

SECOND REGULAR SESSION

HOUSE BILL NO. 1480

98TH GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVE ENTLICHER.

4532H.011

D. ADAM CRUMBLISS, Chief Clerk

AN ACT

To repeal sections 115.257 and 115.293, RSMo, and to enact in lieu thereof two new sections relating to absentee ballots.

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

Section A. Sections 115.257 and 115.293, RSMo, are repealed and two new sections enacted in lieu thereof, to be known as sections 115.257 and 115.293, to read as follows:

115.257. 1. In jurisdictions where electronic voting machines are used, the election authority shall cause the voting machines to be put in order, set, adjusted and made ready for voting before they are delivered to polling places.

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

3. When an electronic voting machine has been examined by such observers and shown to be in good working order, the machine shall be locked against voting. The observers shall certify the vote count on each machine is set at zero.

4. After an electronic voting machine has been properly prepared and locked, its keys shall be retained by the election authority and delivered to the election judges along with the other election supplies.

5. **For the purpose of processing absentee ballots, the election authority may cause a voting machine to be put in order, set, adjusted, and made ready for voting within one**

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.

18 **business day of the printing of absentee ballots as provided in section 115.281. The election**
 19 **authority shall have the recording counter except for the protective counter on the voting**
 20 **machine set to zero (000). After the voting machine has been made ready for voting, the**
 21 **election authority shall not permit any person to handle any voting machine, except voters**
 22 **while they are voting and others expressly authorized by the election authority. The**
 23 **election authority shall neither be nor permit any other person to be in any position or near**
 24 **any position that enables the authority or person to see how any absentee voter votes or has**
 25 **voted.**

26 **6.** Nothing in this section shall prohibit the on-site storage of electronic voting machines
 27 and the preparation of the electronic machines for voting, provided the electronic voting
 28 machines are put in order, set, adjusted and made ready for voting as provided in subsections 1,
 29 2, 3 [and] , 4, **and 5** of this section.

115.293. 1. All proper votes on each absentee ballot received by an election authority
 2 at or before the time fixed by law for the closing of the polls on election day shall be counted.
 3 **Except as provided in section 115.920,** no votes on any absentee ballot received by an election
 4 authority after the time fixed by law for the closing of the polls on election day shall be counted.

5 2. If sufficient evidence is shown to an election authority that any absentee voter has died
 6 prior to the opening of the polls on election day, the ballot of the deceased voter shall be rejected
 7 **if it is still sealed in the ballot envelope.** Any ballot so rejected, still sealed in its ballot
 8 envelope, shall be sealed with the application and any other papers connected therewith in an
 9 envelope marked "Rejected ballot of, an absentee voter of
 10 voting district". The reason for rejection shall be noted on the envelope, which shall be kept by
 11 the election authority with the other ballots from the election until the ballots are destroyed
 12 according to law.

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