

FIRST REGULAR SESSION

HOUSE BILL NO. 199

97TH GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVES DUGGER (Sponsor), CONWAY (10),
ENTLICHER AND MCGAUGH (Co-sponsors).

0685H.011

D. ADAM CRUMBLISS, Chief Clerk

AN ACT

To repeal sections 115.003, 115.005, 115.007, 115.177, 115.221, 115.231, 115.237, 115.249, 115.251, 115.253, 115.255, 115.257, 115.259, 115.261, 115.263, 115.281, 115.293, 115.299, 115.300, 115.301, 115.383, 115.417, 115.419, 115.420, 115.423, 115.431, 115.433, 115.436, 115.439, 115.443, 115.449, 115.453, 115.455, 115.456, 115.475, 115.477, 115.479, 115.483, 115.485, 115.487, 115.489, 115.493, 115.495, and 115.503, RSMo, and to enact in lieu thereof twenty-two new sections relating to elections.

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

Section A. Sections 115.003, 115.005, 115.007, 115.177, 115.221, 115.231, 115.237, 2 115.249, 115.251, 115.253, 115.255, 115.257, 115.259, 115.261, 115.263, 115.281, 115.293, 3 115.299, 115.300, 115.301, 115.383, 115.417, 115.419, 115.420, 115.423, 115.431, 115.433, 4 115.436, 115.439, 115.443, 115.449, 115.453, 115.455, 115.456, 115.475, 115.477, 115.479, 5 115.483, 115.485, 115.487, 115.489, 115.493, 115.495, and 115.503, RSMo, are repealed and 6 twenty-two new sections enacted in lieu thereof, to be known as sections 115.003, 115.005, 7 115.007, 115.237, 115.249, 115.259, 115.281, 115.293, 115.299, 115.300, 115.383, 115.417, 8 115.419, 115.423, 115.433, 115.436, 115.439, 115.449, 115.453, 115.455, 115.456, and 115.493, 9 to read as follows:

115.003. The purpose of sections 115.001 to 115.[641] **801** [and sections 51.450 and 2 51.460] is to simplify, clarify and harmonize the laws governing elections. It shall be construed 3 and applied so as to accomplish its purpose.

EXPLANATION — Matter enclosed in bold-faced brackets [thus] in the above bill is not enacted and is intended to be omitted from the law. Matter in **bold-face** type in the above bill is proposed language.

115.005. Notwithstanding any other provision of law to the contrary, sections 115.001
2 to 115.[641] **801** shall apply to all public elections in the state, except elections for which
3 ownership of real property is required by law for voting.

115.007. No part of sections 115.001 to 115.[641] **801** [and sections 51.450 and 51.460]
2 shall be construed as impliedly amended or repealed by subsequent legislation if such
3 construction can be reasonably avoided.

115.237. 1. Each ballot printed or designed for use with an electronic voting system for
2 any election pursuant to this chapter shall contain all questions and the names of all offices and
3 candidates certified or filed pursuant to this chapter and no other. As far as practicable, all
4 questions and the names of all offices and candidates for which each voter is entitled to vote shall
5 be printed on one page except for the ballot for political party committee persons in polling
6 places not utilizing an electronic voting system which may be printed separately and in
7 conformity with the requirements contained in this section. As far as practicable, ballots
8 containing only questions and the names of nonpartisan offices and candidates shall be printed
9 in accordance with the provisions of this section, except that the ballot information may be listed
10 in vertical or horizontal rows. The names of candidates for each office shall be listed in the order
11 in which they are filed.

12 [2. Except as provided in subsection 5 of this section, each ballot shall have:

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

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

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

16 (4) A small square, the sides of which shall not be less than one-fourth inch in length,
17 printed directly to the left of each candidate's name and on the same line as the candidate's name.

18 When write-in votes are authorized and no candidate's name is to be printed under the name of
19 an office in a party or nonpartisan column, under the name of the office in the column shall be
20 printed a square. Directly to the right of the square shall be printed a horizontal line on which
21 the voter may vote for a person whose name does not appear on the ballot. When more than one
22 position is to be filled for an office, and the number of candidates' names under the office in a
23 column is less than the number of positions to be filled, the number of squares and write-in lines
24 printed in the column shall equal the difference between the number of candidates' names and
25 the number of positions to be filled;

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

28 (6) A horizontal line extending across the ballot three-eighths of an inch below the last
29 name or write-in line under each office in such a manner that the names of all candidates and all
30 write-in lines for the same office appear between the same horizontal lines. If write-in votes are

31 not authorized, the horizontal line shall extend across the ballot three-eighths of an inch below
32 the name of the last candidate under each office;

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

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

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

41 3. As nearly as practicable, each ballot shall be in substantially the following form:

42 OFFICIAL BALLOT				DATE
43 REPUBLICAN	DEMOCRATIC	THIRD PARTY	INDEPENDENT	
44 For President and	For President and	For President and	For President and	
45 Vice President?	Vice President?	Vice President?	Vice President?	
46 .....	.....	.....	.....
47 For United States	For United States	For United States	For United States	
48 Senator?	Senator?	Senator?	Senator?	
49 .....	.....	.....	.....
50 For Governor?	For Governor?	For Governor?	For Governor?	
51 .....	.....	.....	.....
52 For Lieutenant	For Lieutenant	For Lieutenant	For Lieutenant	
53 Governor?	Governor?	Governor?	Governor?	
54 .....	.....	.....	.....
55 For Secretary	For Secretary	For Secretary	For Secretary	
56 of State?	of State?	of State?	of State?	
57 .....	.....	.....	.....
58 For Treasurer?	For Treasurer?	For Treasurer?	For Treasurer?	
59 .....	.....	.....	.....
60 For Attorney	For Attorney	For Attorney	For Attorney	
61 General?	General?	General?	General?	
62 .....	.....	.....	.....
63 For United States	For United States	For United States	For United States	
64 Representative?	Representative?	Representative?	Representative?	
65 .....	.....	.....	.....
66 For State Senator?	For State Senator?	For State Senator?	For State Senator?	

67	.....	.....	.....	.....
68	For State	For State	For State	For State
69	Representative?	Representative?	Representative?	Representative?
70	.....	.....	.....	.....
71	For Circuit Judge?	For Circuit Judge?	For Circuit Judge?	For Circuit Judge?
72	.....	.....	.....	.....

