

SECOND REGULAR SESSION  
SENATE COMMITTEE SUBSTITUTE FOR  
**HOUSE BILL NO. 1136**  
97TH GENERAL ASSEMBLY

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Reported from the Committee on Financial and Governmental Organizations and Election, May 1, 2014, with recommendation that the Senate Committee Substitute do pass.

TERRY L. SPIELER, Secretary.

4098S.04C

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**AN ACT**

To repeal sections 115.013, 115.104, 115.121, 115.221, 115.231, 115.237, 115.251, 115.253, 115.255, 115.257, 115.261, 115.263, 115.265, 115.267, 115.269, 115.271, 115.273, 115.301, 115.305, 115.342, 115.346, 115.417, 115.420, 115.431, 115.443, 115.453, 115.475, 115.477, 115.479, 115.483, 115.485, 115.487, 115.489, 115.495, and 115.503, RSMo, and to enact in lieu thereof twenty-six new sections relating to elections.

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

Section A. Sections 115.013, 115.104, 115.121, 115.221, 115.231, 115.237, 115.251, 115.253, 115.255, 115.257, 115.261, 115.263, 115.265, 115.267, 115.269, 115.271, 115.273, 115.301, 115.305, 115.342, 115.346, 115.417, 115.420, 115.431, 115.443, 115.453, 115.475, 115.477, 115.479, 115.483, 115.485, 115.487, 115.489, 115.495, and 115.503, RSMo, are repealed and twenty-six new sections enacted in lieu thereof, to be known as sections 115.013, 115.104, 115.121, 115.221, 115.237, 115.255, 115.257, 115.261, 115.263, 115.265, 115.267, 115.269, 115.271, 115.273, 115.342, 115.417, 115.420, 115.431, 115.443, 115.453, 115.475, 115.477, 115.479, 115.483, 115.495, and 115.503, to read as follows:

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

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

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

**EXPLANATION--Matter enclosed in bold-faced brackets [thus] in this bill is not enacted and is intended to be omitted in the law.**

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

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

14           (5) "Counting location", a location selected by the election authority for  
15 the automatic processing or counting, or both, of ballots;

16           (6) "County", any one of the several counties of this state or the City of St.  
17 Louis;

18           (7) "Disqualified", a determination made by a court of competent  
19 jurisdiction, the Missouri ethics commission, an election authority or any other  
20 body authorized by law to make such a determination that a candidate is  
21 ineligible to hold office or not entitled to be voted on for office;

22           (8) "District", an area within the state or within a political subdivision of  
23 the state from which a person is elected to represent the area on a policy-making  
24 body with representatives of other areas in the state or political subdivision;

25           **(9) "Electronic voting machine", any part of an electronic voting**  
26 **system on which a voter is able to cast a ballot under this chapter;**

27           [(9)] **(10)** "Electronic voting system", a system of casting votes by use of  
28 marking devices, and counting votes by use of automatic tabulating or data  
29 processing equipment, and includes computerized voting systems;

30           [(10)] **(11)** "Established political party" for the state, a political party  
31 which, at either of the last two general elections, polled for its candidate for any  
32 statewide office, more than two percent of the entire vote cast for the  
33 office. "Established political party" for any district or political subdivision shall  
34 mean a political party which polled more than two percent of the entire vote cast  
35 at either of the last two elections in which the district or political subdivision  
36 voted as a unit for the election of officers or representatives to serve its area;

37           [(11)] **(12)** "Federal office", the office of presidential elector, United  
38 States senator, or representative in Congress;

39           [(12)] **(13)** "Independent", a candidate who is not a candidate of any  
40 political party and who is running for an office for which party candidates may  
41 run;

42           [(13)] **(14)** "Major political party", the political party whose candidates  
43 received the highest or second highest number of votes at the last general  
44 election;

45           [(14)] **(15)** "Marking device", either an apparatus in which ballots are  
46 inserted and voted by use of a punch apparatus, or any approved device which

47 will enable the votes to be counted by automatic tabulating equipment;

48       [(15)] **(16)** "Municipal" or "municipality", a city, village, or incorporated  
49 town of this state;

50       [(16)] **(17)** "New party", any political group which has filed a valid  
51 petition and is entitled to place its list of candidates on the ballot at the next  
52 general or special election;

53       [(17)] **(18)** "Nonpartisan", a candidate who is not a candidate of any  
54 political party and who is running for an office for which party candidates may  
55 not run;

56       [(18)] **(19)** "Political party", any established political party and any new  
57 party;

58       [(19)] **(20)** "Political subdivision", a county, city, town, village, or  
59 township of a township organization county;

60       [(20)] **(21)** "Polling place", the voting place designated for all voters  
61 residing in one or more precincts for any election;

62       [(21)] **(22)** "Precincts", the geographical areas into which the election  
63 authority divides its jurisdiction for the purpose of conducting elections;

64       [(22)] **(23)** "Public office", any office established by constitution, statute  
65 or charter and any employment under the United States, the state of Missouri,  
66 or any political subdivision or special district, but does not include any office in  
67 the reserve forces or the National Guard or the office of notary public or city  
68 attorney in cities of the third classification or cities of the fourth classification;

69       [(23)] **(24)** "Question", any measure on the ballot which can be voted  
70 "YES" or "NO";

71       [(24)] **(25)** "Relative within the first degree by consanguinity or affinity",  
72 a spouse, parent, or child of a person;

73       [(25)] **(26)** "Relative within the second degree by consanguinity or  
74 affinity", a spouse, parent, child, grandparent, brother, sister, grandchild, mother-  
75 in-law, father-in-law, daughter-in-law, or son-in-law;

76       [(26)] **(27)** "Special district", any school district, water district, fire  
77 protection district, hospital district, health center, nursing district, or other  
78 districts with taxing authority, or other district formed pursuant to the laws of  
79 Missouri to provide limited, specific services;

80       [(27)] **(28)** "Special election", elections called by any school district, water  
81 district, fire protection district, or other district formed pursuant to the laws of  
82 Missouri to provide limited, specific services; and

83       [(28)] **(29)** "Voting district", the one or more precincts within which all  
84 voters vote at a single polling place for any election.

115.104. 1. As used in this section, the term "participant" means a  
2 Missouri youth election participant.

