

House \_\_\_\_\_ Amendment NO. \_\_\_\_\_

Offered By

1 AMEND House Bill No. 1455, Page 1, Section A, Line 2, by inserting after all of said section and  
2 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

Action Taken \_\_\_\_\_ Date \_\_\_\_\_

1 provisions of this subdivision shall not be required for any system purchased prior to August 28,  
2 2002.

3 3. Until January 1, 2024, if any election authority uses direct-record electronic touchscreen  
4 vote counting machines, the election authority may continue to use such machines solely for voters  
5 who are disabled and desire to use them. When machines require replacement due to wear and tear,  
6 malfuction, or any other reason, such machine shall be replaced with a paper ballot marking  
7 machine designed to assist voters who are disabled. Under no circumstances shall direct-record  
8 electronic touchscreen vote counting machines be used after January 1, 2024.

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

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

21 115.237. 1. Beginning January 1, 2023, the official ballot shall be a paper ballot that is  
22 hand-marked by the voter or by the voter's designee as permitted under subsection 3 of section  
23 115.445, unless such voter chooses to use a ballot marking device as provided in subsection 3 of  
24 section 115.225.

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

35 ~~[2.]~~ 3. In polling places using electronic voting systems, the ballot information may be  
36 arranged in vertical or horizontal rows or on a number of separate pages or screens. In any event,  
37 the name of each candidate, the candidate's party, the office for which he or she is a candidate, and  
38 each question shall be indicated clearly on the ballot.

39 ~~[3.]~~ 4. Nothing in this subchapter shall be construed as prohibiting the use of a separate

1 paper ballot for questions or for the presidential preference primary in any polling place using an  
2 electronic voting system.

3 ~~[4.]~~ 5. Where electronic voting systems are used and when write-in votes are authorized by  
4 law, a write-in ballot, which may be in the form of a separate paper ballot, card, or envelope, may be  
5 provided by the election authority to permit each voter to write in the names of persons whose  
6 names do not appear on the ballot.

7 ~~[5.]~~ 6. No ballot printed or designed for use with an electronic voting system for any  
8 partisan election held under this chapter shall allow a person to vote a straight political party ticket.  
9 For purposes of this subsection, a "straight political party ticket" means voting for all of the  
10 candidates for elective office who are on the ballot representing a single political party by a single  
11 selection on the ballot.

12 ~~[6.]~~ 7. The secretary of state shall promulgate rules that specify uniform standards for ballot  
13 layout for each electronic or computerized ballot counting system approved under the provisions of  
14 section 115.225 so that the ballot used with any counting system is, where possible, consistent with  
15 the intent of this section. Nothing in this section shall be construed to require the format specified in  
16 this section if it does not meet the requirements of the ballot counting system used by the election  
17 authority.

18 ~~[7.]~~ 8. Any rule or portion of a rule, as that term is defined in section 536.010, that is created  
19 under the authority delegated in this section shall become effective only if it complies with and is  
20 subject to all of the provisions of chapter 536 and, if applicable, section 536.028. This section and  
21 chapter 536 are nonseverable and if any of the powers vested with the general assembly pursuant to  
22 chapter 536 to review, to delay the effective date or to disapprove and annul a rule are subsequently  
23 held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after  
24 August 28, 2002, shall be invalid and void."; and

25  
26 Further amend said Bill, Page 7, Section 115.637, Line 82, by inserting after all of said section and  
27 line the following:

28  
29 "Section 1. Notwithstanding any other provision of law to the contrary, drop boxes, which  
30 for purposes of this section shall mean unattended depositories for election ballots, but shall not  
31 include mail boxes under the ownership and control of the United States Postal Service, shall be  
32 prohibited in this state."; and

33  
34 Further amend said bill by amending the title, enacting clause, and intersectional references  
35 accordingly.