

SECOND REGULAR SESSION

HOUSE BILL NO. 3218

103RD GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVE SIMMONS.

7052H.011

JOSEPH ENGLER, Chief Clerk

AN ACT

To repeal sections 115.243, 115.449, 115.461, 115.511, and 128.010, RSMo, and to enact in lieu thereof six new sections relating to the election of presidential electors.

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

Section A. Sections 115.243, 115.449, 115.461, 115.511, and 128.010, RSMo, are
2 repealed and six new sections enacted in lieu thereof, to be known as sections 115.243,
3 115.449, 115.461, 115.511, 128.010, and 128.075, to read as follows:

115.243. 1. For the purposes of this chapter, the candidates for president and vice
2 president of the United States from any political party or group of petitioners shall be
3 considered one candidate. The names of the candidates for president and vice president from
4 each political party or group of petitioners shall be enclosed in a brace directly to the left of
5 the names in the appropriate column on the official ballot. Directly to the left of each brace
6 shall be printed one square, the sides of which are not less than one-fourth inch in length. The
7 names of candidates for presidential electors shall not be printed on the ballot but shall be
8 filed with the secretary of state in the manner provided in section 115.399.

9 2. A vote for any candidate for president and vice president **on the official ballot**
10 shall be a vote for ~~[their electors]~~ **each of the candidates for elector filed under section**
11 **115.399.**

12 3. When presidential and vice-presidential candidates are to be elected, the following
13 instruction shall be printed on the official ballot: "A vote for candidates for President and
14 Vice President is a vote for ~~[their electors]~~ **each of the candidates for elector.**"

115.449. 1. As soon as the polls close in each polling place using paper ballots, the
2 election judges shall begin to count the votes. If earlier counting is begun pursuant to section

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.

3 115.451, the election judges shall complete the count in the manner provided by this section.
4 Once begun, no count shall be adjourned or postponed until all proper votes have been
5 counted.

6 2. One counting judge, closely observed by the other counting judge, shall take the
7 ballots out of the ballot box one at a time and, holding each ballot in such a way that the other
8 counting judge may read it, shall read the name of each candidate properly voted for and the
9 office sought by each. As each vote is called out, the recording judges shall each record the
10 vote on a tally sheet. The votes for and against all questions shall likewise be read and
11 recorded. If more than one political subdivision or special district is holding an election on
12 the same day at the same polling place and using separate ballots, the counting judges may
13 separate the ballots of each political subdivision and special district and first read one set,
14 then the next and so on until all proper votes have been counted.

15 3. After the recording of all proper votes, the recording judges shall compare their
16 tallies. When the recording judges agree on the count, they shall sign both of the tally sheets,
17 and one of the recording judges shall announce in a loud voice the total number of votes for
18 each candidate and for and against each question.

19 4. After the announcement of the vote, the election judges shall record the vote totals
20 in the appropriate places on each statement of returns. If any tally sheet or statement of
21 returns contains no heading for any question, the election judges shall write the necessary
22 headings on the tally sheet or statement of returns.

23 **5. In the recording of votes for elector of president and vice president, each**
24 **candidate for elector shall be recorded as having received the number of votes recorded**
25 **as being cast for the associated candidates for president and vice president as filed**
26 **under section 115.399.**

115.461. 1. The tally book for each polling place using paper ballots shall be in
2 substantially the following form:

3 Tally book for _____ precincts, at the general (special, primary)
4 election held on the _____ day of _____, 20____ AB, CD, EF, and
5 XP judges, and ZR and LT, watchers and BH and SP challengers at this
6 polling place, were sworn as the law directs before beginning their
7 duties.

8 We hereby certify:

9 The number of ballots received at this polling place is _____;
10 The information on the official ballots received at this polling
11 place is the same as the information on the sample ballots received
12 at this polling place.

13 AB

14 CD Election Judges
 15 EF
 16 XP

17 We hereby certify:

18 The number of ballots cast at this polling place is _____;
 19 The number of identification certificates signed at this polling
 20 place is _____;
 21 The number of rejected ballots at this polling place is _____;
 22 The number of spoiled ballots at this polling place is _____;
 23 The number of ballots received at this polling place which were
 24 not cast at this election is _____;

25 AB
 26 CD
 27 EF
 28 XP

29 2. At each polling place using paper ballots, two tally sheets shall be included in each
30 tally book. The tally sheets shall be in substantially the following form:

31 NAMES OF PERSONS VOTED FOR AND
 32 FOR WHAT OFFICE AND THE NUMBER
 33 OF VOTES CAST FOR EACH PERSON

Office	Candidates	Tally of Votes				Total Votes
Governor	MC					
	HK					
	EH					
Representative in Congress	SS					
	RK					
	CB					

