

SECOND REGULAR SESSION

# HOUSE BILL NO. 1490

## 95TH GENERAL ASSEMBLY

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INTRODUCED BY REPRESENTATIVES McGHEE (Sponsor), DEEKEN, SANDER, OXFORD,  
CHAPPELLE-NADAL, FRAME AND FLANIGAN (Co-sponsors).

3110L.03I

D. ADAM CRUMBLISS, Chief Clerk

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### AN ACT

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

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*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Section A. Sections 115.225 and 115.237, RSMo, are repealed and two new sections  
2 enacted in lieu thereof, to be known as sections 115.225 and 115.237, 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)] (7) 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)] (8) Permits each voter, while voting, to clearly see the ballot label;

23 [(10)] (9) Has been tested and is certified by an independent authority that meets the  
24 voting system standards developed by the Federal Election Commission or its successor agency.  
25 The provisions of this subdivision shall not be required for any system purchased prior to August  
26 28, 2002;

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

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

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

41 [4.] 5. Any rule or portion of a rule, as that term is defined in section 536.010, RSMo,  
42 that is created under the authority delegated in this section shall become effective only if it  
43 complies with and is subject to all of the provisions of chapter 536, RSMo, and, if applicable,  
44 section 536.028, RSMo. This section and chapter 536, RSMo, are nonseverable and if any of  
45 the powers vested with the general assembly pursuant to chapter 536, RSMo, to review, to delay  
46 the effective date or to disapprove and annul a rule are subsequently held unconstitutional, then  
47 the grant of rulemaking authority and any rule proposed or adopted after August 28, 2002, shall  
48 be invalid and void.

115.237. 1. **The official ballot shall be a paper ballot that is hand-marked by the**  
2 **voter, or in the case of disabled voters who need assistance, by a paper ballot-marking**

3 **device designed to assist the disabled, except as provided in subsection 3 of section 115.225.**

4 Each ballot printed or designed for use with an electronic voting system for any election pursuant  
5 to this chapter shall contain all questions and the names of all offices and candidates certified or  
6 filed pursuant to this chapter and no other. As far as practicable, all questions and the names of  
7 all offices and candidates for which each voter is entitled to vote shall be printed on one page  
8 except for the ballot for political party committee persons in polling places not utilizing an  
9 electronic voting system which may be printed separately and in conformity with the  
10 requirements contained in this section. As far as practicable, ballots containing only questions  
11 and the names of nonpartisan offices and candidates shall be printed in accordance with the  
12 provisions of this section, except that the ballot information may be listed in vertical or  
13 horizontal rows. The names of candidates for each office shall be listed in the order in which  
14 they are filed.

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

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

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

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

19 (4) A small square, the sides of which shall not be less than one-fourth inch in length,  
20 printed directly to the left of each candidate's name and on the same line as the candidate's name.

21 When write-in votes are authorized and no candidate's name is to be printed under the name of  
22 an office in a party or nonpartisan column, under the name of the office in the column shall be  
23 printed a square. Directly to the right of the square shall be printed a horizontal line on which  
24 the voter may vote for a person whose name does not appear on the ballot. When more than one  
25 position is to be filled for an office, and the number of candidates' names under the office in a  
26 column is less than the number of positions to be filled, the number of squares and write-in lines  
27 printed in the column shall equal the difference between the number of candidates' names and  
28 the number of positions to be filled;

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

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

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

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

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

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

OFFICIAL BALLOT		DATE .....	
REPUBLICAN	DEMOCRATIC	THIRD PARTY INDEPENDENT	
For President	For President	For President	For President
and	and	and	and
Vice President	Vice President	Vice President	Vice President
<input type="checkbox"/> .....	<input type="checkbox"/> .....	<input type="checkbox"/> .....	<input type="checkbox"/> .....
For	For	For	For
United States	United States	United States	United States
Senator	Senator	Senator	Senator
<input type="checkbox"/> .....	<input type="checkbox"/> .....	<input type="checkbox"/> .....	<input type="checkbox"/> .....
For Governor	For Governor	For Governor	For Governor
<input type="checkbox"/> .....	<input type="checkbox"/> .....	<input type="checkbox"/> .....	<input type="checkbox"/> .....
For Lieutenant	For Lieutenant	For Lieutenant	For Lieutenant
Governor	Governor	Governor	Governor
<input type="checkbox"/> .....	<input type="checkbox"/> .....	<input type="checkbox"/> .....	<input type="checkbox"/> .....
For Secretary	For Secretary	For Secretary	For Secretary
of State	of State	of State	of State
<input type="checkbox"/> .....	<input type="checkbox"/> .....	<input type="checkbox"/> .....	<input type="checkbox"/> .....
For Treasurer	For Treasurer	For Treasurer	For Treasurer
<input type="checkbox"/> .....	<input type="checkbox"/> .....	<input type="checkbox"/> .....	<input type="checkbox"/> .....
For Attorney	For Attorney	For Attorney	For Attorney
General	General	General	General
<input type="checkbox"/> .....	<input type="checkbox"/> .....	<input type="checkbox"/> .....	<input type="checkbox"/> .....
For	For	For	For
United States	United States	United States	United States
Representative	Representative	Representative	Representative
<input type="checkbox"/> .....	<input type="checkbox"/> .....	<input type="checkbox"/> .....	<input type="checkbox"/> .....

72	For State	For State	For State	For State
73	Senator	Senator	Senator	Senator
74	<input type="checkbox"/> .....	<input type="checkbox"/> .....	<input type="checkbox"/> .....	<input type="checkbox"/> .....
75	For State	For State	For State	For State
76	Representative	Representative	Representative	Representative
77	<input type="checkbox"/> .....	<input type="checkbox"/> .....	<input type="checkbox"/> .....	<input type="checkbox"/> .....
78	For Circuit	For Circuit	For Circuit	For Circuit
79	Judge	Judge	Judge	Judge
80	<input type="checkbox"/> .....	<input type="checkbox"/> .....	<input type="checkbox"/> .....	<input type="checkbox"/> .....

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

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

92           6. Any rule or portion of a rule, as that term is defined in section 536.010, RSMo, that  
 93 is created under the authority delegated in this section shall become effective only if it complies  
 94 with and is subject to all of the provisions of chapter 536, RSMo, and, if applicable, section  
 95 536.028, RSMo. This section and chapter 536, RSMo, are nonseverable and if any of the powers  
 96 vested with the general assembly pursuant to chapter 536, RSMo, to review, to delay the  
 97 effective date or to disapprove and annul a rule are subsequently held unconstitutional, then the  
 98 grant of rulemaking authority and any rule proposed or adopted after August 28, 2002, shall be  
 99 invalid and void.

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