

SECOND REGULAR SESSION

SENATE BILL NO. 1122

103RD GENERAL ASSEMBLY

INTRODUCED BY SENATOR SCHROER.

4211S.01I

KRISTINA MARTIN, Secretary

AN ACT

To repeal sections 115.013, 115.135, 115.151, 115.155, 115.159, 115.160, 115.449, 115.477, and 115.601, RSMo, and to enact in lieu thereof ten new sections relating to elections.

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

Section A. Sections 115.013, 115.135, 115.151, 115.155, 115.159, 115.160, 115.449, 115.477, and 115.601, RSMo, are repealed and ten new sections enacted in lieu thereof, to be known as sections 9.001, 115.013, 115.135, 115.151, 115.155, 115.159, 115.160, 115.449, 115.477, and 115.601, to read as follows:

9.001. The first Tuesday after the first Monday in November of even-numbered years shall be a public holiday.

115.013. As used in this chapter, unless the context clearly implies otherwise, the following terms mean:

(1) "Air-gap" or "air-gapped", a security measure in which equipment is physically and technically isolated from any network [and], is not directly connected to the internet [nor], is [it] **not** connected to any other system that is connected to the internet, **and is not capable of connecting to the internet through bluetooth or any other wireless technology.** Data can only be passed to an air-gapped device physically via a USB or other removable media;

(2) "Automatic tabulating equipment", the apparatus necessary to examine and automatically count votes, and the

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

13 data processing machines which are used for counting votes
14 and tabulating results and which are air-gapped and not
15 physically able to be connected to a network;

16 (3) "Ballot", the paper ballot, or ballot designed
17 for use with an electronic voting system on which each voter
18 may cast all votes to which he or she is entitled at an
19 election;

20 (4) "Ballot label", the card, paper, booklet, page, or
21 other material containing the names of all offices and
22 candidates and statements of all questions to be voted on;

23 (5) "Counting location", a location selected by the
24 election authority for the automatic processing or counting,
25 or both, of ballots;

26 (6) "County", any county in this state or any city not
27 within a county;

28 (7) **"Documentary proof of United States citizenship"**,
29 **any of the following:**

30 (a) **A form of identification issued consistent with**
31 **the requirements of the federal REAL ID Act of 2005 that**
32 **indicates the applicant is a citizen of the United States;**

33 (b) **A valid United States passport;**

34 (c) **The applicant's official United States military**
35 **identification card, together with a United States military**
36 **record of service showing that the applicant's place of**
37 **birth was in the United States;**

38 (d) **A valid government-issued photo identification**
39 **card issued by the federal government or the state of**
40 **Missouri showing that the applicant's place of birth was in**
41 **the United States;**

42 (e) **A valid government-issued photo identification**
43 **card issued by the federal government or the state of**
44 **Missouri other than that described in paragraphs (a) to (d)**

45 of this subdivision, but only if presented together with one
46 or more of the following:

47 a. A certified birth certificate issued by a state, a
48 unit of local government in a state, or a tribal government
49 which:

50 (i) Was issued by the state, unit of local government,
51 or tribal government in which the applicant was born;

52 (ii) Was filed with the office responsible for keeping
53 vital records in the state;

54 (iii) Includes the full name, date of birth, and place
55 of birth of the applicant;

56 (iv) Lists the full name of one or both of the parents
57 of the applicant;

58 (v) Has the signature of an individual who is
59 authorized to sign birth certificates on behalf of the
60 state, unit of local government, or tribal government in
61 which the applicant was born;

62 (vi) Includes the date that the certificate was filed
63 with the office responsible for keeping vital records; and

64 (vii) Has the seal of the state, unit of local
65 government, or tribal government that issued the birth
66 certificate;

67 b. An extract from a United States hospital record of
68 birth created at the time of the applicant's birth which
69 indicates that the applicant's place of birth was in the
70 United States;

71 c. A final adoption decree showing the applicant's
72 name and that the applicant's place of birth was in the
73 United States;

74 d. A consular report of birth abroad of a citizen of
75 the United States or a certification of the applicant's

76 report of birth of a United States citizen issued by the
77 United States Secretary of State;

78 e. A naturalization certificate or certificate of
79 citizenship issued by the United States Secretary of
80 Homeland Security or any other document or method of proof
81 of United States citizenship issued by the federal
82 government pursuant to the federal Immigration and
83 Nationality Act;

