting location for the

21 voter's precinct if the voter objects to the assignment to another location.

22           **4. Notwithstanding any provision of law to the contrary, all**  
23 **election authorities in this state shall make available for all statewide**  
24 **elections, elections for the general assembly, or local elections, at least**  
25 **one voting machine per polling location for use by blind or visually**  
26 **impaired persons. For purposes of this section, each election authority**  
27 **shall be presumed to possess an accessible voter machine in compliance**  
28 **with the Help America Vote Act, 52 U.S.C. 20901, et seq.**

29           **5. Any additional election costs for the maintenance and use of**  
30 **such machines during statewide and general assembly elections shall**  
31 **be paid by the state and subject to appropriation.**

32           **6. Any qualified voter may cast a ballot using the accessible**  
33 **voting machine without confirmation of blindness or visual impairment**  
34 **by an election authority, but blind or visually impaired persons shall**  
35 **not be required to use such a voting machine. Upon signing an**  
36 **affidavit, blind or visually impaired voters may continue to vote by**  
37 **absentee ballot as provided by general law, or by any other legal**  
38 **method of voting with the assistance of election judges, under section**  
39 **115.445.**

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