

SECOND REGULAR SESSION

HOUSE BILL NO. 1765

93RD GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVES DENISON (Sponsor), DIXON, DEEKEN, VIEBROCK, BEARDEN, HUNTER, POLLOCK, DEMPSEY, TILLEY, MUNZLINGER, COOPER (120), JACKSON, NANCE, JONES, KINGERY, ROORDA, SCHLOTTACH, WETER, MARSH, WRIGHT (159), NOLTE, FISHER, STEVENSON, KELLY, WILSON (119), WRIGHT (137), ST. ONGE, SATER, MAY AND SCHNEIDER (Co-sponsors).

Read 1st time February 14, 2006 and copies ordered printed.

STEPHEN S. DAVIS, Chief Clerk

4583L.01I

AN ACT

To repeal sections 115.013 and 115.115, RSMo, and to enact in lieu thereof two new sections relating to polling places.

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

Section A. Sections 115.013 and 115.115, RSMo, are repealed and two new sections
2 enacted in lieu thereof, to be known as sections 115.013 and 115.115, to read as follows:

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

3 (1) "Automatic tabulating equipment", the apparatus necessary to examine and
4 automatically count votes, and the data processing machines which are used for counting votes
5 and tabulating results;

6 (2) "Ballot", the ballot card, paper ballot or ballot designed for use with an electronic
7 voting system on which each voter may cast all votes to which he or she is entitled at an election;

8 (3) "Ballot card", a ballot which is voted by making a punch or sensor mark which can
9 be tabulated by automatic tabulating equipment;

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

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.

- 12 (5) "Counting location", a location selected by the election authority for the automatic
13 processing or counting, or both, of ballots;
- 14 (6) "County", any one of the several counties of this state or the City of St. Louis;
- 15 (7) "Disqualified", a determination made by a court of competent jurisdiction, the
16 Missouri ethics commission, an election authority or any other body authorized by law to make
17 such a determination that a candidate is ineligible to hold office or not entitled to be voted on for
18 office;
- 19 (8) "District", an area within the state or within a political subdivision of the state from
20 which a person is elected to represent the area on a policy-making body with representatives of
21 other areas in the state or political subdivision;
- 22 (9) "Electronic voting system", a system of casting votes by use of marking devices, and
23 counting votes by use of automatic tabulating or data processing equipment, and includes
24 computerized voting systems;
- 25 (10) "Established political party" for the state, a political party which, at either of the last
26 two general elections, polled for its candidate for any statewide office, more than two percent
27 of the entire vote cast for the office. "Established political party" for any district or political
28 subdivision shall mean a political party which polled more than two percent of the entire vote
29 cast at either of the last two elections in which the district or political subdivision voted as a unit
30 for the election of officers or representatives to serve its area;
- 31 (11) "Federal office", the office of presidential elector, United States senator, or
32 representative in Congress;
- 33 (12) "Independent", a candidate who is not a candidate of any political party and who
34 is running for an office for which party candidates may run;
- 35 (13) "Major political party", the political party whose candidates received the highest or
36 second highest number of votes at the last general election;
- 37 (14) "Marking device", either an apparatus in which ballots are inserted and voted by use
38 of a punch apparatus, or any approved device which will enable the votes to be counted by
39 automatic tabulating equipment;
- 40 (15) "Municipal" or "municipality", a city, village, or incorporated town of this state;
- 41 (16) "New party", any political group which has filed a valid petition and is entitled to
42 place its list of candidates on the ballot at the next general or special election;
- 43 (17) "Nonpartisan", a candidate who is not a candidate of any political party and who is
44 running for an office for which party candidates may not run;
- 45 (18) "Political party", any established political party and any new party;
- 46 (19) "Political subdivision", a county, city, town, village, or township of a township
47 organization county;

48 (20) "Polling place", the voting place designated for all voters residing in one or more
49 precincts for any election;

50 (21) "Precincts", the geographical areas into which the election authority divides its
51 jurisdiction for the purpose of conducting elections;

52 (22) "Public office", any office established by constitution, statute or charter and any
53 employment under the United States, the state of Missouri, or any political subdivision or special
54 district, but does not include any office in the reserve forces or the national guard or the office
55 of notary public or city attorney in cities of the third classification or cities of the fourth
56 classification;

57 (23) "Question", any measure on the ballot which can be voted "YES" or "NO";

58 (24) "Relative within the first degree by consanguinity or affinity", a spouse, parent, or
59 child of a person;

60 (25) "Relative within the second degree by consanguinity or affinity", a spouse, parent,
61 child, grandparent, brother, sister, grandchild, mother-in-law, father-in-law, daughter-in-law, or
62 son-in-law;

63 (26) "Special district", any school district, water district, fire protection district, hospital
64 district, health center, nursing district, or other districts with taxing authority, or other district
65 formed pursuant to the laws of Missouri to provide limited, specific services;

66 (27) "Special election", elections called by any school district, water district, fire
67 protection district, or other district formed pursuant to the laws of Missouri to provide limited,
68 specific services; [and]

69 (28) **"Vote center", a polling place at which any registered voter in the political**
70 **subdivision or district holding the election may vote, regardless of the precinct in which the**
71 **voter is registered to vote;**

72 (29) "Voting district", the one or more precincts within which all voters vote at a single
73 polling place for any election.