73 4.] 2. No ballot printed or designed for use with an electronic voting system for any
74 partisan election held under this chapter shall allow a person to vote a straight political party
75 ticket. For purposes of this subsection, a "straight political party ticket" means voting for all of
76 the candidates for elective office who are on the ballot representing a single political party by a
77 single selection on the ballot.

78 [5.] 3. The secretary of state shall promulgate rules that specify uniform standards for
79 ballot layout for each electronic or computerized ballot counting system approved under the
80 provisions of section 115.225 so that the ballot used with any counting system is, where possible,
81 consistent with the intent of this section. Nothing in this section shall be construed to require
82 the format specified in this section if it does not meet the requirements of the ballot counting
83 system used by the election authority.

84 [6.] 4. Any rule or portion of a rule, as that term is defined in section 536.010, that is
85 created under the authority delegated in this section shall become effective only if it complies
86 with and is subject to all of the provisions of chapter 536 and, if applicable, section 536.028.
87 This section and chapter 536 are nonseverable and if any of the powers vested with the general
88 assembly pursuant to chapter 536 to review, to delay the effective date or to disapprove and
89 annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and
90 any rule proposed or adopted after August 28, 2002, shall be invalid and void.

115.249. No voting machine shall be used unless it:

- 2 (1) Permits voting in absolute secrecy;
- 3 (2) Permits each voter to vote for as many candidates for each office as he is lawfully
- 4 entitled to vote for, and no other;
- 5 (3) Permits each voter to vote for or against as many questions as he is lawfully entitled
- 6 to vote on, and no more;
- 7 (4) Provides facilities for each voter to cast as many write-in votes for each office as he
- 8 is lawfully entitled to cast;
- 9 (5) Permits each voter in a primary election to vote for the candidates of only one party
- 10 announced by the voter in advance;

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

14 (7)] (6) Correctly registers or records and accurately counts all votes cast for each
15 candidate and for and against each question;

16 [(8)] (7) Is provided with a lock or locks which prevent any movement of the voting or
17 registering mechanism and any tampering with the mechanism;

18 [(9)] (8) Is provided with a protective counter or other device whereby any operation of
19 the machine before or after an election will be detected;

20 [(10)] (9) Is provided with a counter which shows at all times during the election how
21 many people have voted on the machine;

22 [(11) Is provided with a proper light which enables each voter, while voting, to clearly
23 see the ballot labels;

24 (12) Is provided with a mechanical model, illustrating the manner of voting on the
25 machine, suitable for the instruction of voters.]

115.259. At each polling place using voting machines, the exterior of the voting
2 machines shall be in plain view of the election judges. [Each voting machine shall be so placed
3 that, unless its construction requires otherwise, the ballot labels can be plainly seen by the
4 election judges when not in use by voters.] The election judges shall not be nor permit any other
5 person to be in any position, or near any position, that enables them to see how any voter votes
6 or has voted. The election judges may inspect any machine as necessary to make sure the ballot
7 label is in its proper place and that the machine has not been damaged.

115.281. 1. Except as provided in subsection 3 of this section, not later than the sixth
2 Tuesday prior to each election, or within fourteen days after candidates' names or questions are
3 certified pursuant to section 115.125, the election authority shall cause to have printed and made
4 available a sufficient quantity of absentee ballots, ballot envelopes and mailing envelopes. As
5 soon as possible after the proper officer calls a special state or county election, the election
6 authority shall cause to have printed and made available a sufficient quantity of absentee ballots,
7 ballot envelopes and mailing envelopes.

8 2. All absentee ballots for an election shall be in the same form as the official ballots for
9 the election[, except that in lieu of the words "Official Ballot" at the top of the ballot, the words
10 "Official Absentee Ballot" shall appear].

11 3. Not later than forty-five days before each general, primary, and special election for
12 federal office, the election authority shall cause to have printed and made available a sufficient
13 quantity of absentee ballots, ballot envelopes, and mailing envelopes for absent uniformed

14 services voters and overseas voters and shall begin transmitting such ballots to absent uniformed
15 services and overseas voters who have submitted an absentee ballot application.

115.293. [1.] All proper votes on each absentee ballot received by an election authority
2 at or before the time fixed by law for the closing of the polls on election day shall be counted.
3 No votes on any absentee ballot received by an election authority after the time fixed by law for
4 the closing of the polls on election day shall be counted.

5 [2. If sufficient evidence is shown to an election authority that any absentee voter has
6 died prior to the opening of the polls on election day, the ballot of the deceased voter shall be
7 rejected. Any ballot so rejected, still sealed in its ballot envelope, shall be sealed with the
8 application and any other papers connected therewith in an envelope marked "Rejected ballot of
9, an absentee voter of voting district". The reason for
10 rejection shall be noted on the envelope, which shall be kept by the election authority with the
11 other ballots from the election until the ballots are destroyed according to law.]

115.299. 1. To count absentee votes on election day, the election authority shall appoint
2 a sufficient number of teams of election judges **comprised of an equal number of judges** [.
3 Each team shall consist of four judges, two] from each major political party.

4 2. The teams so appointed shall meet on election day after the time fixed by law for the
5 opening of the polls at a central location designated by the election authority. The election
6 authority shall deliver the absentee ballots to the teams, and shall maintain a record of the
7 delivery. The record shall include the number of ballots delivered to each team and shall include
8 a signed receipt from two judges, one from each major political party. The election authority
9 shall provide each team with a ballot box, tally sheets and statements of returns as are provided
10 to a polling place.

11 3. Each team shall count votes on all absentee ballots designated by the election
12 authority.

13 4. One member of each team, closely observed by another member of the team from a
14 different political party, shall open each envelope and call the voter's name in a clear voice.
15 Without unfolding the ballot, two team members, one from each major political party, shall
16 initial the ballot, and an election judge shall place the ballot, still folded, in a ballot box. No
17 ballot box shall be opened until all of the ballots a team is counting have been placed in the box.
18 The votes shall be tallied and the returns made as provided in sections 115.447 to 115.525 for
19 paper ballots. After the votes on all ballots assigned to a team have been counted, the ballots and
20 ballot envelopes shall be placed on a string and enclosed in sealed containers marked "voted
21 absentee ballots and ballot envelopes from the election held, 20....". All rejected
22 absentee ballots and envelopes shall be enclosed and sealed in a separate container marked
23 "rejected absentee ballots and envelopes from the election held, 20....". On the

24 outside of each voted ballot and rejected ballot container, each member of the team shall write
25 his name, and all such containers shall be returned to the election authority. Upon receipt of the
26 returns and ballots, the election authority shall tabulate the absentee vote along with the votes
27 certified from each polling place in its jurisdiction.