84 f. An American Indian card issued by the federal
85 Department of Homeland Security with the classification
86 "KIC";

87 (8) "Disqualified", a determination made by a court of
88 competent jurisdiction, the Missouri ethics commission, an
89 election authority or any other body authorized by law to
90 make such a determination that a candidate is ineligible to
91 hold office or not entitled to be voted on for office;

92 [(8)] (9) "District", an area within the state or
93 within a political subdivision of the state from which a
94 person is elected to represent the area on a policy-making
95 body with representatives of other areas in the state or
96 political subdivision;

97 [(9)] (10) "Electronic voting machine", any part of an
98 air-gapped electronic voting system on which a voter is able
99 to cast a ballot under this chapter;

100 [(10)] (11) "Electronic voting system", a system of
101 casting votes by use of marking devices, and counting votes
102 by use of automatic air-gapped tabulating or air-gapped data
103 processing equipment, including computerized voting systems
104 that mark or tabulate ballots;

105 [(11)] (12) "Established political party" for the
106 state, a political party which, at either of the last two
107 general elections, polled for its candidate for any

108 statewide office more than two percent of the entire vote
109 cast for the office. "Established political party" for any
110 district or political subdivision shall mean a political
111 party which polled more than two percent of the entire vote
112 cast at either of the last two elections in which the
113 district or political subdivision voted as a unit for the
114 election of officers or representatives to serve its area;

115 **[(12)] (13)** "Federal office", the office of
116 presidential elector, United States senator, or
117 representative in Congress;

118 **[(13)] (14)** "Independent", a candidate who is not a
119 candidate of any political party and who is running for an
120 office for which political party candidates may run;

121 **[(14)] (15)** "Major political party", the political
122 party whose candidates received the highest or second
123 highest number of votes at the last general election;

124 **[(15)] (16)** "Marking device", any device approved by
125 the secretary of state under section 115.225 which will
126 enable the votes to be counted by automatic tabulating
127 equipment;

128 **[(16)] (17)** "Municipal" or "municipality", a city,
129 village, or incorporated town of this state;

130 **[(17)] (18)** "New party", any political group which has
131 filed a valid petition and is entitled to place its list of
132 candidates on the ballot at the next general or special
133 election;

134 **[(18)] (19)** "Nonpartisan", a candidate who is not a
135 candidate of any political party and who is running for an
136 office for which party candidates may not run;

137 **[(19)] (20)** "Political party", any established
138 political party and any new party;

139 **[(20)] (21)** "Political subdivision", a county, city,
140 town, village, or township of a township organization county;

141 **[(21)] (22)** "Polling place", the voting place
142 designated for all voters residing in one or more precincts
143 for any election;

144 **[(22)] (23)** "Precincts", the geographical areas into
145 which the election authority divides its jurisdiction for
146 the purpose of conducting elections;

147 **[(23)] (24)** "Public office", any office established by
148 constitution, statute or charter and any employment under
149 the United States, the state of Missouri, or any political
150 subdivision or special district thereof, but does not
151 include any office in the Missouri state defense force or
152 the National Guard or the office of notary public or city
153 attorney in cities of the third classification or cities of
154 the fourth classification;

155 **[(24)] (25)** "Question", any measure on the ballot
156 which can be voted "YES" or "NO";

157 **[(25)] (26)** "Relative within the second degree by
158 consanguinity or affinity", a spouse, parent, child,
159 grandparent, brother, sister, grandchild, mother-in-law,
160 father-in-law, daughter-in-law, or son-in-law;

161 **[(26)] (27)** "Special district", any school district,
162 water district, fire protection district, hospital district,
163 health center, nursing district, or other districts with
164 taxing authority, or other district formed pursuant to the
165 laws of Missouri to provide limited, specific services;

166 **[(27)] (28)** "Special election", elections called by
167 any school district, water district, fire protection
168 district, or other district formed pursuant to the laws of
169 Missouri to provide limited, specific services; **[and]**

170 (28)] (29) "Voting district", the one or more
171 precincts within which all voters vote at a single polling
172 place for any election.