2. Notwithstanding any other law to the contrary, any person more than fifteen years of age but less than eighteen years of age who is in full-time attendance in a school of this state may aid and assist any election judge or election authority authorized or appointed pursuant to this chapter. Such **[persons] person** shall be known as "Missouri Youth Election Participants" and shall, before entering upon the duties related to an election conducted pursuant to this chapter, take and subscribe the following oath, which shall be signed by the participant and an original copy thereof delivered to the election authority:

11 I solemnly swear or affirm that I will impartially discharge the duties of  
12 a Missouri youth election participant by following to the best of my ability the  
13 instructions of any election judge, election authority, or teacher of my school. I  
14 also swear or affirm that I will not disclose how any voter has voted unless I am  
15 told to do so by an election judge, election authority, or a court of law in a proper  
16 judicial proceeding. I also swear or affirm that I will make no statement nor give  
17 any information of any kind tending in any way to show the state of the count of  
18 votes prior to the close of the polls on election day, nor will I make any statement  
19 during the conduct of my duties which tends to show my preferences for any issue  
20 or candidate involved in the election.

.....  
 Signature of Missouri Youth  
 Election Participant

3. If, in the opinion of the chief administrative officer of any high school of this state, the appointment of students in the tenth, eleventh or twelfth grade as Missouri youth election participants would benefit those persons involved and the election process, the officer may nominate such persons as participants. The chief administrative officer shall establish the academic and behavioral standards for qualification, but persons nominated shall, at a minimum:

30 (1) Have demonstrated age-appropriate academic ability and demeanor;  
31 (2) Be a person of good repute who can speak, read and write the English  
32 language; and

(3) Not be related within the second degree of consanguinity or affinity to any person whose name appears on the ballot, except that no participant shall be disqualified if related within such degree to an unopposed candidate.

4. The chief administrative officer of the school shall transmit a written list of nominees to the election authority of the jurisdiction at least sixty days prior to the election. If, in the opinion of the election authority, the appointment

39 of participants nominated pursuant to this section would not be disruptive to the  
40 election process, the election authority may appoint any number of participants  
41 for each polling place or place where votes are to be counted within its  
42 jurisdiction. Such appointment shall include a schedule of the time during which  
43 the participant is expected to serve. [No participant shall be entitled to any  
44 compensation or remuneration for the time served as a participant or costs  
45 incurred in the performance of his duties.] Nothing in this section shall be  
46 construed to mandate the appointment of any participant if, in the sole discretion  
47 of the election authority, the presence of such participants in any polling place  
48 or place where votes are counted would be disruptive to the orderly election  
49 process.

50         5. Subject to the provisions of this section and under the direct  
51 supervision of the election authority or election judges, each participant may  
52 assist in the administration of the polling place, assist in the counting of votes,  
53 assist in the execution of any administrative duty of any election authority or  
54 election judge, and perform any other election-day-related duty as instructed.

55         6. Each election authority and election judge appointed pursuant to this  
56 chapter shall have the authority to direct any Missouri youth election participant  
57 in his duties and to compel compliance with law. Each election authority may,  
58 in its sole discretion, substitute participants on or before election day. Each  
59 election authority or election judge shall have the authority at any time to take  
60 any action necessary to remove any participant from any polling place or place  
61 where votes are being counted. It shall be the duty of any law enforcement  
62 officer, if requested by the election authority or judges of election, to exclude any  
63 participant from the polling place or place where votes are being counted.

64         7. In order to best prepare students for duty as Missouri youth election  
65 participants pursuant to this section, each high school of this state may offer a  
66 course of instruction in the democratic electoral process which concentrates upon  
67 the election law of this state. The high school may require successful completion  
68 of such a course prior to qualification for nomination as a Missouri youth election  
69 participant.

115.121. 1. The general election day shall be the first Tuesday after the  
2 first Monday in November of even-numbered years.

3         2. The primary election day shall be the first Tuesday after the first  
4 Monday in August of even-numbered years.

5         3. The election day for the election of political subdivision and special  
6 district officers shall be the first Tuesday after the first Monday in April each  
7 year; and shall be known as the general municipal election day.

8           [4. In addition to the primary election day provided for in subsection 2 of  
9 this section, for the year 2003, the first Tuesday after the first Monday in August,  
10 2003, also shall be a primary election day for the purpose of permitting school  
11 districts and other political subdivisions of Missouri to incur debt in accordance  
12 with the provisions of article VI, section 26(a) through 26(g) of the Missouri  
13 Constitution, with the approval of four-sevenths of the eligible voters of such  
14 school district or other political subdivision voting thereon, to provide funds for  
15 the acquisition, construction, equipping, improving, restoration, and furnishing  
16 of facilities to replace, repair, reconstruct, reequip, restore, and refurnish  
17 facilities damaged, destroyed, or lost due to severe weather, including, without  
18 limitation, windstorms, hail storms, flooding, tornadic winds, rainstorms and the  
19 like which occurred during the month of April or May, 2003.

20           5. Notwithstanding the provisions of subsection 1 of section 115.125, the  
21 officer or agency calling an election on the first Tuesday after the first Monday  
22 of August, 2003, shall notify the election authorities responsible for conducting  
23 the election not later than 5:00 p.m. on the sixth Tuesday prior to the  
24 election. For purposes of any such election, all references in section 115.125 to  
25 the tenth Tuesday prior to such election shall be deemed to refer to the sixth  
26 Tuesday prior to such election.

27           6. In addition to the general election day provided for in subsection 1 of  
28 this section, for the year 2009 the first Tuesday after the first Monday in  
29 November shall be a general election day for the purpose of permitting school  
30 districts to incur debt in accordance with the provisions of article VI, section 26(a)  
31 through 26(g) of the Missouri Constitution, with the approval of four-sevenths of  
32 the eligible voters of such school district, to provide funds for school districts to  
33 acquire, construct, equip, improve, restore, and furnish public school facilities in  
34 accordance with the provisions of Section 54F of the Internal Revenue Code of  
35 1986, as amended, which provides for qualified school construction bonds and the  
36 provisions of Section 54AA of the Internal Revenue Code of 1986, as amended,  
37 which provides for build America bonds, as well as in accordance with the  
38 provisions of Section 103 of the Internal Revenue Code of 1986, as amended,  
39 which provides for traditional government bonds.]

