

House _____ Amendment NO. _____

Offered By

1 AMEND House Committee Substitute for Senate Substitute for Senate Bill No. 786, Page 1,
2 Section A, Line 7, by inserting after all of said section and line the following:

3
4 "115.257. 1. In jurisdictions where electronic voting machines are used, the election
5 authority shall cause the voting machines to be put in order, set, adjusted and made ready for voting
6 before they are delivered to polling places.

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

13 3. When an electronic voting machine has been examined by such observers and shown to
14 be in good working order, the machine shall be locked against voting. The observers shall certify
15 the vote count on each machine is set at zero.

16 4. After an electronic voting machine has been properly prepared and locked, its keys shall
17 be retained by the election authority and delivered to the election judges along with the other
18 election supplies.

19 5. For the purpose of processing absentee ballots, the election authority may cause a voting
20 machine to be put in order, set, adjusted, and made ready for voting within one business day of the
21 printing of absentee ballots as provided in section 115.281. The election authority shall have the
22 recording counter except for the protective counter on the voting machine set to zero (000). After
23 the voting machine has been made ready for voting, the election authority shall not permit any
24 person to handle any voting machine, except voters while they are voting and others expressly
25 authorized by the election authority. The election authority shall neither be nor permit any other
26 person to be in any position or near any position that enables the authority or person to see how any
27 absentee voter votes or has voted.

28 6. Nothing in this section shall prohibit the on-site storage of electronic voting machines and
29 the preparation of the electronic machines for voting, provided the electronic voting machines are
30 put in order, set, adjusted and made ready for voting as provided in subsections 1, 2, 3 [and], 4, and

Standing Action Taken _____ Date _____

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1 5 of this section.

2 115.291. 1. Upon receiving an absentee ballot [in person or] by mail, the voter shall mark
3 the ballot in secret, place the ballot in the ballot envelope, seal the envelope and fill out the
4 statement on the ballot envelope. The affidavit of each person voting an absentee ballot shall be
5 subscribed and sworn to before the election official receiving the ballot, a notary public or other
6 officer authorized by law to administer oaths, unless the voter is voting absentee due to incapacity
7 or confinement due to the provisions of section 115.284, illness or physical disability, or the voter is
8 a covered voter as defined in section 115.902. If the voter is blind, unable to read or write the
9 English language, or physically incapable of voting the ballot, the voter may be assisted by a person
10 of the voter's own choosing. Any person assisting a voter who is not entitled to such assistance, and
11 any person who assists a voter and in any manner coerces or initiates a request or a suggestion that
12 the voter vote for or against or refrain from voting on any question, ticket or candidate, shall be
13 guilty of a class one election offense. If, upon counting, challenge or election contest, it is
14 ascertained that any absentee ballot was voted with unlawful assistance, the ballot shall be rejected.

15 2. Except as provided in subsection 4 of this section, each absentee ballot shall be returned
16 to the election authority in the ballot envelope and shall only be returned by the voter in person, or
17 in person by a relative of the voter who is within the second degree of consanguinity or affinity, by
18 mail or registered carrier or by a team of deputy election authorities; except that covered voters,
19 when sent from a location determined by the secretary of state to be inaccessible on election day,
20 shall be allowed to return their absentee ballots cast by use of facsimile transmission or under a
21 program approved by the Department of Defense for electronic transmission of election materials.

22 3. In cases of an emergency declared by the President of the United States or the governor
23 of this state where the conduct of an election may be affected, the secretary of state may provide for
24 the delivery and return of absentee ballots by use of a facsimile transmission device or system. Any
25 rule promulgated pursuant to this subsection shall apply to a class or classes of voters as provided
26 for by the secretary of state.

27 4. No election authority shall refuse to accept and process any otherwise valid marked
28 absentee ballot submitted in any manner by a covered voter solely on the basis of restrictions on
29 envelope type.

30 115.293. 1. All proper votes on each absentee ballot received by an election authority at or
31 before the time fixed by law for the closing of the polls on election day shall be counted. Except as
32 provided in section 115.920, no votes on any absentee ballot received by an election authority after
33 the time fixed by law for the closing of the polls on election day shall be counted.

34 2. If sufficient evidence is shown to an election authority that any absentee voter has died
35 prior to the opening of the polls on election day, the ballot of the deceased voter shall be rejected if
36 it is still sealed in the ballot envelope. Any ballot so rejected, still sealed in its ballot envelope, shall
37 be sealed with the application and any other papers connected therewith in an envelope marked
38 "Rejected ballot of, an absentee voter of voting district". The
39 reason for rejection shall be noted on the envelope, which shall be kept by the election authority
40 with the other ballots from the election until the ballots are destroyed according to law.

41 115.299. 1. To count absentee votes on election day, the election authority shall appoint a

1 sufficient number of teams of election judges comprised of an equal number of judges from each
2 major political party.

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

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

10 4. [One] To process absentee ballots in envelopes, one member of each team, closely
11 observed by another member of the team from a different political party, shall open each envelope
12 and call the voter's name in a clear voice. Without unfolding the ballot, two team members, one
13 from each major political party, shall initial the ballot, and an election judge shall place the ballot,
14 still folded, in a ballot box. No ballot box shall be opened until all of the ballots a team is counting
15 have been placed in the box. The votes shall be tallied and the returns made as provided in sections
16 115.447 to 115.525 for paper ballots. After the votes on all ballots assigned to a team have been
17 counted, the ballots and ballot envelopes shall be placed on a string and enclosed in sealed
18 containers marked "voted absentee ballots and ballot envelopes from the election held,
19 20....". All rejected absentee ballots and envelopes shall be enclosed and sealed in a separate
20 container marked "rejected absentee ballots and envelopes from the election held,
21 20....". On the outside of each voted ballot and rejected ballot container, each member of the team
22 shall write his name, and all such containers shall be returned to the election authority. Upon receipt
23 of the returns and ballots, the election authority shall tabulate the absentee vote along with the votes
24 certified from each polling place in its jurisdiction."; and

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26 Further amend said bill by amending the title, enacting clause, and intersectional references
27 accordingly.