115.300. In each jurisdiction, the election authority may start, not earlier than the fifth
2 day prior to the election, the preparation of absentee ballots for tabulation on the election day.
3 The election authority shall give notice to the county chairman of each major political party
4 forty-eight hours prior to beginning preparation of absentee ballot envelopes. Absentee ballot
5 preparation shall be completed by teams of election authority employees or teams of election
6 judges, with each team consisting of one member from each major political party. [Absentee
7 ballots shall not be counted by the same persons as those who removed such ballots from their
8 envelopes.]

115.383. Any election authority duly notified that a name is to be removed from the
2 ballot or that a new candidate has been selected shall have the proper corrections made on the
3 ballot before the ballot is delivered to or while it is in the hands of the printer. [If time does not
4 permit correction of the printed ballot, the election authority shall have prepared small pasters,
5 suitable for covering the name to be removed on the ballots, ballot labels or on the protective
6 covering of each voting machine. If a candidate is replaced by a candidate pursuant to the
7 provisions of sections 115.361 to 115.377, the paster shall contain the name to be substituted in
8 letters of the same size and type as all other names on the ballot. The appropriate election
9 authorities shall see that such pasters are properly applied to the ballots, ballot labels or voting
10 machines before they are used for voting.]

115.417. 1. Before the time fixed by law for the opening of the polls, the election
2 authority shall deliver to each polling place a sufficient number of voter instruction cards which
3 include the following information:

4 (1) If paper ballots or an electronic voting system is used, the instructions shall inform
5 the voter on how to obtain a ballot for voting, how to vote and prepare the ballot for deposit in
6 the ballot box and how to obtain a new ballot to replace one accidentally spoiled;

7 (2) If voting machines are used, the instructions shall inform the voter how to operate
8 the machine in such a manner that the voter may vote as the voter wishes.

9 2. The election authority at each polling place shall post in a conspicuous place voting
10 instructions on a poster no smaller than twenty-four inches by thirty inches. Such instructions
11 shall also inform the voter that the voting equipment can be demonstrated upon request of the
12 voter. The election authority shall also publicly post during the period of time in which a person
13 may cast an absentee ballot and on election day a sample version of the ballot that will be used
14 for that election, the date of the election, the hours during which the polling place will be open,

15 instructions for mail-in registrants and first-time voters, general information on voting rights in
16 accordance with the state plan filed by the secretary of state pursuant to the Help America Vote
17 Act of 2002, general information on the right to cast a provisional ballot and instructions for
18 provisional ballots, how to contact appropriate authorities if voting rights have been violated, and
19 general information on federal and Missouri law regarding prohibitions on acts of fraud and
20 misrepresentation. The secretary of state may promulgate rules to execute this section. No rule
21 or portion of a rule promulgated pursuant to the authority of this section shall become effective
22 unless it has been promulgated pursuant to chapter 536.

23 [3. If marking devices or voting machines are used, the election authority shall also
24 provide to each polling place a model of a marking device or portion of the face of a voting
25 machine. If requested to do so by a voter, the election judges shall give instructions on operation
26 of the marking device or voting machine by use of the model.

27 4] 3. The secretary of state may develop multilingual voting instructions to be made
28 available to election authorities.

115.419. Before the time fixed by law for the opening of the polls, the election authority
2 shall deliver to each polling place a sufficient number of sample ballots[,] **and** ballot cards [or
3 ballot labels] which shall be a different color but otherwise exact copies of the official ballot.
4 The samples shall be printed in the form of a diagram, showing the form of the ballot or the front
5 of the marking device or voting machine as it will appear on election day. The secretary of state
6 may develop multilingual sample ballots to be made available to election authorities.

115.423. [After the time fixed by law for the opening of the polls but] Before the voting
2 begins, the election judges shall open the ballot box and show to all present that it is empty. The
3 ballot box shall then be locked and the key kept by one of the election judges. The ballot box
4 shall not be opened or removed from public view from the time it is shown to be empty until the
5 polls close or until the ballot box is delivered for counting pursuant to section 115.451. If voting
6 machines are used, the election judges shall call attention to the counter on the face of each
7 voting machine and show to all present that it is set at zero.

115.433. After the voter's identification certificate has been initialed, two judges of
2 different political parties, or one judge from a major political party and one judge with no
3 political affiliation, shall, where paper ballots [or ballot cards] are used, initial the voter's ballot
4 or ballot card.

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

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

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

 115.439. 1. If paper ballots or ballot cards are used, the voter shall, immediately upon
2 receiving his ballot, go alone to a voting booth and vote his ballot in the following manner:

3 (1) When a voter desires to vote for a candidate, the voter shall place a [cross (X)] **valid**
4 mark [in the square directly to the left of] **immediately beside** the name of the candidate for
5 which the voter intends to vote;

6 (2) [If the voter desires to vote for a person whose name does not appear on the ballot,
7 the voter may cross out a name which appears on the ballot for the office and write the name of
8 the person for whom he wishes to vote above or below the crossed-out name and place a cross
9 (X) mark in the square directly to the left of the crossed-out name.] If a write-in line appears on
10 the ballot, the voter may write the name of the person for whom he or she wishes to vote on the
11 line and place a [cross (X)] **valid** mark [in the square directly to the left of] **immediately beside**
12 the name;

13 (3) If the ballot is one which contains no candidates, the voter shall place a [cross (X)]
14 valid mark [in the square] directly to the left of each "yes" or "no" he desires to vote.

15 No voter shall vote for the same person more than once for the same office at the same election.

16 [2. For purposes of this section, a punch or sensor mark or any other mark clearly
17 indicating that the voter intends to mark that particular square shall be equivalent to a cross (X)
18 mark.