115.135. 1. Any person who is qualified to vote, or
2 who shall become qualified to vote on or before the day of
3 election, shall be entitled to register in the jurisdiction
4 within which he or she resides. In order to vote in any
5 election for which registration is required, a person must
6 be registered to vote in the state of Missouri no later than
7 5:00 p.m., or the normal closing time of any public building
8 where the registration is being held if such time is later
9 than 5:00 p.m., on the fourth Wednesday prior to the
10 election, unless the voter is an interstate former resident,
11 a new resident, or a covered voter, as defined in section
12 115.275. Any person registering after such date shall be
13 eligible to vote in subsequent elections.

14 2. A person applying to register with an election
15 authority or a deputy registration official shall identify
16 himself or herself by presenting [a copy of a birth
17 certificate, a Native American tribal document, other proof
18 of United States citizenship, a valid Missouri drivers
19 license or other form of personal identification]
20 **documentary proof of United States citizenship** at the time
21 of registration. **Nothing in this chapter shall require a**
22 **person who appears on the list of registered voters or who**
23 **seeks to transfer voter registration within this state from**
24 **being required to provide an election authority documentary**
25 **proof of United States citizenship, unless the person is**
26 **stricken from the list of registered voters and the person**
27 **thereafter seeks to register to vote.**

28 3. Except as provided in federal law or federal
29 elections and in section 115.277, no person shall be

30 entitled to vote if the person has not registered to vote in
31 the jurisdiction of his or her residence.

32 4. A covered voter as defined in section 115.275 who
33 has been discharged from military service, has returned from
34 a military deployment or activation, or has separated from
35 employment outside the territorial limits of the United
36 States after the deadline to register to vote, and who is
37 otherwise qualified to register to vote, may register to
38 vote in an election in person before the election authority
39 until 5:00 p.m. on the Friday before such election. Such
40 persons shall produce sufficient documentation showing
41 evidence of qualifying for late registration pursuant to
42 this section.

115.151. 1. Each qualified applicant who appears
2 before the election authority shall be deemed registered as
3 of the time the applicant's completed, signed and sworn
4 registration application is witnessed by the election
5 authority or deputy registration official.

6 2. Each applicant who registers by mail shall be
7 deemed to be registered as of the date the application is
8 postmarked, if such application is accepted and not rejected
9 by the election authority **[and]**, the verification notice
10 required pursuant to section 115.155 is not returned as
11 undeliverable by the postal service, **and documentary proof**
12 **of United States citizenship is submitted to the election**
13 **authority with the application.**

14 3. Each applicant who registers at a voter
15 registration agency or the division of motor vehicle and
16 drivers licensing of the department of revenue shall be
17 deemed to be registered as of the date the application is
18 signed by the applicant, if such application is accepted and
19 not rejected by the election authority and the verification

20 notice required pursuant to section 115.155 is not returned
21 as undeliverable by the postal service. Voter registration
22 agencies shall transmit voter registration application forms
23 to the appropriate election authority not later than five
24 business days after the form is completed by the applicant.
25 The division of motor vehicle and drivers licensing of the
26 department of revenue shall transmit voter registration
27 application forms to the appropriate election authority not
28 later than three business days after the form is completed
29 by the applicant.

115.155. 1. The election authority shall provide for
2 the registration of each voter. Each application shall be
3 in substantially the following form:

4 APPLICATION FOR REGISTRATION

5 Are you a citizen of the United States?

6 YES NO

7 Will you be 18 years of age on or
8 before election day?

9 YES NO

10 IF YOU CHECKED “NO” IN RESPONSE TO
11 EITHER OF THESE QUESTIONS, DO NOT
12 COMPLETE THIS FORM.

13 IF YOU ARE SUBMITTING THIS FORM BY MAIL
14 AND ARE REGISTERING FOR THE FIRST TIME,
15 PLEASE SUBMIT A COPY OF A CURRENT,
16 VALID PHOTO IDENTIFICATION. IF YOU DO
17 NOT SUBMIT SUCH INFORMATION, YOU WILL
18 BE REQUIRED TO PRESENT ADDITIONAL
19 IDENTIFICATION UPON VOTING FOR THE
20 FIRST TIME SUCH AS A BIRTH CERTIFICATE,
21 A NATIVE AMERICAN TRIBAL DOCUMENT,

22 OTHER PROOF OF UNITED STATES
23 CITIZENSHIP, A VALID MISSOURI DRIVER'S
24 LICENSE OR OTHER FORM OF PERSONAL
25 IDENTIFICATION] DOCUMENTARY PROOF OF
26 UNITED STATES CITIZENSHIP.

