

FIRST REGULAR SESSION

SENATE BILL NO. 418

96TH GENERAL ASSEMBLY

INTRODUCED BY SENATORS CHAPELLE-NADAL AND LAMPING.

Read 1st time March 1, 2011, and ordered printed.

TERRY L. SPIELER, Secretary.

1701S.011

AN ACT

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

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Section A. Sections 115.225 and 115.237, RSMo, are repealed and two new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

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

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

6 (1) Permits voting in absolute secrecy;

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

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

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

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

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

18 (7)] Accurately counts all proper votes cast for each candidate and for and

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

19 against each question;

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

23 ~~[(9)]~~ **(8)** Permits each voter, while voting, to clearly see the ballot label;

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

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

32 **3. If any election authority uses any direct-record electronic**
33 **touch-screen vote-counting machine to accommodate disabled voters,**
34 **the election authority may continue to use such machine solely for**
35 **disabled voters who desire to use them. Upon the removal of such**
36 **voting machine from the election authority's inventory because of**
37 **mechanical malfunction, wear and tear, or any other reason, the**
38 **election authority shall replace such machine with paper ballot**
39 **marking devices for the disabled.**

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

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

115.237. 1. **The official ballot shall be a paper ballot that is hand-**
2 **marked by the voter, or in the case of disabled voters who need**
3 **assistance, by a paper ballot-marking device designed to assist the**
4 **disabled, except as provided in subsection 3 of section 115.225.** Each
5 ballot printed or designed for use with an electronic voting system for any
6 election pursuant to this chapter shall contain all questions and the names of all
7 offices and candidates certified or filed pursuant to this chapter and no other. As
8 far as practicable, all questions and the names of all offices and candidates for
9 which each voter is entitled to vote shall be printed on one page except for the
10 ballot for political party committee persons in polling places not utilizing an
11 electronic voting system which may be printed separately and in conformity with
12 the requirements contained in this section. As far as practicable, ballots
13 containing only questions and the names of nonpartisan offices and candidates
14 shall be printed in accordance with the provisions of this section, except that the
15 ballot information may be listed in vertical or horizontal rows. The names of
16 candidates for each office shall be listed in the order in which they are filed.

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

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

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

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

25 (4) A small square, the sides of which shall not be less than one-fourth
26 inch in length, printed directly to the left of each candidate's name and on the
27 same line as the candidate's name. When write-in votes are authorized and no
28 candidate's name is to be printed under the name of an office in a party or
29 nonpartisan column, under the name of the office in the column shall be printed
30 a square. Directly to the right of the square shall be printed a horizontal line on
31 which the voter may vote for a person whose name does not appear on the
32 ballot. When more than one position is to be filled for an office, and the number
33 of candidates' names under the office in a column is less than the number of
34 positions to be filled, the number of squares and write-in lines printed in the
35 column shall equal the difference between the number of candidates' names and
36 the number of positions to be filled;

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

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

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

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

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

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

56 OFFICIAL BALLOT DATE

57	REPUBLICAN	DEMOCRATIC	THIRD PARTY	INDEPENDENT
58				
59	For President	For President	For President	For President
60	and	and	and	and
61	Vice President	Vice President	Vice President	Vice President
62	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
63	For	For	For	For
64	United States	United States	United States	United States
65	Senator	Senator	Senator	Senator
66	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
67	For Governor	For Governor	For Governor	For Governor
68	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
69	For Lieutenant	For Lieutenant	For Lieutenant	For Lieutenant
70	Governor	Governor	Governor	Governor
71	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

72	For Secretary of State	For Secretary of State	For Secretary of State	For Secretary of State
73				
74	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
75	For Treasurer	For Treasurer	For Treasurer	For Treasurer
76	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
77	For Attorney General	For Attorney General	For Attorney General	For Attorney General
78				
79	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
80	For	For	For	For
81	United States	United States	United States	United States
82	Representative	Representative	Representative	Representative
83	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
84	For State Senator	For State Senator	For State Senator	For State Senator
85				
86	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
87	For State	For State	For State	For State
88	Representative	Representative	Representative	Representative
89	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
90	For Circuit	For Circuit	For Circuit	For Circuit
91	Judge	Judge	Judge	Judge
92	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

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

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

106 6. Any rule or portion of a rule, as that term is defined in section 536.010,
 107 RSMo, that is created under the authority delegated in this section shall become
 108 effective only if it complies with and is subject to all of the provisions of chapter

109 536, RSMo, and, if applicable, section 536.028, RSMo. This section and chapter
110 536, RSMo, are nonseverable and if any of the powers vested with the general
111 assembly pursuant to chapter 536, RSMo, to review, to delay the effective date
112 or to disapprove and annul a rule are subsequently held unconstitutional, then
113 the grant of rulemaking authority and any rule proposed or adopted after August
114 28, 2002, shall be invalid and void.

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Bill

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