

House _____ Amendment NO. _____

Offered By

1 AMEND House Committee Substitute for House Bill No. 472, Page 1, Section A, Line 2, by
2 inserting after all of said section and line the following:

3
4 "115.225. 1. Before use by election authorities in this state, the secretary of state shall
5 approve the marking devices and the automatic tabulating equipment used in electronic voting
6 systems and may promulgate rules and regulations to implement the intent of sections 115.225 to
7 115.235.

8 2. No electronic voting system shall be approved unless it:

9 (1) Permits voting in absolute secrecy;

10 (2) Permits each voter to vote for as many candidates for each office as a voter is lawfully
11 entitled to vote for;

12 (3) Permits each voter to vote for or against as many questions as a voter is lawfully entitled
13 to vote on, and no more;

14 (4) Provides facilities for each voter to cast as many write-in votes for each office as a voter
15 is lawfully entitled to cast;

16 (5) Permits each voter in a primary election to vote for the candidates of only one party
17 announced by the voter in advance;

18 (6) Permits each voter at a presidential election to vote by use of a single mark for the
19 candidates of one party or group of petitioners for president, vice president and their presidential
20 electors;

21 (7) Accurately counts all proper votes cast for each candidate and for and against each
22 question;

23 (8) Is set to reject all votes, except write-in votes, for any office and on any question when
24 the number of votes exceeds the number a voter is lawfully entitled to cast;

25 (9) Produces the election results from paper ballots that voters have marked by hand or, in
26 the case of voters who are disabled and need assistance, from paper ballots that have been marked
27 by paper ballot marking machines designed to assist voters who are disabled;

28 (10) Permits each voter, while voting, to clearly see the ballot label; and

29 [(10)] (11) Has been tested and is certified by an independent authority that meets the voting
30 system standards developed by the Federal Election Commission or its successor agency. The
31 provisions of this subdivision shall not be required for any system purchased prior to August 28,
32 2002.

33 3. Until January 1, 2024, if any election authority uses direct-record electronic touchscreen
34 vote counting machines, the election authority may continue to use such machines solely for voters
35 who are disabled and desire to use them. When the machines require replacement due to wear and
36 tear, malfunction, or any other reason, they shall be replaced with a paper ballot marking machine

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1 designed to assist voters who are disabled. Under no circumstances shall direct-record electronic
 2 touchscreen vote counting machines be used after January 1, 2024.

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

8 [4.] 5. Any rule or portion of a rule, as that term is defined in section 536.010, that is created
 9 under the authority delegated in this section shall become effective only if it complies with and is
 10 subject to all of the provisions of chapter 536 and, if applicable, section 536.028. This section and
 11 chapter 536 are nonseverable and if any of the powers vested with the general assembly pursuant to
 12 chapter 536 to review, to delay the effective date or to disapprove and annul a rule are subsequently
 13 held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after
 14 August 28, 2002, shall be invalid and void.

15 115.237. 1. Beginning January 1, 2022, the official ballot shall be a paper ballot that is
 16 hand-marked by the voter or, in the case of voters who are disabled and need assistance, by a paper
 17 ballot marking device designed to assist voters who are disabled as provided in subsection 3 of
 18 section 115.225.

19 2. Each ballot printed or designed for use with an electronic voting system for any election
 20 pursuant to this chapter shall contain all questions and the names of all offices and candidates
 21 certified or filed pursuant to this chapter and no other. As far as practicable, all questions and the
 22 names of all offices and candidates for which each voter is entitled to vote shall be printed on one
 23 page except for the ballot for political party committee persons in polling places not utilizing an
 24 electronic voting system which may be printed separately and in conformity with the requirements
 25 contained in this section. As far as practicable, ballots containing only questions and the names of
 26 nonpartisan offices and candidates shall be printed in accordance with the provisions of this section,
 27 except that the ballot information may be listed in vertical or horizontal rows. The names of
 28 candidates for each office shall be listed in the order in which they are filed.

29 [2.] 3. In polling places using electronic voting systems, the ballot information may be
 30 arranged in vertical or horizontal rows or on a number of separate pages or screens. In any event,
 31 the name of each candidate, the candidate's party, the office for which he or she is a candidate, and
 32 each question shall be indicated clearly on the ballot.

33 [3.] 4. Nothing in this subchapter shall be construed as prohibiting the use of a separate
 34 paper ballot for questions or for the presidential preference primary in any polling place using an
 35 electronic voting system.

36 [4.] 5. Where electronic voting systems are used and when write-in votes are authorized by
 37 law, a write-in ballot, which may be in the form of a separate paper ballot, card, or envelope, may be
 38 provided by the election authority to permit each voter to write in the names of persons whose
 39 names do not appear on the ballot.

40 [5.] 6. No ballot printed or designed for use with an electronic voting system for any
 41 partisan election held under this chapter shall allow a person to vote a straight political party ticket.
 42 For purposes of this subsection, a "straight political party ticket" means voting for all of the
 43 candidates for elective office who are on the ballot representing a single political party by a single
 44 selection on the ballot.

45 [6.] 7. The secretary of state shall promulgate rules that specify uniform standards for ballot
 46 layout for each electronic or computerized ballot counting system approved under the provisions of
 47 section 115.225 so that the ballot used with any counting system is, where possible, consistent with
 48 the intent of this section. Nothing in this section shall be construed to require the format specified in
 49 this section if it does not meet the requirements of the ballot counting system used by the election

1 authority.

2 ~~[7.]~~ 8. Any rule or portion of a rule, as that term is defined in section 536.010, that is created
3 under the authority delegated in this section shall become effective only if it complies with and is
4 subject to all of the provisions of chapter 536 and, if applicable, section 536.028. This section and
5 chapter 536 are nonseverable and if any of the powers vested with the general assembly pursuant to
6 chapter 536 to review, to delay the effective date or to disapprove and annul a rule are subsequently
7 held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after
8 August 28, 2002, shall be invalid and void."; and

9
10 Further amend said bill by amending the title, enacting clause, and intersectional references
11 accordingly.