

SECOND REGULAR SESSION

# SENATE BILL NO. 1067

99TH GENERAL ASSEMBLY

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INTRODUCED BY SENATOR EIGEL.

Read 1st time February 28, 2018, and ordered printed.

ADRIANE D. CROUSE, Secretary.

6693S.011

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## AN ACT

To repeal sections 115.225 and 115.237, RSMo, and to enact in lieu thereof two new sections relating to the use of paper ballots, with an effective date.

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

Section A. Sections 115.225 and 115.237, RSMo, are repealed and two new  
2 sections enacted in lieu thereof, to be known as sections 115.225 and 115.237, to  
3 read as follows:

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

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

6 (1) Permits voting in absolute secrecy;

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

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

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

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

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

18 (7) Accurately counts all proper votes cast for each candidate and for and

**EXPLANATION—Matter enclosed in bold-faced brackets [thus] in this bill is not enacted and is intended to be omitted in the law.**

19 against each question;

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

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

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

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

32 3. **Upon the removal of any direct-record electronic touch-screen**  
33 **vote counting machine from the election authority's inventory because**  
34 **of mechanical malfunction, wear and tear, or any other reason, the**  
35 **machine shall not be replaced and no additional direct-record**  
36 **electronic voting machine shall be added to the election authority's**  
37 **inventory. Replacement of equipment for use by disabled voters shall**  
38 **be with paper-ballot marking devices designed to assist the disabled.**

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

45 [4.] 5. Any rule or portion of a rule, as that term is defined in section  
46 536.010, that is created under the authority delegated in this section shall  
47 become effective only if it complies with and is subject to all of the provisions of  
48 chapter 536 and, if applicable, section 536.028. This section and chapter 536 are  
49 nonseverable and if any of the powers vested with the general assembly pursuant  
50 to chapter 536 to review, to delay the effective date or to disapprove and annul  
51 a rule are subsequently held unconstitutional, then the grant of rulemaking  
52 authority and any rule proposed or adopted after August 28, 2002, shall be  
53 invalid and void.

115.237. 1. **The official ballot shall be a paper ballot that is hand-**

2 **marked by the voter or, in the case of disabled voters who need**  
3 **assistance, by a paper ballot marking device designed to assist the**  
4 **disabled, except as provided in subsection 3 of section 115.225.**

5       **2.** Each ballot printed or designed for use with an electronic voting system  
6 for any election pursuant to this chapter shall contain all questions and the  
7 names of all offices and candidates certified or filed pursuant to this chapter and  
8 no other. As far as practicable, all questions and the names of all offices and  
9 candidates for which each voter is entitled to vote shall be printed on one page  
10 except for the ballot for political party committee persons in polling places not  
11 utilizing an electronic voting system which may be printed separately and in  
12 conformity with the requirements contained in this section. As far as practicable,  
13 ballots containing only questions and the names of nonpartisan offices and  
14 candidates shall be printed in accordance with the provisions of this section,  
15 except that the ballot information may be listed in vertical or horizontal  
16 rows. The names of candidates for each office shall be listed in the order in  
17 which they are filed.

18       **[2.] 3.** In polling places using electronic voting systems, the ballot  
19 information may be arranged in vertical or horizontal rows or on a number of  
20 separate pages or screens. In any event, the name of each candidate, the  
21 candidate's party, the office for which he or she is a candidate, and each question  
22 shall be indicated clearly on the ballot.

23       **[3.] 4.** Nothing in this subchapter shall be construed as prohibiting the  
24 use of a separate paper ballot for questions or for the presidential preference  
25 primary in any polling place using an electronic voting system.

26       **[4.] 5.** Where electronic voting systems are used and when write-in votes  
27 are authorized by law, a write-in ballot, which may be in the form of a separate  
28 paper ballot, card, or envelope, may be provided by the election authority to  
29 permit each voter to write in the names of persons whose names do not appear  
30 on the ballot.

31       **[5.] 6.** No ballot printed or designed for use with an electronic voting  
32 system for any partisan election held under this chapter shall allow a person to  
33 vote a straight political party ticket. For purposes of this subsection, a "straight  
34 political party ticket" means voting for all of the candidates for elective office who  
35 are on the ballot representing a single political party by a single selection on the  
36 ballot.

37       **[6.] 7.** The secretary of state shall promulgate rules that specify uniform

38 standards for ballot layout for each electronic or computerized ballot counting  
39 system approved under the provisions of section 115.225 so that the ballot used  
40 with any counting system is, where possible, consistent with the intent of this  
41 section. Nothing in this section shall be construed to require the format specified  
42 in this section if it does not meet the requirements of the ballot counting system  
43 used by the election authority.

44 [7.] 8. Any rule or portion of a rule, as that term is defined in section  
45 536.010, that is created under the authority delegated in this section shall  
46 become effective only if it complies with and is subject to all of the provisions of  
47 chapter 536 and, if applicable, section 536.028. This section and chapter 536 are  
48 nonseverable and if any of the powers vested with the general assembly pursuant  
49 to chapter 536 to review, to delay the effective date or to disapprove and annul  
50 a rule are subsequently held unconstitutional, then the grant of rulemaking  
51 authority and any rule proposed or adopted after August 28, 2002, shall be  
52 invalid and void.

Section B. Section A of this act shall become effective January 1, 2019.

Bill ✓

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