

FIRST REGULAR SESSION

SENATE BILL NO. 378

101ST GENERAL ASSEMBLY

INTRODUCED BY SENATOR ONDER.

1664S.011

ADRIANE D. CROUSE, Secretary

AN ACT

To repeal sections 115.225 and 115.237, RSMo, and to enact in lieu thereof two 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
2 repealed and two new sections enacted in lieu thereof, to be
3 known as sections 115.225 and 115.237, to read as follows:

115.225. 1. Before use by election authorities in
2 this state, the secretary of state shall approve the marking
3 devices and the automatic tabulating equipment used in
4 electronic voting systems and may promulgate rules and
5 regulations to implement the intent of sections 115.225 to
6 115.235.

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

- 9 (1) Permits voting in absolute secrecy;
10 (2) Permits each voter to vote for as many candidates
11 for each office as a voter is lawfully entitled to vote for;
12 (3) Permits each voter to vote for or against as many
13 questions as a voter is lawfully entitled to vote on, and no
14 more;
15 (4) Provides facilities for each voter to cast as many
16 write-in votes for each office as a voter is lawfully
17 entitled to cast;

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

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

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

(7) Accurately counts all proper votes cast for each candidate and for and against each question;

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

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

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

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

3. **If any election authority uses any direct-record electronic touch-screen vote-counting machine to accommodate disabled voters, the election authority may continue to use such machine solely for disabled voters who desire to use it. Upon the removal of such voting machine from the election authority's inventory because of mechanical malfunction, wear and tear, or any other reason, the machine**

50 shall not be replaced and no additional direct-record
51 electronic voting machine shall be added to the election
52 authority's inventory. Replacement of equipment for use by
53 disabled voters shall be with paper ballot marking devices
54 designed to assist the disabled.

55 4. The secretary of state shall promulgate rules and
56 regulations to allow the use of a computerized voting
57 system. The procedures shall provide for the use of a
58 computerized voting system with the ability to provide a
59 paper audit trail. Notwithstanding any provisions of this
60 chapter to the contrary, such a system may allow for the
61 storage of processed ballot materials in an electronic form.

62 [4.] 5. Any rule or portion of a rule, as that term is
63 defined in section 536.010, that is created under the
64 authority delegated in this section shall become effective
65 only if it complies with and is subject to all of the
66 provisions of chapter 536 and, if applicable, section
67 536.028. This section and chapter 536 are nonseverable and
68 if any of the powers vested with the general assembly
69 pursuant to chapter 536 to review, to delay the effective
70 date or to disapprove and annul a rule are subsequently held
71 unconstitutional, then the grant of rulemaking authority and
72 any rule proposed or adopted after August 28, 2002, shall be
73 invalid and void.

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

6 2. Each ballot printed or designed for use with an
7 electronic voting system for any election pursuant to this
8 chapter shall contain all questions and the names of all

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

23 [2.] 3. In polling places using electronic voting
24 systems, the ballot information may be arranged in vertical
25 or horizontal rows or on a number of separate pages or
26 screens. In any event, the name of each candidate, the
27 candidate's party, the office for which he or she is a
28 candidate, and each question shall be indicated clearly on
29 the ballot.

30 [3.] 4. Nothing in this subchapter shall be construed
31 as prohibiting the use of a separate paper ballot for
32 questions or for the presidential preference primary in any
33 polling place using an electronic voting system.

34 [4.] 5. Where electronic voting systems are used and
35 when write-in votes are authorized by law, a write-in
36 ballot, which may be in the form of a separate paper ballot,
37 card, or envelope, may be provided by the election authority
38 to permit each voter to write in the names of persons whose
39 names do not appear on the ballot.

40 [5.] 6. No ballot printed or designed for use with an
41 electronic voting system for any partisan election held
42 under this chapter shall allow a person to vote a straight
43 political party ticket. For purposes of this subsection, a
44 "straight political party ticket" means voting for all of
45 the candidates for elective office who are on the ballot
46 representing a single political party by a single selection
47 on the ballot.

48 [6.] 7. The secretary of state shall promulgate rules
49 that specify uniform standards for ballot layout for each
50 electronic or computerized ballot counting system approved
51 under the provisions of section 115.225 so that the ballot
52 used with any counting system is, where possible, consistent
53 with the intent of this section. Nothing in this section
54 shall be construed to require the format specified in this
55 section if it does not meet the requirements of the ballot
56 counting system used by the election authority.

57 [7.] 8. Any rule or portion of a rule, as that term is
58 defined in section 536.010, that is created under the
59 authority delegated in this section shall become effective
60 only if it complies with and is subject to all of the
61 provisions of chapter 536 and, if applicable, section
62 536.028. This section and chapter 536 are nonseverable and
63 if any of the powers vested with the general assembly
64 pursuant to chapter 536 to review, to delay the effective
65 date or to disapprove and annul a rule are subsequently held
66 unconstitutional, then the grant of rulemaking authority and
67 any rule proposed or adopted after August 28, 2002, shall be
68 invalid and void.

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