27 _____

29 Township (or Ward)

30 _____

31 Name Precinct

32 _____

33 Home Address Required Personal
34 Identification
35 Information

36 _____

37 City ZIP

38 _____

39 Date of Birth Place of Birth
40 (Optional)

41 _____

42 Telephone Number Mother's Maiden
43 (Optional) Name (Optional)

44 _____

45 Occupation Last Place
46 (Optional) Previously

47 Registered

48

49 Last four digits Under What Name
50 of Social Security
51 Number
52 (Required for
53 registration
54 unless no Social
55 Security Number
56 exists for
57 Applicant)

58 Remarks::

59 When

60 Political Party 61 Affiliation

62 (OPTIONAL: You
63 shall be
64 unaffiliated unless
65 you designate an
66 affiliation.)

67 I am a citizen of the United States and
68 a resident of the state of Missouri.
69 I have not been adjudged incapacitated
70 by any court of law. If I have been
71 convicted of a felony or of a
72 misdemeanor connected with the right
73 of suffrage, I have had the voting
74 disabilities resulting from such
75 conviction removed pursuant to law.
76 I do solemnly swear that all statements
77 made on this card are true to the
78 best of my knowledge and belief.

79 I UNDERSTAND THAT IF I REGISTER TO
80 VOTE KNOWING THAT I AM NOT LEGALLY
81 ENTITLED TO REGISTER, I AM COMMITTING
82 A CLASS ONE ELECTION OFFENSE AND
83 MAY BE PUNISHED BY IMPRISONMENT OF
84 NOT MORE THAN FIVE YEARS OR BY A
85 FINE OF BETWEEN TWO THOUSAND FIVE
86 HUNDRED DOLLARS AND TEN THOUSAND
87 DOLLARS OR BY BOTH SUCH IMPRISONMENT
88 AND FINE.

89

90 Signature of Voter Date

91

92 Signature of Election Official

93 **2. All information required by the voter registration**
94 **form in subsection 1 of this section shall be personally**
95 **provided by the person seeking to register to vote.**

96 **3. The options for political party affiliation**
97 **required by the application described in subsection 1 of**
98 **this section shall include all established political parties**
99 **and an option to be unaffiliated. If an applicant does not**
100 **designate an affiliation, the election authority shall mark**
101 **the applicant's form as unaffiliated.**

102 **[3.] 4. (1) After supplying all information necessary**
103 **for the registration records, each applicant who appears in**
104 **person before the election authority shall swear or affirm**
105 **the statements on the registration application by signing**
106 **his or her full name, witnessed by the signature of the**
107 **election authority or such authority's deputy registration**
108 **official. Each applicant who applies to register by mail**

109 pursuant to section 115.159, or pursuant to section 115.160
110 or 115.162, shall attest to the statements on the
111 application by his or her signature.

112 **(2) Any application for registration shall be
113 accompanied by documentary proof of United States
114 citizenship. The election authority shall reject any
115 application for registration that is not accompanied by
116 documentary proof of United States citizenship. The
117 election authority shall notify the applicant within ten
118 business days of receipt of the registration form if the
119 application was not accompanied by documentary proof of
120 United States citizenship. The notice shall state that the
121 registration cannot be completed until documentary proof of
122 United States citizenship is supplied. If the documentary
123 proof of United States citizenship is supplied before 7:00
124 p.m. on election day, that person is deemed to have been
125 registered on the date the registration was first received.**

126 [4.] 5. Upon receipt by mail of a completed and signed
127 voter registration application, a voter registration
128 application forwarded by the division of motor vehicle and
129 drivers licensing of the department of revenue pursuant to
130 section 115.160, or a voter registration agency pursuant to
131 section 115.162, the election authority shall, if satisfied
132 that the applicant is entitled to register, transfer all
133 data necessary for the registration records from the
134 application to its registration system. Within seven
135 business days after receiving the application, the election
136 authority shall send the applicant a verification notice.
137 If such notice is returned as undeliverable by the postal
138 service within the time established by the election
139 authority, the election authority shall not place the
140 applicant's name on the voter registration file.