19 3. If voting machines are used, the voter shall, immediately upon direction by the judges,
20 go alone to a voting machine, close the curtain and vote in substantially the same manner
21 provided in subsection 1 of this section. Rather than placing cross (X) marks on the ballot,

22 however, the voter shall cause the designations to appear on the face of the voting machine, cast
23 any write-in votes and register his votes as directed in the instructions for use of the machine.

24 4.] 2. If the voter accidentally spoils his ballot or ballot card or makes an error, he may
25 return it to an election judge and receive another. The election judge shall mark "SPOILED"
26 across the ballot or ballot card and place it in an envelope marked "SPOILED BALLOTS". After
27 another ballot has been prepared in the manner provided in section 115.433, the ballot shall be
28 given to the voter for voting.

29 [5. The election authority may authorize the use of a sticker or other item containing a
30 write-in candidate's name, in lieu of a handwritten name. All such stickers and items used by
31 election authorities shall conform to rules and regulations promulgated by the secretary of state
32 regarding the form of such stickers and items. The secretary of state shall promulgate rules and
33 regulations to prescribe uniform specifications for the form of such stickers and items. If
34 authorized, such sticker or item shall contain a cross (X) mark, or other mark as described in
35 subsection 2 of this section, in the square directly left of the candidate's name and the office for
36 which the candidate is a write-in candidate. A write-in vote that does not meet the requirements
37 of this subsection which appears on a ballot shall not be counted pursuant to sections 115.447
38 to 115.525. In those jurisdictions using an electronic voting system which utilizes mark sense
39 or optical scan technology and if the election authority authorizes the use of stickers for
40 write-ins, such system shall be programmed to identify and separate those ballots which contain
41 an office in which write-in candidates are eligible to receive votes, and which contain less votes
42 than a voter is entitled to cast.

43 In addition, such sticker shall be considered "printed matter" as defined in subsection 8 of section
44 130.031, and as such shall contain the designation required by subsection 8 of section 130.031.

45 6.] 3. Any rule or portion of a rule, as that term is defined in section 536.010, that is
46 created under the authority delegated in this section shall become effective only if it complies
47 with and is subject to all of the provisions of chapter 536 and, if applicable, section 536.028.
48 This section and chapter 536 are nonseverable and if any of the powers vested with the general
49 assembly pursuant to chapter 536 to review, to delay the effective date or to disapprove and
50 annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and
51 any rule proposed or adopted after August 28, 2002, shall be invalid and void.

115.449. 1. As soon as the polls close in each polling place using paper ballots, the
2 election judges shall begin to count the votes. If earlier counting is begun pursuant to section
3 115.451, the election judges shall complete the count in the manner provided by this section.
4 Once begun, no count shall be adjourned or postponed until all proper votes have been counted.

5 2. One counting judge, closely observed by the other counting judge, shall take the
6 ballots out of the ballot box one at a time and, holding each ballot in such a way that the other

7 counting judge may read it, shall read the name of each candidate properly voted for and the
8 office sought by each. As each vote is called out, the recording judges shall each record the vote
9 on a tally sheet. The votes for and against all questions shall likewise be read and recorded. If
10 more than one political subdivision or special district is holding an election on the same day at
11 the same polling place and using separate ballots, the counting judges may separate the ballots
12 of each political subdivision and special district and first read one set, then the next and so on
13 until all proper votes have been counted.

14 [3. After all of the proper votes on a ballot have been counted, the ballot shall be strung
15 on a wire or string in the order read. After all the ballots have been read and strung and after the
16 recording judges agree on the count, the wire or string shall be tied in a firm knot, and the knot
17 shall be sealed so that it cannot be untied without breaking the seal. Rejected and spoiled ballots
18 shall not be strung but shall be placed in separate containers marked "REJECTED" and
19 "SPOILED".

20 4.] 3. After the recording of all proper votes, the recording judges shall compare their
21 tallies. When the recording judges agree on the count, they shall sign both of the tally sheets, and
22 one of the recording judges shall announce in a loud voice the total number of votes for each
23 candidate and for and against each question.

24 [5.] 4. After the announcement of the vote, the election judges shall record the vote totals
25 in the appropriate places on each statement of returns. If any tally sheet or statement of returns
26 contains no heading for any question, the election judges shall write the necessary headings on
27 the tally sheet or statement of returns.

115.453. Election judges shall count votes for all candidates in the following manner:

2 [(1) No candidate shall be counted as voted for, except a candidate before whose name
3 a cross (X) mark appears in the square preceding the name and a cross (X) mark does not appear
4 in the square preceding the name of any candidate for the same office in another column. Except
5 as provided in this subdivision and subdivision (2) of this section, each candidate with a cross
6 (X) mark in the square preceding his or her name shall be counted as voted for;

7 (2) If cross (X) marks appear next to the names of more candidates for an office than are
8 entitled to fill the office, no candidate for the office shall be counted as voted for. If more than
9 one candidate is to be nominated or elected to an office, and any voter has voted for the same
10 candidate more than once for the same office at the same election, no votes cast by the voter for
11 the candidate shall be counted;

12 (3)] (1) No vote shall be counted for any candidate that is not marked substantially in
13 accordance with the provisions of this section. The judges shall count votes marked substantially
14 in accordance with this section and section 115.456 when the intent of the voter seems clear.
15 Regulations promulgated by the secretary of state shall be used by the judges to determine voter

16 intent. No ballot containing any proper votes shall be rejected for containing fewer marks than
17 are authorized by law;

18 ~~[(4)]~~ **(2)** Write-in votes shall be counted only for candidates for election to office who
19 have filed a declaration of intent to be a write-in candidate for election to office with the proper
20 election authority, who shall then notify the proper filing officer of the write-in candidate prior
21 to 5:00 p.m. on the second Friday immediately preceding the election day; except that, write-in
22 votes shall be counted only for candidates for election to state or federal office who have filed
23 a declaration of intent to be a write-in candidate for election to state or federal office with the
24 secretary of state pursuant to section 115.353 prior to 5:00 p.m. on the second Friday
25 immediately preceding the election day. No person who filed as a party or independent candidate
26 for nomination or election to an office may, without withdrawing as provided by law, file as a
27 write-in candidate for election to the same office for the same term. No candidate who files for
28 nomination to an office and is not nominated at a primary election may file a declaration of intent
29 to be a write-in candidate for the same office at the general election. When declarations are
30 properly filed with the secretary of state, the secretary of state shall promptly transmit copies of
31 all such declarations to the proper election authorities for further action pursuant to this section.
32 The election authority shall furnish a list to the election judges and counting teams prior to
33 election day of all write-in candidates who have filed such declaration. This subdivision shall
34 not apply to elections wherein candidates are being elected to an office for which no candidate
35 has filed. No person shall file a declaration of intent to be a write-in candidate for election to any
36 municipal office unless such person is qualified to be certified as a candidate under section
37 115.346;