41 VOTES FOR AND AGAINST EACH QUESTION

Question	Tally of				Total of	
	Tally of votes		votes		votes FOR	
	FOR	AGAINST	FOR	AGAINST	FOR	AGAINST
45 1. To _____						
46 _____						
47 _____						
48 2. To _____						
49 _____						

50

51

Signature of Recording

Signature of Recording

52

Judge

Judge

53

(of different political

54

party)

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3. At each polling place using paper ballots, two statements of returns shall be provided to the election judges. The statements of returns shall be in substantially the following form:

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We hereby certify that MC had _____ votes for governor, and HK had

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_____ votes for governor and EH had _____ votes for governor; that

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SS had _____ votes for representative in Congress, etc.

61

We hereby certify that proposition number 1 received _____ votes for

62

and _____ votes against; constitutional amendment number 1

63

received _____ votes for and _____ votes against, etc.

64

We, the duly qualified and acting Judges of the polling place for _____

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precincts, at the general (special, primary) election held on the _____

66

of _____, 20_____, in _____ county (City of St. Louis, Kansas

67

City), Missouri do hereby certify that the foregoing is a full and

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accurate return of all votes cast at this polling place for all candidates

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and for and against all questions.

70

AB

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CD Election Judges

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EF

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XP

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4. In years in which electors for president and vice president are to be elected, the tally sheets in subsection 2 of this section and statement of returns in subsection 3 of this section shall record for each candidate for elector the number of votes recorded as cast for the associated candidates for president and vice president as filed under section 115.399.

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115.511. 1. The secretary of state shall convene the board of state canvassers to total the abstracts of each primary election and the board shall, not later than two weeks after receiving all required abstracts from the primary election, issue a statement announcing the results of the primary election for federal officers, governor, lieutenant governor, state senators and representatives, circuit judges, secretary of state, attorney general, state treasurer and state auditor.

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7 2. The secretary of state shall convene the board of state canvassers to total the
8 abstracts of each general election and the board shall, not later than the second Tuesday in
9 December following the general election, issue a statement announcing the results of the
10 general election for federal officers, governor, lieutenant governor, state senators and
11 representatives, circuit judges, appellate and circuit judges subject to the provisions of Article
12 V, Section 25 of the State Constitution, secretary of state, attorney general, state treasurer and
13 state auditor.

14 3. The secretary of state shall convene the board of state canvassers to total the
15 abstracts of each special election at which the name of a candidate for nomination or election
16 to the office of United States senator, representative in Congress, governor, lieutenant
17 governor, state senator, state representative, circuit judge not subject to the provisions of
18 Article V, Section 25 of the State Constitution, secretary of state, attorney general, state
19 treasurer or state auditor, or at which an initiative, referendum or constitutional amendment
20 appears on the ballot, and the board shall, not later than two weeks after receiving all required
21 abstracts from the election, issue a statement announcing the results of the election for such
22 office or on such question.

23 **4. In issuing a statement announcing the results of an election for elector of**
24 **president and vice president of the United States, the board shall announce each**
25 **candidate for elector as receiving a number of votes equal to those cast on the official**
26 **ballot for the elector's associated candidates for president and vice president as filed**
27 **under section 115.399. The board shall announce candidates for president and vice**
28 **president as receiving a vote total equal to the aggregate votes of all candidates for**
29 **elector associated with president and vice president as filed under section 115.399. No**
30 **other vote total shall be announced by the board for any candidate for president and**
31 **vice president.**

128.010. Hereafter, at all elections held in this state for the offices of president and
2 vice president of the United States **and for elector of president and vice president**, the
3 electoral district shall be the same as the congressional districts into which the state shall be
4 divided, and the same number of electors as there may be districts shall be chosen by the
5 qualified voters, one of whom shall be a resident of each district; and in addition thereto, two
6 electors shall be chosen [~~by the state at large~~] **irrespective of district residence.**

128.075. As soon as practicable and no later than six days before the date of the
2 **meeting of electors, the governor shall send a certificate of ascertainment of**
3 **appointment of electors to the Archivist of the United States. The certificate shall**
4 **state the names of the electors and the number of votes each candidate for elector**
5 **received under section 115.243. The governor shall aggregate the votes received by each**
6 **candidate for elector with each other candidate for elector nominated by the same party**

7 **and report of the certificate of ascertainment the aggregate total of each group of**
8 **electors as the total number of votes received by each presidential and vice presidential**
9 **candidate. No other vote total for president and vice president shall be reported on the**
10 **certificate of ascertainment.**

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