141 [5.] 6. If, upon receipt by mail of a voter
142 registration application or a voter registration application
143 forwarded pursuant to section 115.160 or 115.162, the
144 election authority determines that the applicant is not
145 entitled to register, such authority shall, within seven
146 business days after receiving the application, so notify the
147 applicant by mail and state the reason such authority has
148 determined the applicant is not qualified. The applicant
149 may file a complaint with the elections division of the
150 secretary of state's office under and pursuant to section
151 115.219. If an applicant for voter registration fails to
152 answer the question on the application concerning United
153 States citizenship, the election authority shall notify the
154 applicant of the failure and provide the applicant with an
155 opportunity to complete the form in a timely manner to allow
156 for the completion of the registration form before the next
157 election.

158 [6.] 7. The secretary of state shall prescribe
159 specifications for voter registration documents so that they
160 are uniform throughout the state of Missouri and comply with
161 the National Voter Registration Act of 1993, including the
162 reporting requirements, and so that registrations, name
163 changes and transfers of registrations within the state may
164 take place as allowed by law.

165 [7.] 8. All voter registration applications shall be
166 preserved in the office of the election authority.

115.159. [1.] Any person who is qualified to register
2 in Missouri shall, upon application **and submission to the**
3 **election authority of documentary proof of United States**
4 **citizenship**, be entitled to register by mail. Upon request,
5 application forms shall be furnished by the election
6 authority or the secretary of state.

7 [2. Notwithstanding any provision of law to the
8 contrary, the election authority shall not deliver any
9 absentee ballot to any person who registers to vote by mail
10 until after such person has:

11 (1) Voted, in person, after presentation of a proper
12 form of identification set out in section 115.427, for the
13 first time following registration; or

14 (2) Provided a copy of identification set out in
15 section 115.427 to the election authority.

16 This subsection shall not apply to those persons identified
17 in section 115.283 who are exempted from obtaining a notary
18 seal or signature on their absentee ballots. An individual
19 who has registered to vote by mail but who does not meet the
20 requirements of this subsection may cast a provisional
21 ballot by mail. Such ballot shall not be counted pursuant
22 to this chapter, and the individual shall be notified of the
23 reason for not counting the ballot.

24 3. Subsection 2 of this section shall not apply in the
25 case of a person:

26 (1) Who registers to vote by mail pursuant to Section
27 6 of the National Voter Registration Act of 1993 and submits
28 a copy of a current and valid photo identification as part
29 of such registration;

30 (2) Who registers to vote by mail pursuant to Section
31 6 of the National Voter Registration Act of 1993 and:

32 (a) Submits with such registration either a driver's
33 license number, or at least the last four digits of the
34 individual's Social Security number; and

35 (b) With respect to whom the secretary of state
36 matches the information submitted pursuant to paragraph (a)
37 of this subdivision with an existing state identification

38 record bearing the same number, name, and date of birth as
39 provided in such registration;

40 (3) Who is:

41 (a) A covered voter defined in section 115.902;

42 (b) Provided the right to vote otherwise than in
43 person pursuant to Section 3(b) (2)(B) (ii) of the Voting
44 Accessibility for the Elderly and Handicapped Act; or

45 (c) Entitled to vote otherwise than in person pursuant
46 to any other federal law.]

115.160. 1. All Missouri driver's license applicants
2 shall receive a voter registration application form as a
3 simultaneous part of the application for a driver's license,
4 renewal of driver's license, change of address, duplicate
5 request and a nondriver's license.

6 2. If a single application form is used, the voter
7 registration application portion of any application
8 described in subsection 1 of this section may not require
9 any information that duplicates information required in the
10 driver's license portion of the form, except a second
11 signature or other information required by law.

12 3. After conferring with the secretary of state as the
13 chief state election official responsible for overseeing of
14 the voter registration process, the director of revenue
15 shall adopt rules and regulations pertaining to the format
16 of the voter registration application used by the
17 department. The director of revenue shall utilize
18 electronic voter registration application forms and provide
19 for secure electronic transfer of voter registration
20 information to election authorities. The secretary of state
21 and the director of revenue shall ensure the confidentiality
22 and integrity of the voter registration data collected,
23 maintained, received, or transmitted under this section.

24 4. No information relating to the failure of an
25 applicant for a driver's license or nondriver's license to
26 sign a voter registration application may be used for any
27 purpose other than voter registration.