38 ~~[(5)]~~ **(3)** Write-in votes shall be cast and counted for a candidate without party
39 designation. Write-in votes for a person cast with a party designation shall not be counted.
40 Except for candidates for political party committees, no candidate shall be elected as a write-in
41 candidate unless such candidate receives a separate plurality of the votes without party
42 designation regardless of whether or not the total write-in votes for such candidate under all party
43 and without party designations totals a majority of the votes cast;

44 ~~[(6)]~~ **(4)** When submitted to the election authority, each declaration of intent to be a
45 write-in candidate for the office of United States president shall include the name of a candidate
46 for vice president and the name of nominees for presidential elector equal to the number to which
47 the state is entitled. At least one qualified resident of each congressional district shall be
48 nominated as presidential elector. Each such declaration of intent to be a write-in candidate shall
49 be accompanied by a declaration of candidacy for each presidential elector in substantially the
50 form set forth in subsection 3 of section 115.399. Each declaration of candidacy for the office
51 of presidential elector shall be subscribed and sworn to by the candidate before the election

52 official receiving the declaration of intent to be a write-in, notary public or other officer
53 authorized by law to administer oaths.

115.455. Election judges shall count votes on each question in the following manner:

2 (1) If a [cross (X)] **valid** mark appears [in the square] immediately beside or below the
3 "YES", the question shall be counted as voted for. If a [cross (X)] **valid** mark appears [in the
4 square] immediately beside or below the "NO", the question shall be counted as voted against;

5 (2) If a [cross (X)] **valid** mark appears [in the square] immediately beside or below the
6 "YES" and [in the square] immediately beside or below the "NO", the question shall neither be
7 counted as voted for nor as voted against.

115.456. 1. [The election authority shall be responsible for ensuring that the standards
2 provided for in this subsection are followed when counting ballots cast using punch card voting
3 systems.

4 (1) Prior to tabulating ballots, all ballot cards shall be inspected by the election authority
5 for hanging chad and damaged ballots. Inspection of ballot cards shall be conducted using the
6 following guidelines:

7 (a) The election authority shall appoint a bipartisan team to inspect all ballots where a
8 question exists about the condition of a ballot or existence of a hanging chad;

9 (b) All ballot card inspections conducted under this section shall be conducted by
10 examining the ballot card from the back of the card;

11 (c) If a ballot is determined to be damaged, the bipartisan team shall spoil the original
12 ballot and duplicate the voter's intent on the new ballot, provided that there is an undisputed
13 method of matching the duplicate card with its original after it has been placed with the
14 remainder of the ballot cards from the precinct; and

15 (d) If a chad is determined to be hanging by two or less corners, it shall be removed prior
16 to being tabulated.

17 (2) In jurisdictions using punch card systems, a valid vote for a write-in candidate shall
18 include the following:

19 (a) A distinguishing mark in the square immediately preceding the name of the
20 candidate;

21 (b) The name of the candidate. If the name of the candidate as written by the voter is
22 substantially as declared by the candidate it shall be counted, or in those circumstances where
23 the names of candidates are similar, the names of candidates as shown on voter registration
24 records shall be counted; and

25 (c) The name of the office for which the candidate is to be elected.

26 (3) Whenever a hand recount of votes is ordered of punch card ballots, the provisions
27 of this subsection shall be used to determine voter intent.

28 2.] The election authority shall be responsible for ensuring that the standards provided
29 for in this subsection are followed when counting ballots cast using optical scan voting systems.

30 (1) Prior to tabulating ballots, all machines shall be programmed to reject blank ballots
31 where no votes are recorded or where an overvote is registered in any race.

32 (2) In jurisdictions using precinct-based tabulators, the voter who cast the ballot shall
33 review the ballot if rejected, if the voter wishes to make any changes to the ballot, or if the voter
34 would like to spoil the ballot and receive another ballot.

35 (3) In jurisdictions using centrally based tabulators, if a ballot is so rejected it shall be
36 reviewed by a bipartisan team using the following criteria:

37 (a) If a ballot is determined to be damaged, the bipartisan team shall spoil the original
38 ballot and duplicate the voter's intent on the new ballot, provided that there is an undisputed
39 method of matching the duplicate card with its original after it has been placed with the
40 remainder of the ballot cards from such precinct; and

41 (b) Voter intent shall be determined using the following criteria:

42 a. There is a distinguishing mark in the printed oval or divided arrow adjacent to the
43 name of the candidate or issue preference;

44 b. There is a distinguishing mark adjacent to the name of the candidate or issue
45 preference; or

46 c. The name of the candidate or issue preference is circled.

47 (4) In jurisdictions using optical scan systems, a valid vote for a write-in candidate shall
48 include the following:

49 (a) A distinguishing mark in the designated location preceding the name of the candidate;

50 (b) The name of the candidate. If the name of the candidate as written by the voter is
51 substantially as declared by the candidate it shall be counted, or in those circumstances where
52 the names of candidates are similar, the names of candidates as shown on voter registration
53 records shall be counted; and

54 (c) The name of the office for which the candidate is to be elected.

55 (5) Whenever a hand recount of votes of optical scan ballots is ordered, the provisions
56 of this subsection shall be used to determine voter intent.

57 [3.]**2.** The election authority shall be responsible for ensuring that the standards provided
58 for in this subsection are followed when counting ballots cast using paper ballots.

59 (1) Voter intent shall be determined using the following criteria:

60 (a) There is a distinguishing mark in the square adjacent to the name of the candidate or
61 issue preference;

62 (b) There is a distinguishing mark adjacent to the name of the candidate or issue
63 preference; or

64 (c) The name of the candidate or issue preference is circled.

