

SECOND REGULAR SESSION

HOUSE BILL NO. 2903

102ND GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVE GREGORY.

5298H.011

DANA RADEMAN MILLER, Chief Clerk

AN ACT

To repeal section 115.501, RSMo, and to enact in lieu thereof two new sections relating to vote recounts by election verification boards.

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

Section A. Section 115.501, RSMo, is repealed and two new sections enacted in lieu thereof, to be known as sections 115.501 and 115.502, to read as follows:

115.501. As soon as possible after an election in which paper ballots or ballot cards are used, the verification board shall meet and check the addition and figures on all tally sheets and statements of returns and shall compare its record with the returns made by the election judges and the election authority on the day of the election. Before meeting, the verification board shall give notice of the time and place of the meeting to each independent and new party candidate and the chairman of the county committee of each political party named on the ballot at the election. The meeting and proceedings of the verification board shall be open to a representative of each independent candidate and political party named on the ballot. If there is a discrepancy between the returns of the election judges and the election authority and the record of the verification board, the verification board shall correct the returns made by the judges and election authority to conform to its record. The corrected returns shall supersede the returns made by the election judges and the election authority on election day. Both the record and the returns shall be retained by the election authority as provided in section 115.493. **The verification board shall also provide for random manual recounts, as described in section 115.502.**

115.502. 1. Prior to the certification of election results, the verification board shall conduct a manual recount by hand of contested races and ballot issues in no less

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 than five percent of all election precincts, but at least one precinct, selected through the
4 use of a random drawing.

5 2. The random selection of the precincts to be recounted shall be open to any
6 member of the public and the election authority shall notify the public of the time and
7 place of the selection process no later than forty-eight hours before the selection process
8 is to occur by posting a notice in a prominent place, which is easily accessible to the
9 public and clearly designated for that purpose, at the principal office of the election
10 authority.

11 3. The recount of the randomly selected precinct shall be conducted in the
12 following manner:

13 (1) The verification board shall unseal the appropriate ballot containers for each
14 randomly selected precinct and recount by hand certain randomly selected contested
15 races and ballot issues;

16 (2) One contested race or ballot issue from each of the following categories shall
17 be manually recounted in each selected precinct, when applicable:

18 (a) Presidential and vice presidential electors, United States Senate candidates,
19 or statewide candidates;

20 (b) Statewide ballot issues;

21 (c) United States House of Representatives candidates or general assembly
22 candidates; and

23 (d) Partisan circuit and associate circuit judge candidates or all nonpartisan
24 judicial retention candidates;

25 (3) At least one contested race or ballot issue from all political subdivisions and
26 special districts, including the county, shall be recounted in each selected precinct; and

27 (4) All races in which the margin of victory between the top two candidates is
28 equal to or less than one-half of one percent of the number of votes cast for the office
29 shall be manually recounted in each selected precinct.

30 4. Upon completion of the manual recount, the ballots and other supporting
31 materials shall be resealed in the appropriate containers. The results of the manual
32 recount shall be reported on certificates provided by the secretary of state. One copy
33 shall be filed with the secretary of state within four weeks of the election date and one
34 copy shall be filed with the public records of the election authority.

35 5. The secretary of state may grant funds available to reimburse election
36 authorities for the cost of conducting the manual recounts required by this section.