28 5. Any voter registration application received
29 pursuant to the provisions of this section shall be
30 forwarded, in a secure and electronic manner, to the
31 election authority located within that county or any city
32 not within a county, or if there is more than one election
33 authority within the county, then to the election authority
34 located nearest to the location where the driver's license
35 application was received. Voter registration information,
36 including an electronic image of the signature of the
37 applicant, shall be transmitted in a format compatible with
38 the Missouri voter registration system established in
39 section 115.158 which allows for review by the election
40 authority and does not require the election authority to
41 manually reenter the information, provided that the election
42 authority shall print out a paper copy of the information
43 and retain such information in the manner required by
44 section 115.145. The election authority receiving the
45 application forms shall review the applications and forward,
46 in a secure and electronic manner, any applications
47 pertaining to a different election authority to that
48 election authority.

49 6. A completed voter registration application accepted
50 in the driver's licensing process shall be transmitted to
51 the election authority described in subsection 5 of this
52 section not later than three business days after the form is
53 completed by the applicant.

54 7. Any person registering to vote when applying for or
55 renewing a Missouri driver's license shall submit with the

56 application form [a copy of a birth certificate, a Native
57 American tribal document, or other proof of United States
58 citizenship, a valid Missouri driver's license, or other
59 form of personal identification] **documentary proof of United**
60 **States citizenship.** Any person who, at the time of a
61 transaction with the division of motor vehicle and driver
62 licensing of the department of revenue, provides a document
63 that establishes noncitizenship shall not be offered the
64 opportunity to register to vote as part of the transaction.

115.449. 1. As soon as the polls close in each
2 polling place using paper ballots, the election judges shall
3 begin to count the votes. If earlier counting is begun
4 pursuant to section 115.451, the election judges shall
5 complete the count in the manner provided by this section.
6 Once begun, no count shall be adjourned or postponed until
7 all proper votes have been counted. **Notwithstanding any**
8 **provision of law to the contrary, all counting of ballots**
9 **under this section shall be recorded and streamed**
10 **electronically on the website of the respective election**
11 **authority.**

12 2. One counting judge, closely observed by the other
13 counting judge, shall take the ballots out of the ballot box
14 one at a time and, holding each ballot in such a way that
15 the other counting judge may read it, shall read the name of
16 each candidate properly voted for and the office sought by
17 each. As each vote is called out, the recording judges
18 shall each record the vote on a tally sheet. The votes for
19 and against all questions shall likewise be read and
20 recorded. If more than one political subdivision or special
21 district is holding an election on the same day at the same
22 polling place and using separate ballots, the counting
23 judges may separate the ballots of each political

24 subdivision and special district and first read one set,
25 then the next and so on until all proper votes have been
26 counted.

27 3. After the recording of all proper votes, the
28 recording judges shall compare their tallies. When the
29 recording judges agree on the count, they shall sign both of
30 the tally sheets, and one of the recording judges shall
31 announce in a loud voice the total number of votes for each
32 candidate and for and against each question.

33 4. After the announcement of the vote, the election
34 judges shall record the vote totals in the appropriate
35 places on each statement of returns. If any tally sheet or
36 statement of returns contains no heading for any question,
37 the election judges shall write the necessary headings on
38 the tally sheet or statement of returns.

115.477. 1. In each jurisdiction using an electronic
2 voting system, all proceedings at the counting location
3 shall be under the direction of the election authority. The
4 election authority shall appoint two judges, one from each
5 major political party, to be present and observe the count.
6 The counting shall be open to the public, but no persons,
7 except those employed and authorized for the purpose, shall
8 touch any ballot, ballot container or return.

9 **Notwithstanding any provision of law to the contrary, all**
10 **counting of ballots under this section shall be recorded and**
11 **streamed electronically on the website of the respective**
12 **election authority.**

13 2. The automatic tabulating equipment shall produce a
14 return showing the total number of votes cast for each
15 candidate and on each question at each polling place and in
16 the jurisdiction as a whole.