65 (2) In jurisdictions using paper ballots, a valid vote for a write-in candidate shall include
66 the following:

67 (a) A distinguishing mark in the square immediately preceding the name of the
68 candidate;

69 (b) The name of the candidate. If the name of the candidate as written by the voter is
70 substantially as declared by the candidate it shall be counted, or in those circumstances where
71 the names of candidates are similar, the names of candidates as shown on voter registration
72 records shall be counted; and

73 (c) The name of the office for which the candidate is to be elected.

74 (3) Whenever a hand recount of votes of paper ballots is ordered, the provisions of this
75 subsection shall be used to determine voter intent.

76 [4. When write-in stickers are used, the sticker shall contain the name of a candidate, the
77 office sought, and a distinguishing mark in the square immediately preceding the name of the
78 candidate and shall be approximately one inch by three inches in size with black print on a white
79 background. The sticker shall be placed by the voter on the write-in line designating the office
80 sought or the sticker shall be placed by the voter on the write-in line on the secrecy envelope.

81 5.] 3. Notwithstanding any other provision of law, a distinguishing mark indicating a
82 general preference for or against the candidates of one political party shall not be considered a
83 vote for or against any specific candidate.

115.493. The election authority shall keep all voted ballots, ballot cards, processed ballot
2 materials in electronic form and write-in forms, and all applications, statements, certificates,
3 affidavits and computer programs relating to each election for twelve months after the date of
4 the election. During the time that voted ballots, ballot cards, processed ballot materials in
5 electronic form and write-in forms are kept by the election authority, it shall not open or inspect
6 them or allow anyone else to do so, except upon order of a legislative body trying an election
7 contest, a court or a grand jury. After [twelve] **twenty-two** months, the ballots, ballot cards,
8 processed ballot materials in electronic form, write-in forms, applications, statements,
9 certificates, affidavits and computer programs relating to each election may be destroyed. If an
10 election contest, grand jury investigation or civil or criminal case relating to the election is
11 pending at the time, however, the materials shall not be destroyed until the contest, investigation
12 or case is finally determined.

2 [115.177. Nothing in this subchapter shall be construed in any way as
3 interfering with or discontinuing any person's valid registration which is in effect
4 on January 1, 1978, until such time as the person is required to transfer his
5 registration or to reregister under the provisions of sections 115.001 to 115.641
and section 51.460.]

2 [115.221. At least once each year, each election authority shall have the
3 voting records inspected and may investigate the qualifications of any person who
4 has not voted or transferred his registration within the four preceding calendar
5 years.]

2 [115.231. 1. In polling places using electronic voting systems, the ballot
3 information, whether placed on the ballot card or on the marking device, may be
4 arranged in vertical or horizontal rows, or on a number of separate pages. In any
5 event, the name of each candidate, the candidate's party, the office for which he
6 or she is a candidate and each question shall be indicated clearly on the ballot
7 card or marking device.

8 2. Nothing in this subchapter shall be construed as prohibiting the use of
9 a separate paper ballot for questions or for the presidential preference primary in
10 any polling place using an electronic voting system.

11 3. Where electronic voting systems are used and when write-in votes are
12 authorized by law, a write-in ballot, which may be in the form of a separate paper
13 ballot, card or envelope shall be provided to permit each voter to write in the
14 names of persons whose names do not appear on the ballot.]

2 [115.251. Any voting machine may be provided with a device for
3 printing, embossing or photographing the recording counters before the polls
4 open and after the polls close. "Recording counters" are the counters which show
5 the total number of votes cast for each candidate and for and against each
6 question at any particular time.]

2 [115.253. Prior to every election at which voting machines are used, the
3 election authority shall insert ballot labels into the voting machines. The ballot
4 labels shall be printed in black on white material of uniform size and shall fit the
5 ballot frames of the machines. In its discretion, the election authority may print
6 the names of the offices in red. The part of the ballot labels pertaining only to
7 questions may be printed in black upon material tinted red. After the ballot labels
8 have been inserted into the machines, the face of each ballot label shall be
9 completely covered with a protective covering of smooth, hard, transparent
10 material so that it is impossible to alter the face of the ballot label without
11 removing or breaking the covering.]

2 [115.255. 1. In polling places using voting machines, the ballot
3 information may be arranged in vertical or horizontal rows. In any event, the
4 name of each candidate, his party, the office for which he is a candidate and each
5 question shall be indicated clearly on the ballot label. All ballot labels shall be
6 placed to indicate clearly to the voter which key lever or other device to operate
in order to vote on questions and for the candidates of his choice.

7 2. Nothing in this subchapter shall be construed as prohibiting the use of
 8 a separate paper ballot for questions in polling places where voting machines are
 9 used.]
 10

2 [115.257. 1. In jurisdictions where voting machines are used, the
 3 election authority shall cause the voting machines to be put in order, set, adjusted
 4 and made ready for voting before they are delivered to polling places. Before
 5 delivery to the polling places, the election authority shall have all recording
 6 counters, except the protective counter on each voting machine set at zero (000).

7 2. At least five days before preparing voting machines for any election,
 8 notice of the time and place of such preparation shall be mailed to each
 9 independent candidate and the chairman of the county committee of each
 10 established political party named on the ballot. The preparation shall be watched
 11 by two observers designated by the election authority, one from each major
 12 political party, and shall be open to representatives of the political parties,
 13 candidates, the news media and the public.

14 3. When a machine has been examined by such observers and shown to
 15 be in good working order, the machine shall be locked against voting and sealed
 16 in their presence with a numbered metal seal. The observers shall certify the
 17 number on each machine, the number on each protective counter, the number on
 18 each seal and that each recording counter is set at zero.

19 4. After a voting machine has been properly prepared, locked and sealed,
 20 its keys shall be retained by the election authority and delivered to the election
 21 judges along with the other election supplies.

22 5. Nothing in this section shall prohibit the on-site storage of voting
 23 machines and the preparation of the machines for voting, provided the voting
 24 machines are put in order, set, adjusted and made ready for voting as provided in
 25 subsections 1, 2, 3 and 4 of this section.]

2 [115.261. During an election, no door or other counter compartment
 3 covering shall be unlocked or opened or the counters exposed, except by
 4 direction of the election authority, and then only for good and sufficient reason.
 5 If the door or other counter compartment covering on any machine is opened by
 6 the election authority or his representative, the reason for such opening shall be
 7 stated in writing, signed by the election authority or his representative and
 8 attached to one statement of returns.]

