

SCS SB 623 -- ELECTIONS

SPONSOR: Nieves (McGaugh)

COMMITTEE ACTION: Voted "Do Pass" by the Committee on Downsizing State Government by a vote of 9 to 3.

This bill changes the laws regarding electronic voting systems and specifies a recall procedure for a member of an emergency services board.

All electronic voting systems must produce results from paper ballots marked by hand, or in the case of disabled voters who need assistance, from paper ballots marked by a paper ballot marking device designed to assist these voters. If an election authority uses any direct-record electronic touch-screen, vote-counting machine to accommodate disabled voters, it may continue to use the machine solely for disabled voters who desire to use it but it must not be replaced because of mechanical failure, wear and tear, or any other reason, and no additional machines can be added to the authority's inventory.

The bill specifies that an election must not be certified until an audit has been completed on the election returns.

Each member of an emergency services board of directors must be subject to recall from office by the registered voters of the election district from which he or she was elected. Proceedings for the recall may be commenced by the filing of a notice of intention to circulate a recall petition. A member cannot be recalled if he or she has not held office during the current term for more than 180 days, has 180 days or less remaining on his or her current term, or has had a recall election determined in his or her favor within the current term.

The notice must be served personally, or by certified mail, on the board member and a copy filed with the election authority. A separate notice is needed for each member sought to be recalled and must contain information explaining the reason for the recall. It must list at least one but not more than five proponents of the recall.

Within seven days, the board member may file a statement with the election authority answering the statement of the proponents. A copy of the answer must be served on at least one of the proponents named in the notice of intention. The statement and answer are intended to be used solely for the information of the voters.

The person circulating the petition must sign an affidavit

verifying certain information. A recall petition must be filed with the election authority not more than 180 days after the filing of the notice of intention. The number of signatures needed must equal at least 25% of the number of voters who voted in the most recent gubernatorial election in the election district.

The election authority has 20 days from the date of filing the petition to determine if the required number of qualified voters signed the petition. It must file a certificate with the petition showing the results of the examination. If the election authority certifies that the petition does not have enough signatures, it may be supplemented within 10 days of the date of certification. Within 10 days after the supplemental copies are filed, the election authority must certify whether or not the petition as supplemented is sufficient. If it is insufficient, no action can be taken but the petition must remain on file.

If the petition is sufficient, the election authority must submit its certificate to the board of directors of the board prior to its next meeting and order an election to be held not less than 45 days but not more than 120 days from the date the board receives the petition. Nominations for board membership openings must be made by filing a statement of candidacy with the election authority.

Any time prior to 42 days before the election, the member sought to be recalled may offer his or her resignation, and the recall question must be removed from the ballot and the office declared vacant.

PROPONENTS: Supporters say that the bill would phase out the use of electronic devices on election day. The bill actually does not cost the taxpayers a dime. It will reduce the costs of elections. The bill does not require the purchase of any additional new equipment. The electronic machines are prone to errors and breaking down at critical times, such as during the voting on an election day. A paper ballot is the most reliable form of vote collection

Testifying for the bill were Senator Nieves; Cynthia Richards, Missourians for Honest Elections; Steven and Laura Hausladen; and Mitch Hubbard.

OPPONENTS: Those who oppose the bill say that the Secretary of State's Office takes the integrity of elections very seriously, and it has strict standards for the machines being used in an election. There are also strict federal standards that must be adhered to. The state requires all machines to have a paper trail, meaning it leaves a paper record of the vote. It has not received reports that machines have been hacked or subjected to fraud.

Testifying against the bill was John Scott, Office of the Secretary of State.