

House _____ Amendment NO. _____

Offered By

1 AMEND House Committee Substitute for House Bill No. 110, Page 5, Section 115.365, Line 20, by
2 inserting after all of said Section and Line the following:

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4 "115.601. 1. Any contestant in a primary or other election contest who was defeated by less
5 than one percent of the votes cast for the office and any contestant who received the second highest
6 number of votes cast for that office if two or more are to be elected and who was defeated by less
7 than one percent of the votes cast, or any person whose position on a question was defeated by less
8 than one percent of the votes cast on the question, shall have the right to a recount of the votes cast
9 for the office or on the question.

10 2. In cases where the candidate filed or the ballot question was originally filed with an
11 election authority as defined in section 115.015, such recount shall be requested in accordance with
12 the provisions of section 115.531 or 115.577 and conducted under the direction of the court or the
13 commissioner representing the court trying the contest according to the provisions of this subchapter.

14 3. In cases where the candidate filed or the ballot question was originally filed with the
15 secretary of state, the defeated candidate or the person whose position on a question was defeated by
16 less than one-half of one percent of the votes cast on the question shall be allowed a recount pursuant
17 to this section by filing with the secretary of state a request for a recount stating that the person or the
18 person's position on a question was defeated by less than one-half of one percent of the votes cast.
19 Such request shall be filed not later than seven days after certification of the election. The secretary
20 of state shall notify all concerned parties of the filing of the request for a recount. The secretary of
21 state shall authorize the election authorities to conduct a recount pursuant to this section if the
22 requesting party or his position on a question was defeated by less than one-half of one percent of the
23 votes cast. The secretary of state shall conduct and certify the results of the recount as the official
24 results in the election within twenty days of receipt of the aforementioned notice of recount.

25 4. Whenever a recount is requested pursuant to subsection 3 of this section, the secretary of
26 state shall determine the number of persons necessary to assist with the recount and shall appoint
27 such persons equally from lists submitted by the contestant and the opponent who received more
28 votes or a person whose position on a question received more votes than the contestant's position on
29 that question. Each person appointed pursuant to this section shall be a disinterested person and a
30 registered voter of the area in which the contested election was held. Each person so appointed shall
31 take the oath prescribed for and receive the same pay as an election judge in the jurisdiction where
32 the person is registered. After being sworn not to disclose any facts uncovered by the recount,

Action Taken _____ Date _____

1 except those which are contained in the report, the contestant and the opponent who received more
2 votes or a person whose position on a question received more votes than the contestant's position on
3 that question shall be permitted to be present in person or represented by an attorney at the recount
4 and to observe the recount. Each recount shall be completed under the supervision of the secretary
5 of state with the assistance of the election authorities involved, and the persons appointed to assist
6 with the recount shall perform such duties as the secretary of state directs. Upon completion of any
7 duties prescribed by the secretary of state the persons appointed to assist with the recount shall make
8 a written and signed report of their findings. The findings of the persons appointed to assist with the
9 recount shall be prima facie evidence of the facts stated therein, but any person present at the
10 examination of the votes may be a witness to contradict the findings. No one other than the secretary
11 of state, the election authorities involved, the contestant and the other witnesses described in this
12 subsection, their attorneys, and those specifically appointed by the secretary of state to assist with the
13 recount shall be present during any recount conducted pursuant to this section.

14 5. For purposes of this section, "recount" means one additional counting of all votes counted
15 for the office or on the question with respect to which the recount is requested."; and
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18 Further amend said bill by amending the title, enacting clause, and intersectional references
19 accordingly.