2 [115.263. After the opening of the polls, the election judges shall not
 3 permit any person to handle any voting machine, except voters while they are
 4 voting and others expressly authorized by the election authority.]

2 [115.301. If ballot cards are used as absentee ballots, the teams shall meet
 on election day at a time and place designated by the election authority and shall

3 proceed to separate the ballot cards from the write-in forms and to count the
4 write-in votes as provided in section 115.467. The returns shall be made as
5 provided in sections 115.471 and 115.473, and the ballot cards and other
6 designated election materials shall be delivered to the counting location and
7 tabulated in the manner provided in section 115.475, but no ballot card shall be
8 tabulated before the time fixed by law for the closing of the polls.]
9

2 [115.420. 1. An election authority operating a voting system that uses
3 ballot cards shall not use a butterfly ballot unless the secretary of state provides
4 written approval to the election authority for the use of a butterfly ballot in the
5 particular election.

6 2. For purposes of this section, "butterfly ballot" means a ballot where
7 two ballot pages are used side by side and where voters must vote on candidates
8 or issues on both sides of the pages.

9 3. The secretary of state may approve the use of a butterfly ballot in a
10 particular election when a large number of candidates and issues are to be
11 decided, no alternative ballot is reasonable under the circumstances, and the
12 election authority submits to the secretary of state a written explanation of the
13 need for using a butterfly ballot. The secretary of state shall respond to such
14 written request within two business days.]

2 [115.431. Upon satisfactory identification of the voter, two judges of
3 different political parties shall place their initials on the line where the voter
4 signed the precinct register. All voters' names on the precinct register shall be
5 numbered consecutively in the order in which they have signed, starting with the
6 number "1". The computer precinct register shall then constitute the poll list.]

2 [115.443. 1. Where paper ballots are used, the voter shall, before leaving
3 the voting booth, fold his ballot so that the cross (X) marks are concealed. The
4 voter shall place his ballot in the ballot box and leave the polling place
5 immediately.

6 2. Where ballot cards with envelopes are used, the voter shall,
7 immediately before leaving the voting booth, place his ballot card in the ballot
8 envelope. Where ballot cards with stubs are used, the voter shall, immediately
9 after leaving the voting booth, hand his ballot card or envelope containing his
10 ballot card to an election judge. The election judge shall remove the stub from
11 the ballot card and, where ballot envelopes are used, replace the ballot card in the
12 envelope and return the ballot card or envelope containing the ballot card to the
13 voter. The voter shall place the ballot card or envelope containing the ballot card
14 in the ballot box and leave the polling place immediately. Where ballot cards
15 without stubs are used, the voter shall, immediately after leaving the voting
16 booth, place the ballot card or ballot envelope containing the ballot card in the
ballot box and leave the polling place immediately.

17 3. Where voting machines are used, the voter shall register his vote as
18 directed in the instructions for use of the machine and leave the polling place
19 immediately.]
20

2 [115.475. 1. Immediately after signing the statements of returns, or
3 earlier if convenient, the election judges shall separate all ballot cards, except
4 defective ballot cards, from the write-in forms if any. As soon as possible after
5 signing the statements of returns, the election judges shall enclose the ballot
6 cards, the envelope marked "DEFECTIVE BALLOTS", all write-in forms
7 containing proper votes, and the tally book, tally sheets and statements of returns
8 in a container designated by the election authority. The container shall be
9 securely sealed in such a manner that if the container is opened, the seal will be
10 broken beyond repair. On the outside of the container, the location of the polling
11 place and date of the election shall be printed.

12 2. As soon as possible after signing the statements of returns, the election
13 judges shall enclose the write-in forms containing no votes, the unused ballots
14 and other election supplies in containers designated by the election authority.

15 3. Immediately after the ballot cards and other election materials have
16 been placed in the proper containers, the two supervisory judges shall together
17 deliver the containers to the counting location or other place designated by the
18 election authority. If any ballot card container is not sealed when it is delivered
19 to the counting location or other place designated by the election authority, the
20 election official receiving the container shall make a statement of the fact which
21 includes the location of the polling place and the date of the election printed on
22 the container and the reason the container is not sealed, if known.

23 4. If the election authority has directed the supervisory judges to deliver
24 election materials to a place other than the counting location, the election
25 authority shall appoint at least one team of election judges who shall receive the
26 ballot containers from the supervisory judges and immediately deliver them to the
27 counting location. Each team appointed pursuant to this subsection shall consist
28 of two election judges or employees of the election authority, one from each
29 major political party.

30 5. The election authority may authorize the delivery of ballots voted prior
31 to 11:00 a.m. to the counting location prior to the closing of the polls.]

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

8 2. All ballot cards shall be counted in order by polling place. The
automatic tabulating equipment shall produce a return showing the total number

9 of votes cast for each candidate and on each question at each polling place and
10 in the jurisdiction as a whole.

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

25

2 [115.479. In each jurisdiction using an electronic voting system, the
3 election authority shall, after the count has been completed and the results
4 received, have the automatic tabulating equipment tested to ascertain that the
5 equipment has correctly counted the votes for all offices and on all questions.
6 The test shall be observed by at least two persons designated by the election
7 authority, one from each major political party, and shall be open to the public.
8 The test shall be conducted by processing the same preaudited group of ballot
9 cards used in the preelection test provided for in section 115.233. If any error is
10 detected, the cause shall be ascertained and corrected, and an errorless count shall
11 be made before the final results are announced. After the completion of an
12 errorless count, the programs and the ballot cards shall be sealed, retained and
13 disposed of as provided for paper ballots.]

13

2 [115.483. 1. As soon as the polls close in each polling place using voting
3 machines, the election judges shall lock and seal each voting machine against
4 further voting and proceed to count the votes. Once begun, the count shall not
5 be adjourned or postponed until all proper votes have been counted.

6 2. The election judges shall open the counting compartment on each
7 voting machine or, if a machine is equipped with a device for printing, embossing
8 or photographing the registering counters, the judges shall operate the machine
9 to produce a record of the counters. One counting judge shall read the total vote
10 cast for each candidate and for and against each question on each machine. The
11 other counting judge shall watch and verify each total as it is being read from the
12 recording counters or from the record of the counters. The two recording judges
13 shall each record the votes cast for each candidate and for and against each
question as they are called out and verified by the counting judges.