115.221. [At least once each year,] **Notwithstanding any other**  
2 **provisions of law to the contrary**, each election authority [shall] **may** have  
3 the voting records inspected and may investigate the qualifications of any person  
4 who has not voted or transferred his registration within the four preceding  
5 calendar years.

115.237. 1. Each ballot printed or designed for use with an electronic

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

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

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

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

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

22       (4) A small square, the sides of which shall not be less than one-fourth  
23 inch in length, printed directly to the left of each candidate's name and on the  
24 same line as the candidate's name. When write-in votes are authorized and no  
25 candidate's name is to be printed under the name of an office in a party or  
26 nonpartisan column, under the name of the office in the column shall be printed  
27 a square. Directly to the right of the square shall be printed a horizontal line on  
28 which the voter may vote for a person whose name does not appear on the  
29 ballot. When more than one position is to be filled for an office, and the number  
30 of candidates' names under the office in a column is less than the number of  
31 positions to be filled, the number of squares and write-in lines printed in the  
32 column shall equal the difference between the number of candidates' names and  
33 the number of positions to be filled;

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

36       (6) A horizontal line extending across the ballot three-eighths of an inch  
37 below the last name or write-in line under each office in such a manner that the  
38 names of all candidates and all write-in lines for the same office appear between  
39 the same horizontal lines. If write-in votes are not authorized, the horizontal line

40 shall extend across the ballot three-eighths of an inch below the name of the last  
41 candidate under each office;

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

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

47 (9) Printed at the top on the face of the ballot the words "Official Ballot"  
48 followed by the date of the election and the statement "Instruction to Voters:  
49 Place an X in the square opposite the name of the person for whom you wish to  
50 vote.".] **In polling places using electronic voting systems, the ballot**  
51 **information may be arranged in vertical or horizontal rows or on a**  
52 **number of separate pages or screens. In any event, the name of each**  
53 **candidate, the candidate's party, the office for which he or she is a**  
54 **candidate, and each question shall be indicated clearly on the ballot.**

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

57 OFFICIAL BALLOT

DATE .....

58 59 60 61 62 63	REPUBLICAN  For President and Vice President <input type="checkbox"/> .....	DEMOCRATIC  For President and Vice President <input type="checkbox"/> .....	THIRD PARTY  For President and Vice President <input type="checkbox"/> .....	INDEPENDENT  For President and Vice President <input type="checkbox"/> .....
64 65 66 67	For United States Senator <input type="checkbox"/> .....	For United States Senator <input type="checkbox"/> .....	For United States Senator <input type="checkbox"/> .....	For United States Senator <input type="checkbox"/> .....
68 69	For Governor <input type="checkbox"/> .....	For Governor <input type="checkbox"/> .....	For Governor <input type="checkbox"/> .....	For Governor <input type="checkbox"/> .....
70 71 72	For Lieutenant Governor <input type="checkbox"/> .....	For Lieutenant Governor <input type="checkbox"/> .....	For Lieutenant Governor <input type="checkbox"/> .....	For Lieutenant Governor <input type="checkbox"/> .....
73 74 75	For Secretary of State <input type="checkbox"/> .....	For Secretary of State <input type="checkbox"/> .....	For Secretary of State <input type="checkbox"/> .....	For Secretary of State <input type="checkbox"/> .....



76	For Treasurer	For Treasurer	For Treasurer	For Treasurer
77	<input type="checkbox"/> .....	<input type="checkbox"/> .....	<input type="checkbox"/> .....	<input type="checkbox"/> .....
78	For Attorney	For Attorney	For Attorney	For Attorney
79	General	General	General	General
80	<input type="checkbox"/> .....	<input type="checkbox"/> .....	<input type="checkbox"/> .....	<input type="checkbox"/> .....
81	For	For	For	For
82	United States	United States	United States	United States
83	Representative	Representative	Representative	Representative
84	<input type="checkbox"/> .....	<input type="checkbox"/> .....	<input type="checkbox"/> .....	<input type="checkbox"/> .....
85	For State	For State	For State	For State
86	Senator	Senator	Senator	Senator
87	<input type="checkbox"/> .....	<input type="checkbox"/> .....	<input type="checkbox"/> .....	<input type="checkbox"/> .....
88	For State	For State	For State	For State
89	Representative	Representative	Representative	Representative
90	<input type="checkbox"/> .....	<input type="checkbox"/> .....	<input type="checkbox"/> .....	<input type="checkbox"/> .....
91	For Circuit	For Circuit	For Circuit	For Circuit
92	Judge	Judge	Judge	Judge
93	<input type="checkbox"/> .....	<input type="checkbox"/> .....	<input type="checkbox"/> .....	<input type="checkbox"/> .....]

94        **Nothing in this subchapter shall be construed as prohibiting the**  
95 **use of a separate paper ballot for questions or for the presidential**  
96 **preference primary in any polling place using an electronic voting**  
97 **system.**

98        **4. Where electronic voting systems are used and when write-in**  
99 **votes are authorized by law, a write-in ballot, which may be in the form**  
100 **of a separate paper ballot, card, or envelope, may be provided by the**  
101 **election authority to permit each voter to write in the names of persons**  
102 **whose names do not appear on the ballot.**

103        **5. No ballot printed or designed for use with an electronic voting system**  
104 **for any partisan election held under this chapter shall allow a person to vote a**  
105 **straight political party ticket. For purposes of this subsection, a "straight**  
106 **political party ticket" means voting for all of the candidates for elective office who**  
107 **are on the ballot representing a single political party by a single selection on the**  
108 **ballot.**

109        **[5.] 6. The secretary of state shall promulgate rules that specify uniform**  
110 **standards for ballot layout for each electronic or computerized ballot counting**  
111 **system approved under the provisions of section 115.225 so that the ballot used**  
112 **with any counting system is, where possible, consistent with the intent of this**  
113 **section. Nothing in this section shall be construed to require the format specified**

114 in this section if it does not meet the requirements of the ballot counting system  
115 used by the election authority.

116 [6.] 7. Any rule or portion of a rule, as that term is defined in section  
117 536.010, that is created under the authority delegated in this section shall  
118 become effective only if it complies with and is subject to all of the provisions of  
119 chapter 536 and, if applicable, section 536.028. This section and chapter 536 are  
120 nonseverable and if any of the powers vested with the general assembly pursuant  
121 to chapter 536 to review, to delay the effective date or to disapprove and annul  
122 a rule are subsequently held unconstitutional, then the grant of rulemaking  
123 authority and any rule proposed or adopted after August 28, 2002, shall be  
124 invalid and void.