17 3. If any ballot is damaged and cannot be properly
18 counted by the automatic tabulating equipment, it may be
19 handcounted in the manner provided for absentee ballots, or
20 a true duplicate copy may be made of the defective ballot.
21 If any ballot contains a number of votes and write-in votes
22 for any office which exceeds the number allowed by law, it
23 may be handcounted in the manner provided for absentee
24 ballots, a true duplicate copy be made which does not
25 include the invalid votes or, at the discretion of the
26 election judges, a self-adhesive removable label,
27 sensitized, may be placed over any mark to allow the ballot
28 to be processed through the automatic tabulating equipment.
29 The duplication of each ballot shall be closely observed by
30 two election judges or employees of the election authority,
31 one from each major political party. Each duplicate ballot
32 shall be clearly labeled "duplicate", shall bear a serial
33 number which shall be recorded on the defective ballot, and
34 shall be counted in lieu of the defective ballot.

115.601. 1. Any contestant in a primary or other
2 election contest who was defeated by less than one percent
3 of the votes cast for the office and any contestant who
4 received the second highest number of votes cast for that
5 office if two or more are to be elected and who was defeated
6 by less than one percent of the votes cast, or any person
7 whose position on a question was defeated by less than one
8 percent of the votes cast on the question, shall have the
9 right to a recount of the votes cast for the office or on
10 the question.

11 2. In cases where the candidate filed or the ballot
12 question was originally filed with an election authority as
13 defined in section 115.015, such recount shall be requested
14 in accordance with the provisions of section 115.531 or

15 115.577 and conducted under the direction of the court or
16 the commissioner representing the court trying the contest
17 according to the provisions of this subchapter.

18 3. In cases where the candidate filed or the ballot
19 question was originally filed with the secretary of state,
20 the defeated candidate or the person whose position on a
21 question was defeated by less than one-half of one percent
22 of the votes cast on the question shall be allowed a recount
23 pursuant to this section by filing with the secretary of
24 state a request for a recount stating that the person or the
25 person's position on a question was defeated by less than
26 one-half of one percent of the votes cast. Such request
27 shall be filed not later than seven days after certification
28 of the election. The secretary of state shall notify all
29 concerned parties of the filing of the request for a
30 recount. The secretary of state shall authorize the
31 election authorities to conduct a recount pursuant to this
32 section if the requesting party or his position on a
33 question was defeated by less than one-half of one percent
34 of the votes cast. The secretary of state shall conduct and
35 certify the results of the recount as the official results
36 in the election within twenty days of receipt of the
37 aforementioned notice of recount.

38 4. Whenever a recount is requested pursuant to
39 subsection 3 of this section, the secretary of state shall
40 determine the number of persons necessary to assist with the
41 recount and shall appoint such persons equally from lists
42 submitted by the contestant and the opponent who received
43 more votes or a person whose position on a question received
44 more votes than the contestant's position on that question.
45 Each person appointed pursuant to this section shall be a
46 disinterested person and a registered voter of the area in

47 which the contested election was held. Each person so
48 appointed shall take the oath prescribed for and receive the
49 same pay as an election judge in the jurisdiction where the
50 person is registered. After being sworn not to disclose any
51 facts uncovered by the recount, except those which are
52 contained in the report, the contestant and the opponent who
53 received more votes or a person whose position on a question
54 received more votes than the contestant's position on that
55 question shall be permitted to be present in person or
56 represented by an attorney at the recount and to observe the
57 recount. Each recount shall be completed under the
58 supervision of the secretary of state with the assistance of
59 the election authorities involved, and the persons appointed
60 to assist with the recount shall perform such duties as the
61 secretary of state directs. Upon completion of any duties
62 prescribed by the secretary of state the persons appointed
63 to assist with the recount shall make a written and signed
64 report of their findings. The findings of the persons
65 appointed to assist with the recount shall be *prima facie*
66 evidence of the facts stated therein, but any person present
67 at the examination of the votes may be a witness to
68 contradict the findings. No one other than the secretary of
69 state, the election authorities involved, the contestant and
70 the other witnesses described in this subsection, their
71 attorneys, and those specifically appointed by the secretary
72 of state to assist with the recount shall be present during
73 any recount conducted pursuant to this section.

74 **5. In any election decided by less than five hundred**
75 **votes, each election authority whose office has jurisdiction**
76 **over the election being conducted shall conduct a recount**
77 **consistent with the provisions applicable to recounts**
78 **requested pursuant to subsection 3 of this section.**

79 **6.** For purposes of this section, "recount" means one
80 additional counting of all votes counted for the office or
81 on the question with respect to which the recount is
82 requested.

✓