14 3. All proper write-in votes shall be read, recorded and counted as
 15 provided in sections 115.449 and 115.453. No write-in vote shall be counted for
 16 any candidate for any office whose name appears on the ballot label as a
 17 candidate for the office, except when more than one person is to be nominated
 18 or elected to an office. When more than one person is to be nominated or elected
 19 to an office, the voter may write in the names of one or more persons whose
 20 names do not appear on the ballot label with or without the names of one or more
 21 persons whose names do appear. No write-in vote shall be counted unless it is
 22 cast in the appropriate place on the machine.

23 4. If more than one voting machine is used in a polling place, the election
 24 judges shall read, verify and record all the totals from the first machine before
 25 proceeding to the second, and so on, until all of the totals on each machine in the
 26 polling place have been read, verified and recorded. The total number of votes
 27 from each machine shall be added to the write-in votes to determine the total vote
 28 for each candidate and for and against each question.]
 29

 [115.485. At each polling place using voting machines, after the polling
 2 place is closed, the judges shall

3 (1) Certify in the tally book the number on the protective counter of each
 4 machine, the number of identification certificates signed and the number of
 5 proper write-in votes cast at the polling place. If the number of signed
 6 identification certificates is not the same as the number of votes cast as registered
 7 on the protective counters, the judges shall make a signed statement of the fact
 8 and the reasons therefor if known and shall return the statement with the
 9 statements of returns;

10 (2) Certify on two statements of returns the total number of votes cast for
 11 each candidate and for and against each question at the polling place;

12 (3) Certify that each statement made in the tally book and on each
 13 statement of returns is correct. If any judge declines to certify that all such
 14 statements are correct, he shall state his reasons in writing, which shall be
 15 attached to each statement of returns and returned to the election authority.]
 16

 [115.487. 1. The tally book for each polling place using voting machines
 2 shall be in substantially the following form: Tally book for precincts, at the
 3 general (special, primary) election held on the day of, 20.... AB, CD, EF,
 4 and XP judges, and ZR and LT, watchers and BH and SP challengers at this
 5 polling place, were sworn as the law directs before beginning their duties. We
 6 hereby certify: This polling place received voting machines numbered and
 7; The number on the seal of voting machine number is; the number on
 8 its protective counter is; The number on the seal of voting machine number
 9 is; the number on its protective counter is; All recording counters on
 10 all voting machines received at this polling place are set at zero; The information

11 on the ballot labels on all voting machines received at this polling place is the
12 same as the information on the sample ballots received at this polling place.

13 AB

14 CD

15 EF Election Judges

16 XP

17 We hereby certify: The number on the protective counter of voting machine
18 number is; The number on the protective counter of voting machine
19 number is; The number of identification certificates signed at this polling
20 place is; The number of proper write-in votes cast at this polling place is

21 AB

22 CD

23 EF

24 XP

25 2. At each polling place using voting machines, two tally sheets shall be
26 included in each tally book. The tally sheets shall be used to record the votes cast
27 for each candidate and for and against each question as they are called out and
28 verified by the counting judges. The tally sheets shall be in substantially the
29 following form:

30 NAMES OF PERSONS VOTED FOR AND FOR WHAT OFFICE AND THE
31 NUMBER OF VOTES CAST FOR EACH PERSON

32

		Voting	Voting	Write	
		Machine	Machine	-in	Total
		Number__	Number__	Votes	Votes
35	Office				
36	Governor				
37					
38					
39	Representative				
40	in Congress				
41					
42					

43 VOTES FOR AND AGAINST EACH QUESTION

	Voting Machine	Voting Machine	Total	Total
	Number_____	Number_____	Number of	Number of
Question	Votes	Votes	Votes	Votes
	FOR	AGAINST	FOR	AGAINST
49	1. To__			
50				
51				
52				

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2. To _____

3. At each polling place using voting machines, two statements of returns shall be provided to the election judges. The statements of returns shall be in substantially the form provided in subsection 3 of section 115.461.]

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[115.489. 1. Immediately after signing the statements of returns, the election judges shall enclose the write-in votes, tally books, statements of returns and other election supplies in containers designated by the election authority.

2. In each jurisdiction using voting machines, the election authority may direct the supervisory judges to place the precinct registers, identification certificates and other election supplies inside the voting machines and lock them for return to the election authority.]

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[115.495. After being locked and sealed against further voting by the election judges, voting machines shall remain locked for the period provided by law for filing an election contest and as much longer as may be necessary or advisable because of any threatened or pending contest, grand jury investigation, or civil or criminal case relating to the election. During this time, the voting machines shall not be unlocked, except upon order of a court, grand jury or legislative body trying an election contest.]

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[115.503. 1. As soon as possible after an election in which voting machines are used, the verification board, or a bipartisan committee appointed by the verification board, shall inspect each voting machine not equipped with printed election return mechanisms used at the election and shall make a record of the number on the seal and protective counter of each machine, open the counter compartment of the machine and, without unlocking the machine against voting, record the votes cast on the machine. In precincts where voting machines equipped with printed election returns mechanisms are used, the counter compartment shall not be opened and the original and duplicate originals of the printed return sheets of the votes cast on questions and for candidates regularly nominated, or who have duly filed, together with the tabulation and inclusion of any votes written in on the paper roll for those not regularly nominated, or who have not filed, shall constitute the official return sheet for the votes cast on that machine, when properly certified by the precinct election officers. One copy of such printed return sheet shall be posted on the outside of the polling place for the information of the public. One copy shall be returned to the election authority and retained by it for not less than one year. Any bipartisan committee appointed pursuant to this subsection shall consist of at least two people, one from each major political party, who shall be appointed in the same manner and possess the same qualifications as election judges.

21 2. After the verification board or committee has completed its inspection
22 and record, it shall compare the record with the returns made by the election
23 judges on election day. If there is a discrepancy between the returns of the
24 election judges and the record of the verification board or committee, the
25 verification board shall correct the returns made by the judges to conform to its
26 record. The corrected returns shall supersede the returns made by the election
27 judges on election day. Both the record and the returns shall be retained by the
28 election authority as provided in section 115.493.]

✓