115.255. [1. In polling places using voting machines, the ballot  
2 information may be arranged in vertical or horizontal rows. In any event, the  
3 name of each candidate, his party, the office for which he is a candidate and each  
4 question shall be indicated clearly on the ballot label. All ballot labels shall be  
5 placed to indicate clearly to the voter which key lever or other device to operate  
6 in order to vote on questions and for the candidates of his choice.

7 2. Nothing in this subchapter shall be construed as prohibiting] The use  
8 of [a] separate paper [ballot] **ballots** for questions **and candidates** in polling  
9 places **shall not be prohibited** where **electronic** voting machines are used.

115.257. 1. In jurisdictions where **electronic** voting machines are used,  
2 the election authority shall cause the voting machines to be put in order, set,  
3 adjusted and made ready for voting before they are delivered to polling places.  
4 [Before delivery to the polling places, the election authority shall have all  
5 recording counters, except the protective counter on each voting machine set at  
6 zero (000).]

7 2. At least five days before preparing **electronic** voting machines for any  
8 election, notice of the time and place of such preparation shall be mailed to each  
9 independent candidate and the chairman of the county committee of each  
10 established political party named on the ballot. The preparation shall be watched  
11 by two observers designated by the election authority, one from each major  
12 political party, and shall be open to representatives of the political parties,  
13 candidates, the news media and the public.

14 3. When [a] **an electronic voting** machine has been examined by such  
15 observers and shown to be in good working order, the machine shall be locked  
16 against voting [and sealed in their presence with a numbered metal seal]. The  
17 observers shall certify the [number] **vote count** on each machine[, the number  
18 on each protective counter, the number on each seal and that each recording

19 counter] is set at zero.

20 4. After [a] **an electronic** voting machine has been properly prepared[,]  
21 **and** locked [and sealed], its keys shall be retained by the election authority and  
22 delivered to the election judges along with the other election supplies.

23 5. Nothing in this section shall prohibit the on-site storage of **electronic**  
24 voting machines and the preparation of the **electronic** machines for voting,  
25 provided the **electronic** voting machines are put in order, set, adjusted and  
26 made ready for voting as provided in subsections 1, 2, 3 and 4 of this section.

115.261. During an election, no door [or other counter], compartment  
2 [covering], **or lock** shall be unlocked or opened [or the counters exposed], except  
3 by direction of the election authority, and then only for good and sufficient  
4 reason. If the door [or other counter], compartment [covering], **or lock** on any  
5 machine is opened by the election authority or his representative, the reason for  
6 such opening shall be stated in writing, signed by the election authority or his  
7 representative and attached to one statement of returns.

115.263. After the opening of the polls, the election judges shall not  
2 permit any person to handle any **electronic** voting machine, except voters while  
3 they are voting and others expressly authorized by the election authority **or**  
4 **state law**.

115.265. If any **electronic** voting machine at a polling place becomes  
2 inoperative, the election judges shall immediately notify the election authority.  
3 If possible, the election authority shall repair or replace the machine. If [a] **an**  
4 **electronic** voting machine is replaced with another machine, the votes on both  
5 machines shall be recorded at the close of the polls and shall be added together  
6 in determining the results of the election. If the inoperative machine cannot be  
7 repaired, and no other machine is available for use, paper ballots, made as nearly  
8 as practicable to the official ballot may be used. At the close of the polls, the  
9 votes on paper ballots and the votes on the **electronic** voting machines shall be  
10 recorded and shall be added together in determining the results of the election.  
11 All paper ballots used pursuant to this section shall be used in accordance with  
12 the laws affecting paper ballots and shall be returned to the election authority as  
13 paper ballots are returned with a statement describing how and why the paper  
14 ballots were voted.

115.267. Any election authority may adopt, experiment with or abandon  
2 any [voting machine meeting the requirements of this subchapter or any]  
3 electronic voting system approved for use in the state, or may lease one or more  
4 **electronic** voting machines or other equipment, either with or without option to  
5 purchase, and may use any authorized **electronic** voting equipment at any

6 polling place in its jurisdiction.

115.269. For the purpose of giving instructions on their use, any election  
2 authority may designate suitable times and places for the exhibition and  
3 demonstration of its **electronic** voting machines [or marking devices]. During  
4 such instructions, the **electronic** voting machines [and marking devices] may  
5 contain sample ballot labels which show the names of offices and fictitious  
6 candidates. No **electronic** voting machine shall be used for instruction after it  
7 has been prepared [and sealed] for use at an election, unless it is prepared again  
8 [and resealed] prior to the election. [During the instructions, no counting  
9 mechanism on any voting machine shall be exposed to view.]

115.271. 1. While its **electronic** voting machines [or marking devices]  
2 are not in use, the election authority may permit civic or educational  
3 organizations to use the machines [or devices] for the purpose of giving  
4 instructions on their use.

5 2. Any election authority may rent its **electronic** voting machines [or  
6 marking devices] to any other group for use in its elections.

7 3. At the discretion of the election authority, the machines [or devices]  
8 may be transported at the expense of the organizations using them. The  
9 president or secretary of each organization using such machines [or devices] shall  
10 sign a receipt therefor and shall agree in writing that the organization assumes  
11 liability for any damage or loss occurring to the machines [or devices] up to the  
12 time they are returned to the election authority and will return the machines [or  
13 devices] by a designated time.

115.273. All provisions of law not inconsistent with the provisions of  
2 sections 115.249 to 115.271 shall apply with full force and effect to elections in  
3 jurisdictions using **electronic** voting machines.

115.342. 1. Any person who files as a candidate for election to a public  
2 office shall be disqualified from participation in the election for which the  
3 candidate has filed if such person is delinquent in the payment of any state  
4 income taxes, personal property taxes, **municipal taxes**, real property taxes on  
5 the place of residence, as stated on the declaration of candidacy, or if the person  
6 is a past or present corporate officer of any fee office that owes any taxes to the  
7 state.

