

SECOND REGULAR SESSION

HOUSE BILL NO. 2114

94TH GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVES ZIMMERMAN (Sponsor), CHAPPELLE-NADAL, LeVOTA, LOW (39), LOWE (44), WALSH, FRAME, CASEY, KOMO, WALTON, NASHEED, KUESSNER, BURNETT, SCAVUZZO, SHIVELY, RUCKER, WILDBERGER, ROBINSON, SCHIEFFER, TALBOY, HUGHES, TILLEY, WETER, PRATT, SCHLOTTACH, CUNNINGHAM (86), JETTON, FISHER, WILSON (119), WALLACE, ERVIN, MUNZLINGER, POLLOCK, MOORE, McGHEE, FAITH, PORTWOOD, SCHOELLER, BAKER (123), GUEST, SUTHERLAND AND JONES (89) (Co-sponsors).

Read 1st time February 13, 2008 and copies ordered printed.

D. ADAM CRUMBLISS, Chief Clerk

4460L.011

AN ACT

To repeal section 115.247, RSMo, and to enact in lieu thereof one new section relating to ballots.

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

Section A. Section 115.247, RSMo, is repealed and one new section enacted in lieu thereof, to be known as section 115.247, to read as follows:

115.247. 1. Each election authority shall provide all ballots for every election within its jurisdiction. Ballots other than those printed by the election authority in accordance with sections 115.001 to 115.641 [and section 51.460, RSMo,] shall not be cast or counted at any election.

2. Whenever it appears that an error has occurred in any publication required by sections 115.001 to 115.641 [and section 51.460, RSMo,] or in the printing of any ballot, any circuit court may, upon the application of any voter, order the appropriate election authorities to correct the error or to show cause why the error should not be corrected.

3. [For each election held in a county with a charter form of government and with more than two hundred fifty thousand but fewer than three hundred fifty thousand inhabitants, the election authority may provide for each polling place in its jurisdiction fifty-five ballots for each fifty and fraction of fifty voters registered in the voting district at the time of the election.] For

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.

13 each election, except a general election, [held in any county other than a county with a charter
14 form of government and with more than two hundred fifty thousand but fewer than three hundred
15 fifty thousand inhabitants,] the election authority shall provide for each polling place in its
16 jurisdiction a number of ballots equal to at least one and one-third times the number of **voters**
17 **who cast** ballots [cast] in the voting district served by such polling place at the election held two
18 years before at that polling place or at the polling place that served the voting district in the
19 previous election. For each general election [held in any county other than a county with a
20 charter form of government and with more than two hundred fifty thousand but fewer than three
21 hundred fifty thousand inhabitants], the election authority shall provide for each polling place
22 in its jurisdiction a number of ballots equal to one and one-third times the number of **voters who**
23 **cast** ballots [cast] in the voting district served by such polling place or at the polling place that
24 served the voting district in the general election held four years prior. When determining the
25 number of ballots to provide for each polling place, the election authority shall consider any
26 factors that would affect the turnout at such polling place. The election authority shall keep a
27 record of the exact number of ballots delivered to each polling place. For purposes of this
28 subsection, the election authority shall not be required to count registered voters designated as
29 inactive pursuant to section 115.193.

30 4. After the polls have closed on every election day, the election judges shall return all
31 unused ballots to the election authority with the other election supplies.

32 5. All ballots cast in public elections shall be printed and distributed at public expense,
33 payable as provided in sections 115.061 to 115.077.

34 6. (1) **The secretary of state shall establish a procedure by which all election**
35 **authorities shall offer to each individual who is eligible to cast a vote at each polling place**
36 **the option of casting the vote using a paper ballot. As used in this subsection, the term**
37 **"paper ballot" shall not be construed to include any paper audit trail or paper-cast vote**
38 **record produced by a direct recording electronic device.**

39 (2) **Any paper ballot cast under this subsection shall be counted and treated as a**
40 **regular ballot under this chapter, unless the individual casting the paper ballot would have**
41 **been required to cast a provisional ballot under this chapter.**

42 (3) **The election authority shall post a notice that paper ballots are available at the**
43 **polling place and that a voter may request to use such paper ballot. The notice shall be**
44 **posted at each polling place and shall be posted in a conspicuous location.**

45 (4) **All costs incurred by election authorities in printing a sufficient number of**
46 **paper ballots to comply with this subsection for all elections in which a federal or statewide**
47 **office is on the ballot shall be an election cost as defined in section 115.065, and shall be**
48 **paid by the state as provided in section 115.077.**