115.115. 1. Except as provided in subsection 2 of this section or in section 115.436, for
2 each election within its jurisdiction, the election authority shall designate a polling place for each
3 precinct within which any voter is entitled to vote at the election.

4 2. For any election, the election authority shall have the right to consolidate two or more
5 adjoining precincts for voting at a single polling place and to designate one set of judges to
6 conduct the election for such precincts. Voters shall be notified of the place for voting in the
7 manner provided in section 115.127 or 115.129.

8 3. No person shall be required to go to more than one polling place to vote on the same
9 day.

10 4. Prior to the opening of the polling places on any election day, if candidates or issues
11 for more than one political subdivision or district are to be voted for at one precinct, the election
12 authority for that precinct shall provide color-coded ballots, or ballots with other distinguishing
13 codes, to show what candidates and issues the voter is eligible to vote, based on the voter's place
14 of residence, so that on election day no voter will have an opportunity to vote for candidates or
15 issues for which the voter is not entitled to vote. If such ballots are not available, the election
16 authority shall be notified and voting at that precinct shall not begin until appropriate ballots are
17 available.

18 5. Each local election authority shall designate one common site and may designate up
19 to four additional common sites as election day central polling places designed for accessibility
20 to voters who have physical disabilities, the elderly, and any other registered voter authorized
21 by law to vote at a central polling place. Such sites shall conform to nationally accepted
22 accessibility standards. In addition to being able to supply such voters with their appropriate
23 ballots, and being open during regular voting hours, such a polling place shall otherwise be
24 staffed and operated in accordance with law, especially as provided in subsection 3 of section
25 115.436 and subsection 3 of section 115.445, and like any other polling place, insofar as
26 possible.

27 6. Subject to receipt of sufficient Section 261 funds authorized by the Help America
28 Vote Act of 2002, the secretary of state shall develop a comprehensive plan for increased polling
29 place accessibility. The secretary of state shall apply for funds pursuant to Section 261 of the
30 Help America Vote Act of 2002 and may allocate Section 101 of the Help America Vote Act of
31 2002 funding after reaching full compliance of Title III of the Help America Vote Act of 2002.
32 Any funds received pursuant to Section 291 of the Help America Vote Act of 2002 may be used
33 for provisions of this section. The plan shall include:

34 (1) Completion of a comprehensive audit of current polling place accessibility using
35 nationally accepted standards for architectural accessibility such as the Federal Election
36 Commission Polling Place Accessibility Survey or other survey developed using the Americans
37 with Disabilities Act Accessibility Guidelines. Audits shall be completed no later than twelve
38 months after receipt of Section 261 of the Help America Vote Act of 2002 funds. The audit shall
39 include recommendations and cost estimates for each polling place to achieve accessibility and
40 shall be procured in accordance with chapter 34, RSMo;

41 (2) Development of the plan, including time lines for barrier removal and funding needed
42 to achieve one hundred percent polling place accessibility within twenty-four months after the
43 completion of the audit. The implementation plan may be used by local election authorities in
44 applying for any available federal and state funds available to improve polling place accessibility

45 and shall be submitted to the general assembly by the secretary of state for use in determining
46 future requirements and funding needs for polling place accessibility;

47 (3) Establishment of an oversight committee made up of individuals with disabilities,
48 disability organizations, advocates, and election officials to assist the activities pursuant to this
49 section.

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51 Nothing in this section shall be construed to limit the ability of local election authorities to apply
52 for and receive grants for polling place accessibility pursuant to Section 261 of the Help America
53 Vote Act of 2002 prior to the completion of the survey authorized pursuant to this section.
54 Improvements to polling places made with grants received pursuant to Section 261 of the Help
55 America Vote Act of 2002 shall be used to meet standards as outlined in this section unless the
56 requirements of the grant exceed these requirements.

57 **7. (1) Subject to the requirements of this subsection, the election authority may**
58 **establish one or more vote centers for any election within its jurisdiction in lieu of**
59 **designating polling places for each precinct under this chapter. Any vote center**
60 **established under this subsection shall be subject to all requirements regarding elections**
61 **under federal law and under this chapter.**

62 (2) No election official shall establish vote centers for any general election unless
63 the election official established vote centers in the election authority's jurisdiction for a
64 previous election held on or after January 1, 2007.

65 (3) If the election authority in any county with twenty-five thousand or more active
66 registered voters establishes vote centers under this subsection, the election authority shall
67 establish one vote center for every ten thousand active registered voters. The secretary of
68 state may waive the requirement of this subdivision upon the request of the governing body
69 of the county.

70 (4) Each vote center established under this subsection shall maintain secure
71 electronic access to any voting information processed at such vote center so that any other
72 vote center in the election authority's jurisdiction may immediately access such
73 information. No county may establish vote centers unless the secretary of state has
74 certified that the secure electronic access is sufficient to prevent any voter from voting
75 more than once and to prevent any unauthorized access to any information maintained by
76 the election authority under this chapter.

77 (5) The election authority shall consult with the chair of each major political party
78 and a member of any minor political party regarding the number and location of the vote
79 centers.

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