8 2. Each potential candidate for election to a public office shall file an  
9 affidavit with the department of revenue and include a copy of the affidavit with  
10 the declaration of candidacy required under section 115.349. Such affidavit shall  
11 be in substantially the following form:

12 AFFIRMATION OF TAX PAYMENTS AND BONDING REQUIREMENTS:

13 I hereby declare under penalties of perjury that I am not currently aware  
14 of any delinquency in the filing or payment of any state income taxes, personal  
15 property taxes, **municipal taxes**, real property taxes on the place of residence,  
16 as stated on the declaration of candidacy, or that I am a past or present corporate  
17 officer of any fee office that owes any taxes to the state, other than those taxes  
18 which may be in dispute. I declare under penalties of perjury that I am not  
19 aware of any information that would prohibit me from fulfilling any bonding  
20 requirements for the office for which I am filing.

21 ..... Candidate's Signature

22 ..... Printed Name of Candidate.

23 3. Upon receipt of a complaint alleging a delinquency of the candidate in  
24 the filing or payment of any state income taxes, personal property taxes,  
25 **municipal taxes**, real property taxes on the place of residence, as stated on the  
26 declaration of candidacy, or if the person is a past or present corporate officer of  
27 any fee office that owes any taxes to the state, the department of revenue shall  
28 investigate such potential candidate to verify the claim contained in the  
29 complaint. If the department of revenue finds a positive affirmation to be false,  
30 the department shall contact the secretary of state, or the election official who  
31 accepted such candidate's declaration of candidacy, and the potential  
32 candidate. The department shall notify the candidate of the outstanding tax  
33 owed and give the candidate thirty days to remit any such outstanding taxes  
34 owed which are not the subject of dispute between the department and the  
35 candidate. If the candidate fails to remit such amounts in full within thirty days,  
36 the candidate shall be disqualified from participating in the current election and  
37 barred from refiling for an entire election cycle even if the individual pays all of  
38 the outstanding taxes that were the subject of the complaint.

115.417. 1. Before the time fixed by law for the opening of the polls, the  
2 election authority shall deliver to each polling place a sufficient number of voter  
3 instruction cards which include the following information:

4 (1) If paper ballots or an electronic voting system is used, the instructions  
5 shall inform the voter on how to obtain a ballot for voting, how to vote and  
6 prepare the ballot for deposit in the ballot box and how to obtain a new ballot to  
7 replace one accidentally spoiled[;

8 (2) If voting machines are used, the instructions shall inform the voter  
9 how to operate the machine in such a manner that the voter may vote as the  
10 voter wishes].

11 2. The election authority at each polling place shall post in a conspicuous  
12 place voting instructions on a poster no smaller than twenty-four inches by thirty

13 inches. Such instructions shall also inform the voter that the **electronic** voting  
14 equipment can be demonstrated upon request of the voter. The election authority  
15 shall also publicly post during the period of time in which a person may cast an  
16 absentee ballot and on election day a sample version of the ballot that will be  
17 used for that election, the date of the election, the hours during which the polling  
18 place will be open, instructions for mail-in registrants and first-time voters,  
19 general information on voting rights in accordance with the state plan filed by the  
20 secretary of state pursuant to the Help America Vote Act of 2002, general  
21 information on the right to cast a provisional ballot and instructions for  
22 provisional ballots, how to contact appropriate authorities if voting rights have  
23 been violated, and general information on federal and Missouri law regarding  
24 prohibitions on acts of fraud and misrepresentation. The secretary of state may  
25 promulgate rules to execute this section. No rule or portion of a rule promulgated  
26 pursuant to the authority of this section shall become effective unless it has been  
27 promulgated pursuant to chapter 536.

28         3. [If marking devices or voting machines are used, the election authority  
29 shall also provide to each polling place a model of a marking device or portion of  
30 the face of a voting machine. If requested to do so by a voter, the election judges  
31 shall give instructions on operation of the marking device or voting machine by  
32 use of the model.

33         4.] The secretary of state may develop multilingual voting instructions to  
34 be made available to election authorities.

115.420. 1. An election authority [operating a voting system that uses  
2 ballot cards] shall not use a butterfly ballot unless the secretary of state provides  
3 written approval to the election authority for the use of a butterfly ballot in the  
4 particular election.

5         2. For purposes of this section, "butterfly ballot" means a ballot where two  
6 ballot pages are used side by side and where voters must vote on candidates or  
7 issues on both sides of the pages.

8         [3. The secretary of state may approve the use of a butterfly ballot in a  
9 particular election when a large number of candidates and issues are to be  
10 decided, no alternative ballot is reasonable under the circumstances, and the  
11 election authority submits to the secretary of state a written explanation of the  
12 need for using a butterfly ballot. The secretary of state shall respond to such  
13 written request within two business days.]

115.431. Upon satisfactory identification of the voter, two judges of  
2 different political parties shall place their initials on the line where the voter  
3 signed the precinct register **or, if electronic pollbooks are used, two judges**

4 of different political parties shall make the appropriate mark on the  
5 pollbook. [All voters' names on the precinct register shall be numbered  
6 consecutively in the order in which they have signed, starting with the number  
7 "1."] The [computer] **computerized or paper** precinct register shall then  
8 constitute the poll list.

115.443. 1. Where paper ballots are used, the voter shall, before leaving  
2 the voting booth, fold his ballot so that the [cross (X)] **distinguishing** marks are  
3 concealed. The voter shall place his ballot in the ballot box and leave the polling  
4 place immediately.

5 2. [Where ballot cards with envelopes are used, the voter shall,  
6 immediately before leaving the voting booth, place his ballot card in the ballot  
7 envelope. Where ballot cards with stubs are used, the voter shall, immediately  
8 after leaving the voting booth, hand his ballot card or envelope containing his  
9 ballot card to an election judge. The election judge shall remove the stub from  
10 the ballot card and, where ballot envelopes are used, replace the ballot card in  
11 the envelope and return the ballot card or envelope containing the ballot card to  
12 the voter. The voter shall place the ballot card or envelope containing the ballot  
13 card in the ballot box and leave the polling place immediately. Where ballot  
14 cards without stubs are used, the voter shall, immediately after leaving the voting  
15 booth, place the ballot card or ballot envelope containing the ballot card in the  
16 ballot box and leave the polling place immediately.

17 3.] Where **electronic** voting machines are used, the voter shall register  
18 his vote as directed in the instructions for use of the machine and leave the  
19 polling place immediately.

