

SECOND REGULAR SESSION

# HOUSE BILL NO. 1870

## 96TH GENERAL ASSEMBLY

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INTRODUCED BY REPRESENTATIVE ENTLICHER.

6055L.01I

D. ADAM CRUMBLISS, Chief Clerk

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### AN ACT

To repeal sections 115.225 and 115.237, RSMo, and to enact in lieu thereof two new sections relating to voting methods.

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

Section A. Sections 115.225 and 115.237, RSMo, are repealed and two new sections enacted in lieu thereof, to be known as sections 115.225 and 115.237, to read as follows:

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

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

(1) Permits voting in absolute secrecy;

(2) Permits each voter to vote for as many candidates for each office as a voter is lawfully entitled to vote for;

(3) Permits each voter to vote for or against as many questions as a voter is lawfully entitled to vote on, and no more;

(4) Provides facilities for each voter to cast as many write-in votes for each office as a voter is lawfully entitled to cast;

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

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

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.

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

20           [(8)] (7) Is set to reject all votes, except write-in votes, for any office and on any question  
21 when the number of votes exceeds the number a voter is lawfully entitled to cast;

22           [(9)] (8) Permits each voter, while voting, to clearly see the ballot label;

23           [(10)] (9) Has been tested and is certified by an independent authority that meets the  
24 voting system standards developed by the Federal Election Commission or its successor agency.  
25 The provisions of this subdivision shall not be required for any system purchased prior to August  
26 28, 2002;

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

30           **3. If any election authority uses any direct-record electronic touch-screen vote-**  
31 **counting machine, the election authority may continue to use such machine. Upon the**  
32 **removal of such voting machine from the election authority's inventory because of**  
33 **mechanical malfunction, wear and tear, or any other reason, the machine shall not be**  
34 **replaced and no additional direct-record electronic voting machine shall be added to the**  
35 **election authority's inventory. Such machines shall not be used beyond January 1, 2014,**  
36 **except that election authorities may allow them to be used by disabled voters as long as the**  
37 **machines are functional. Replacement of equipment for use by disabled voters shall be**  
38 **with paper ballot marking devices designed to assist the disabled.**

39           **4.** The secretary of state shall promulgate rules and regulations to allow the use of a  
40 computerized voting system. The procedures shall provide for the use of a computerized voting  
41 system with the ability to provide a paper audit trail. Notwithstanding any provisions of this  
42 chapter to the contrary, such a system may allow for the storage of processed ballot materials in  
43 an electronic form.

44           **[4.] 5.** Any rule or portion of a rule, as that term is defined in section 536.010 that is  
45 created under the authority delegated in this section shall become effective only if it complies  
46 with and is subject to all of the provisions of chapter 536 and, if applicable, section 536.028.  
47 This section and chapter 536 are nonseverable and if any of the powers vested with the general  
48 assembly pursuant to chapter 536 to review, to delay the effective date or to disapprove and  
49 annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and  
50 any rule proposed or adopted after August 28, 2002, shall be invalid and void.

          115.237. 1. **By January 1, 2014, the official ballot shall be a paper ballot that is**  
2 **hand-marked by the voter, or in the case of disabled voters who need assistance, by a paper**  
3 **ballot-marking device designed to assist the disabled, except as provided in subsection 3**

4 **of section 115.225.** Each ballot printed or designed for use with an electronic voting system for  
5 any election pursuant to this chapter shall contain all questions and the names of all offices and  
6 candidates certified or filed pursuant to this chapter and no other. As far as practicable, all  
7 questions and the names of all offices and candidates for which each voter is entitled to vote shall  
8 be printed on one page except for the ballot for political party committee persons in polling  
9 places not utilizing an electronic voting system which may be printed separately and in  
10 conformity with the requirements contained in this section. As far as practicable, ballots  
11 containing only questions and the names of nonpartisan offices and candidates shall be printed  
12 in accordance with the provisions of this section, except that the ballot information may be listed  
13 in vertical or horizontal rows. The names of candidates for each office shall be listed in the order  
14 in which they are filed.

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

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

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

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

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

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

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

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

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

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

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

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

45 OFFICIAL BALLOT

DATE .....

46	REPUBLICAN	DEMOCRATIC	THIRD PARTY	INDEPENDENT
47				
48	For President	For President	For President	For President
49	and	and	and	and
50	Vice President	Vice President	Vice President	Vice President
51	<input type="checkbox"/> .....	<input type="checkbox"/> .....	<input type="checkbox"/> .....	<input type="checkbox"/> .....
52	For	For	For	For
53	United States	United States	United States	United States
54	Senator	Senator	Senator	Senator
55	<input type="checkbox"/> .....	<input type="checkbox"/> .....	<input type="checkbox"/> .....	<input type="checkbox"/> .....
56	For Governor	For Governor	For Governor	For Governor
57	<input type="checkbox"/> .....	<input type="checkbox"/> .....	<input type="checkbox"/> .....	<input type="checkbox"/> .....
58	For Lieutenant	For Lieutenant	For Lieutenant	For Lieutenant
59	Governor	Governor	Governor	Governor
60	<input type="checkbox"/> .....	<input type="checkbox"/> .....	<input type="checkbox"/> .....	<input type="checkbox"/> .....
61	For Secretary	For Secretary	For Secretary	For Secretary
62	of State	of State	of State	of State
63	<input type="checkbox"/> .....	<input type="checkbox"/> .....	<input type="checkbox"/> .....	<input type="checkbox"/> .....
64	For Treasurer	For Treasurer	For Treasurer	For Treasurer
65	<input type="checkbox"/> .....	<input type="checkbox"/> .....	<input type="checkbox"/> .....	<input type="checkbox"/> .....
66	For Attorney	For Attorney	For Attorney	For Attorney
67	General	General	General	General
68	<input type="checkbox"/> .....	<input type="checkbox"/> .....	<input type="checkbox"/> .....	<input type="checkbox"/> .....

69	For	For	For	For
70	United States	United States	United States	United States
71	Representative	Representative	Representative	Representative
72	<input type="checkbox"/> .....	<input type="checkbox"/> .....	<input type="checkbox"/> .....	<input type="checkbox"/> .....
73	For State	For State	For State	For State
74	Senator	Senator	Senator	Senator
75	<input type="checkbox"/> .....	<input type="checkbox"/> .....	<input type="checkbox"/> .....	<input type="checkbox"/> .....
76	For State	For State	For State	For State
77	Representative	Representative	Representative	Representative
78	<input type="checkbox"/> .....	<input type="checkbox"/> .....	<input type="checkbox"/> .....	<input type="checkbox"/> .....
79	For Circuit	For Circuit	For Circuit	For Circuit
80	Judge	Judge	Judge	Judge
81	<input type="checkbox"/> .....	<input type="checkbox"/> .....	<input type="checkbox"/> .....	<input type="checkbox"/> .....

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

88 5. The secretary of state shall promulgate rules that specify uniform standards for ballot  
 89 layout for each electronic or computerized ballot counting system approved under the provisions  
 90 of section 115.225 so that the ballot used with any counting system is, where possible, consistent  
 91 with the intent of this section. Nothing in this section shall be construed to require the format  
 92 specified in this section if it does not meet the requirements of the ballot counting system used  
 93 by the election authority.

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

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