HOUSE BILL NO. 138

94TH GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVES SALVA (Sponsor),
WILDBERGER AND MEADOWS (Co-sponsors).

AN ACT

To repeal section 115.225, RSMo, and to enact in lieu thereof one new section relating to voting systems.

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

Section A. Section 115.225, RSMo, is repealed and one new section enacted in lieu
2 thereof, to be known as section 115.225, to read as follows:

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

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

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

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

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.

15   (6) Permits each voter at a presidential election to vote by use of a single punch or mark
16 for the candidates of one party or group of petitioners for president, vice president and their
17 presidential electors;
18   (7) Accurately counts all proper votes cast for each candidate and for and against each
19 question;
20   (8) 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) Permits each voter, while voting, to clearly see the ballot label;
23   (10) Has been tested and is certified by an independent authority that meets the voting
24 system standards developed by the Federal Election Commission or its successor agency. The
25 provisions of this subdivision shall not be required for any system purchased prior to August 28,
26 2002.
27   3. The secretary of state shall promulgate rules and regulations to allow the use of a
28 computerized voting system. The procedures shall provide for the use of a computerized voting
29 system with the ability to provide a paper audit trail. Notwithstanding any provisions of this
30 chapter to the contrary, such a system may allow for the storage of processed ballot materials in
31 an electronic form.
32   4. Any rule or portion of a rule, as that term is defined in section 536.010, RSMo, that
33 is created under the authority delegated in this section shall become effective only if it complies
34 with and is subject to all of the provisions of chapter 536, RSMo, and, if applicable, section
35 536.028, RSMo. This section and chapter 536, RSMo, are nonseverable and if any of the powers
36 vested with the general assembly pursuant to chapter 536, RSMo, to review, to delay the
37 effective date or to disapprove and annul a rule are subsequently held unconstitutional, then the
38 grant of rulemaking authority and any rule proposed or adopted after August 28, 2002, shall be
39 invalid and void.
40   **5. Notwithstanding any other provision of law to the contrary, no voting system or**
41 **voting machine shall be used in any election held after January 1, 2008, unless such voting**
42 **system or voting machine displays and records the voter's choices on a paper ballot.**

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