115.453. Election judges shall count votes for all candidates in the  
2 following manner:

3 (1) No candidate shall be counted as voted for, except a candidate before  
4 whose name a [cross (X)] **distinguishing** mark appears [in the  
5 square] preceding the name and a [cross (X)] **distinguishing** mark does not  
6 appear in the square preceding the name of any candidate for the same office in  
7 another column. Except as provided in this subdivision and subdivision (2) of this  
8 section, each candidate with a [cross (X)] **distinguishing** mark [in the  
9 square] preceding his or her name shall be counted as voted for;

10 (2) If [cross (X)] **distinguishing** marks appear next to the names of more  
11 candidates for an office than are entitled to fill the office, no candidate for the  
12 office shall be counted as voted for. If more than one candidate is to be  
13 nominated or elected to an office, and any voter has voted for the same candidate  
14 more than once for the same office at the same election, no votes cast by the voter

15 for the candidate shall be counted;

16           (3) No vote shall be counted for any candidate that is not marked  
17 substantially in accordance with the provisions of this section. The judges shall  
18 count votes marked substantially in accordance with this section and section  
19 115.456 when the intent of the voter seems clear. Regulations promulgated by  
20 the secretary of state shall be used by the judges to determine voter intent. No  
21 ballot containing any proper votes shall be rejected for containing fewer marks  
22 than are authorized by law;

23           (4) Write-in votes shall be counted only for candidates for election to office  
24 who have filed a declaration of intent to be a write-in candidate for election to  
25 office with the proper election authority, who shall then notify the proper filing  
26 officer of the write-in candidate prior to 5:00 p.m. on the second Friday  
27 immediately preceding the election day; except that, write-in votes shall be  
28 counted only for candidates for election to state or federal office who have filed  
29 a declaration of intent to be a write-in candidate for election to state or federal  
30 office with the secretary of state pursuant to section 115.353 prior to 5:00 p.m. on  
31 the second Friday immediately preceding the election day. No person who filed  
32 as a party or independent candidate for nomination or election to an office may,  
33 without withdrawing as provided by law, file as a write-in candidate for election  
34 to the same office for the same term. No candidate who files for nomination to  
35 an office and is not nominated at a primary election may file a declaration of  
36 intent to be a write-in candidate for the same office at the general election. When  
37 declarations are properly filed with the secretary of state, the secretary of state  
38 shall promptly transmit copies of all such declarations to the proper election  
39 authorities for further action pursuant to this section. The election authority  
40 shall furnish a list to the election judges and counting teams prior to election day  
41 of all write-in candidates who have filed such declaration. This subdivision shall  
42 not apply to elections wherein candidates are being elected to an office for which  
43 no candidate has filed. No person shall file a declaration of intent to be a  
44 write-in candidate for election to any municipal office unless such person is  
45 qualified to be certified as a candidate under section 115.346;

46           (5) Write-in votes shall be cast and counted for a candidate without party  
47 designation. Write-in votes for a person cast with a party designation shall not  
48 be counted. Except for candidates for political party committees, no candidate  
49 shall be elected as a write-in candidate unless such candidate receives a separate  
50 plurality of the votes without party designation regardless of whether or not the  
51 total write-in votes for such candidate under all party and without party  
52 designations totals a majority of the votes cast;



53           (6) When submitted to the election authority, each declaration of intent  
54 to be a write-in candidate for the office of United States president shall include  
55 the name of a candidate for vice president and the name of nominees for  
56 presidential elector equal to the number to which the state is entitled. At least  
57 one qualified resident of each congressional district shall be nominated as  
58 presidential elector. Each such declaration of intent to be a write-in candidate  
59 shall be accompanied by a declaration of candidacy for each presidential elector  
60 in substantially the form set forth in subsection 3 of section 115.399. Each  
61 declaration of candidacy for the office of presidential elector shall be subscribed  
62 and sworn to by the candidate before the election official receiving the declaration  
63 of intent to be a write-in, notary public or other officer authorized by law to  
64 administer oaths.

115.475. 1. [Immediately after signing the statements of returns, or  
2 earlier if convenient, the election judges shall separate all ballot cards, except  
3 defective ballot cards, from the write-in forms if any. As soon as possible after  
4 signing the statements of returns, the election judges shall enclose the ballot  
5 cards, the envelope marked "DEFECTIVE BALLOTS", all write-in forms  
6 containing proper votes, and the tally book, tally sheets and statements of returns  
7 in a container designated by the election authority. The container shall be  
8 securely sealed in such a manner that if the container is opened, the seal will be  
9 broken beyond repair. On the outside of the container, the location of the polling  
10 place and date of the election shall be printed.

11           2.] As soon as possible after signing the statements of returns, the  
12 election judges shall **seal and** enclose the **ballots, electronic voting machine**  
13 **memory cards**, write-in forms containing no votes, the unused ballots and other  
14 election supplies in containers designated by the election authority.

15           [3.] 2. Immediately after the [ballot cards and other] election materials  
16 have been placed in the proper containers, the two supervisory judges shall  
17 together deliver the containers to the counting location or other place designated  
18 by the election authority. If any [ballot card] container is not sealed when it is  
19 delivered to the counting location or other place designated by the election  
20 authority, the election official receiving the container shall make a statement of  
21 the fact which includes the location of the polling place and the date of the  
22 election printed on the container and the reason the container is not sealed, if  
23 known.

24           [4.] 3. If the election authority has directed the supervisory judges to  
25 deliver election materials to a place other than the counting location, the election  
26 authority shall appoint at least one team of election judges who shall receive the

27 [ballot] containers from the supervisory judges and immediately deliver them to  
28 the counting location. Each team appointed pursuant to this subsection shall  
29 consist of two election judges or employees of the election authority, one from  
30 each major political party.

31 [5. The election authority may authorize the delivery of ballots voted prior  
32 to 11:00 a.m. to the counting location prior to the closing of the polls.]

115.477. 1. In each jurisdiction using an electronic voting system, all  
2 proceedings at the counting location shall be under the direction of the election  
3 authority. The election authority shall appoint two judges, one from each major  
4 political party, to be present and observe the count. The counting shall be open  
5 to the public, but no persons, except those employed and authorized for the  
6 purpose, shall touch any ballot, ballot container or return.

7 2. [All ballot cards shall be counted in order by polling place.] The  
8 automatic tabulating equipment shall produce a return showing the total number  
9 of votes cast for each candidate and on each question at each polling place and  
10 in the jurisdiction as a whole.

11 3. If any ballot is damaged and cannot be properly counted by the  
12 automatic tabulating equipment, it may be handcounted in the manner provided  
13 for absentee ballots, or a true duplicate copy may be made of the defective ballot.  
14 If any ballot contains a number of votes and write-in votes for any office which  
15 exceeds the number allowed by law, it may be handcounted in the manner  
16 provided for absentee ballots, a true duplicate copy be made which does not  
17 include the invalid votes or, at the discretion of the election judges, a  
18 self-adhesive removable label, sensitized, may be placed over any mark to allow  
19 the ballot to be processed through the automatic tabulating equipment. The  
20 duplication of each ballot shall be closely observed by two election judges or  
21 employees of the election authority, one from each major political party. Each  
22 duplicate ballot shall be clearly labeled "duplicate", shall bear a serial number  
23 which shall be recorded on the defective ballot, and shall be counted in lieu of the  
24 defective ballot.

115.479. In each jurisdiction using an electronic voting system, the  
2 election authority shall, after the count has been completed and the results  
3 received, have the automatic tabulating equipment tested to ascertain that the  
4 equipment has correctly counted the votes for all offices and on all questions. The  
5 test shall be observed by at least two persons designated by the election  
6 authority, one from each major political party, and shall be open to the  
7 public. The test shall be conducted by processing the same preaudited group of  
8 [ballot cards] **ballots** used in the preelection test provided for in section 115.233.

9 If any error is detected, the cause shall be ascertained and corrected, and an  
10 errorless count shall be made before the final results are announced. After the  
11 completion of an errorless count, the programs and the [ballot cards] **ballots**  
12 shall be sealed, retained and disposed of as provided for paper ballots.

115.483. 1. As soon as the polls close in each polling place using  
2 **electronic** voting machines, the election judges shall [lock and seal] **secure**  
3 each voting machine against further voting and proceed to count the votes. Once  
4 begun, the count shall not be adjourned or postponed until all proper votes have  
5 been counted.

6 2. The election judges shall open the counting compartment on each voting  
7 machine or, if a machine is equipped with a device for printing, embossing or  
8 photographing the registering counters, the judges shall operate the machine to  
9 produce a record of the counters. One counting judge shall read the total vote  
10 cast for each candidate and for and against each question on each machine. The  
11 other counting judge shall watch and verify each total as it is being read from the  
12 recording counters or from the record of the counters. The two recording judges  
13 shall each record the votes cast for each candidate and for and against each  
14 question as they are called out and verified by the counting judges.

15 3. All proper write-in votes shall be read, recorded and counted as  
16 provided in sections 115.449 and 115.453. No write-in vote shall be counted for  
17 any candidate for any office whose name appears on the ballot label as a  
18 candidate for the office, except when more than one person is to be nominated or  
19 elected to an office. When more than one person is to be nominated or elected to  
20 an office, the voter may write in the names of one or more persons whose names  
21 do not appear on the ballot label with or without the names of one or more  
22 persons whose names do appear. No write-in vote shall be counted unless it is  
23 cast in the appropriate place on the machine.

24 4. If more than one voting machine is used in a polling place, the election  
25 judges shall read, verify and record all the totals from the first machine before  
26 proceeding to the second, and so on, until all of the totals on each machine in the  
27 polling place have been read, verified and recorded. The total number of votes  
28 from each machine shall be added to the write-in votes to determine the total vote  
29 for each candidate and for and against each question.

115.495. 1. After being [locked and sealed] **secured** against further  
2 voting by the election judges, **electronic** voting machines shall remain [locked]  
3 **secured** for the period provided by law for filing an election contest and as much  
4 longer as may be necessary or advisable because of any threatened or pending  
5 contest, grand jury investigation, or civil or criminal case relating to the

6 election. During this time, the **electronic** voting machines shall not be  
7 **[unlocked] unsecured**, except upon order of a court, grand jury or legislative  
8 body trying an election contest.

9       **2. Notwithstanding the provisions of subsection 1 of this section**  
10 **to the contrary, when an election is required by law to be held after an**  
11 **election during any period of time described in subsection 1 of this**  
12 **section, the data of the electronic voting machine relating to the initial**  
13 **election shall be removed and secured and such machine shall be made**  
14 **available for use in the subsequent election.**

115.503. 1. As soon as possible after an election in which **electronic**  
2 voting machines are used, the verification board, or a bipartisan committee  
3 appointed by the verification board, shall inspect each **secured electronic**  
4 voting machine [not equipped with printed election return mechanisms used at  
5 the election and shall make a record of the number on the seal and protective  
6 counter of each machine, open the counter compartment of the machine] and [,  
7 without unlocking the machine against voting,] record the votes cast on the  
8 machine. In precincts where **electronic** voting machines equipped with printed  
9 election returns mechanisms are used, the counter compartment shall not be  
10 opened and the original and duplicate originals of the printed return sheets of the  
11 votes cast on questions and for candidates regularly nominated, or who have duly  
12 filed, together with the tabulation and inclusion of any votes written in on the  
13 paper roll for those not regularly nominated, or who have not filed, shall  
14 constitute the official return sheet for the votes cast on that machine, when  
15 properly certified by the precinct election officers. [One copy of such printed  
16 return sheet shall be posted on the outside of the polling place for the information  
17 of the public.] One copy **of such printed return sheet** shall be returned to the  
18 election authority and retained by it for not less than one year. Any bipartisan  
19 committee appointed pursuant to this subsection shall consist of at least two  
20 people, one from each major political party, who shall be appointed in the same  
21 manner and possess the same qualifications as election judges.

22       **2.** After the verification board or committee has completed its inspection  
23 and record, it shall compare the record with the returns made by the election  
24 judges on election day. If there is a discrepancy between the returns of the  
25 election judges and the record of the verification board or committee, the  
26 verification board shall correct the returns made by the judges to conform to its  
27 record. The corrected returns shall supersede the returns made by the election  
28 judges on election day. Both the record and the returns shall be retained by the  
29 election authority as provided in section 115.493.

115.231. 1. In polling places using electronic voting systems, the ballot information, whether placed on the ballot card or on the marking device, may be arranged in vertical or horizontal rows, or on a number of separate pages. In any event, the name of each candidate, the candidate's party, the office for which he or she is a candidate and each question shall be indicated clearly on the ballot card or marking device.

2. Nothing in this subchapter shall be construed as prohibiting the use of a separate paper ballot for questions or for the presidential preference primary in any polling place using an electronic voting system.

3. Where electronic voting systems are used and when write-in votes are authorized by law, a write-in ballot, which may be in the form of a separate paper ballot, card or envelope shall be provided to permit each voter to write in the names of persons whose names do not appear on the ballot.]

115.251. Any voting machine may be provided with a device for printing, embossing or photographing the recording counters before the polls open and after the polls close. "Recording counters" are the counters which show the total number of votes cast for each candidate and for and against each question at any particular time.]

115.253. Prior to every election at which voting machines are used, the election authority shall insert ballot labels into the voting machines. The ballot labels shall be printed in black on white material of uniform size and shall fit the ballot frames of the machines. In its discretion, the election authority may print the names of the offices in red. The part of the ballot labels pertaining only to questions may be printed in black upon material tinted red. After the ballot labels have been inserted into the machines, the face of each ballot label shall be completely covered with a protective covering of smooth, hard, transparent material so that it is impossible to alter the face of the ballot label without removing or breaking the covering.]

115.301. If ballot cards are used as absentee ballots, the teams shall meet on election day at a time and place designated by the election authority and shall proceed to separate the ballot cards from the write-in forms and to count the write-in votes as provided

5 in section 115.467. The returns shall be made as provided in  
6 sections 115.471 and 115.473, and the ballot cards and other  
7 designated election materials shall be delivered to the counting  
8 location and tabulated in the manner provided in section 115.475,  
9 but no ballot card shall be tabulated before the time fixed by law  
10 for the closing of the polls.]

[115.305. This subchapter shall not apply to candidates for  
2 special district offices, township offices in township organization  
3 counties, or city, town and village offices; provided that, cities of  
4 the fourth class, except those in a county of the first class with a  
5 charter form of government and which adjoins a city not within a  
6 county, may elect, only by ordinance, to hold primary elections in  
7 accordance with the provisions of sections 115.305 to 115.405 or in  
8 accordance with the provisions of sections 78.470, 78.480 and  
9 78.510, and the ordinance shall state which of these provisions of  
10 law are being adopted.]

[115.346. Notwithstanding any other provisions of law to  
2 the contrary, no person shall be certified as a candidate for a  
3 municipal office, nor shall such person's name appear on the ballot  
4 as a candidate for such office, who shall be in arrears for any  
5 unpaid city taxes or municipal user fees on the last day to file a  
6 declaration of candidacy for the office.]

[115.485. At each polling place using voting machines, after  
2 the polling place is closed, the judges shall

3 (1) Certify in the tally book the number on the protective  
4 counter of each machine, the number of identification certificates  
5 signed and the number of proper write-in votes cast at the polling  
6 place. If the number of signed identification certificates is not the  
7 same as the number of votes cast as registered on the protective  
8 counters, the judges shall make a signed statement of the fact and  
9 the reasons therefor if known and shall return the statement with  
10 the statements of returns;

11 (2) Certify on two statements of returns the total number  
12 of votes cast for each candidate and for and against each question  
13 at the polling place;

14 (3) Certify that each statement made in the tally book and  
15 on each statement of returns is correct. If any judge declines to  
16 certify that all such statements are correct, he shall state his

17 reasons in writing, which shall be attached to each statement of  
18 returns and returned to the election authority.]

2 [115.487. 1. The tally book for each polling place using  
3 voting machines shall be in substantially the following form: Tally  
4 book for ..... precincts, at the general (special, primary) election  
5 held on the ..... day of ....., 20.... AB, CD, EF, and XP judges, and  
6 ZR and LT, watchers and BH and SP challengers at this polling  
7 place, were sworn as the law directs before beginning their  
8 duties. We hereby certify: This polling place received voting  
9 machines numbered ..... and .....; The number on the seal of voting  
10 machine number ..... is .....; the number on its protective counter is  
11 .....; The number on the seal of voting machine number ..... is .....;  
12 the number on its protective counter is .....; All recording counters  
13 on all voting machines received at this polling place are set at zero;  
14 The information on the ballot labels on all voting machines  
15 received at this polling place is the same as the information on the  
16 sample ballots received at this polling place.

16 AB

17 CD

18 EF Election Judges

19 XP

20 We hereby certify: The number on the protective counter of voting  
21 machine number ..... is .....;

22 The number on the protective counter of voting machine number  
23 ..... is .....;

24 The number of identification certificates signed at this polling place  
25 is .....;

26 The number of proper write-in votes cast at this polling place is  
27 .....

28 AB

29 CD

30 EF

31 XP

32 2. At each polling place using voting machines, two tally  
33 sheets shall be included in each tally book. The tally sheets shall  
34 be used to record the votes cast for each candidate and for and  
35 against each question as they are called out and verified by the  
36 counting judges. The tally sheets shall be in substantially the

37 following form:

38 NAMES OF PERSONS VOTED FOR AND FOR WHAT OFFICE  
39 AND THE NUMBER OF VOTES CAST FOR EACH PERSON

40	41	42	Office	Candidates	Voting	Voting	Write-in	Total
					Machine	Machine		
					Number__	Number__	Votes	Votes
43	Governor		MC					
44			HK					
45			EH					
46								
47	Representative in Congress		SS					
48			RK					
49			CB					
50								

51 VOTES FOR AND AGAINST EACH QUESTION

52 Voting Machine Voting Machine Total Total  
53 Number\_\_ Number\_\_ Number Number  
54 Question of of  
55 Votes Votes Votes Votes Votes Votes  
56 FOR AGAINST FOR AGAINST FOR AGAINST

57	1. To__						
58	__						
59	__						
60	2. To__						
61	__						
62	__						

63 3. At each polling place using voting machines, two  
64 statements of returns shall be provided to the election judges. The  
65 statements of returns shall be in substantially the form provided  
66 in subsection 3 of section 115.461.]

2 [115.489. 1. Immediately after signing the statements of  
3 returns, the election judges shall enclose the write-in votes, tally  
4 books, statements of returns and other election supplies in  
5 containers designated by the election authority.

6 2. In each jurisdiction using voting machines, the election  
authority may direct the supervisory judges to place the precinct



7 registers, identification certificates and other election supplies  
8 inside the voting machines and lock them for return to the election  
9 authority.]

✓