

SECOND REGULAR SESSION

# HOUSE BILL NO. 1595

## 101ST GENERAL ASSEMBLY

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INTRODUCED BY REPRESENTATIVE HUDSON.

3487H.02I

DANA RADEMAN MILLER, Chief Clerk

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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 paper ballots.

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Section A. Sections 115.225 and 115.237, RSMo, are repealed and two new sections  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

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

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

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

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

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

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.

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

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

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

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

27 ~~[(10)]~~ (11) Has been tested and is certified by an independent authority that meets the  
28 voting system standards developed by the Federal Election Commission or its successor  
29 agency. The provisions of this subdivision shall not be required for any system purchased  
30 prior to August 28, 2002.

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

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

43 ~~[4:]~~ **5.** Any rule or portion of a rule, as that term is defined in section 536.010, that is  
44 created under the authority delegated in this section shall become effective only if it complies  
45 with and is subject to all of the provisions of chapter 536 and, if applicable, section 536.028.  
46 This section and chapter 536 are nonseverable and if any of the powers vested with the  
47 general assembly pursuant to chapter 536 to review, to delay the effective date or to  
48 disapprove and annul a rule are subsequently held unconstitutional, then the grant of  
49 rulemaking authority and any rule proposed or adopted after August 28, 2002, shall be invalid  
50 and void.

**115.237. 1. Beginning January 1, 2023, the official ballot shall be a paper ballot  
2 that is hand-marked by the voter or, in the case of voters who are disabled and need  
3 assistance, by a paper ballot marking device designed to assist voters who are disabled  
4 as provided in subsection 3 of section 115.225.**

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

16           ~~[2-]~~ **3.** In polling places using electronic voting systems, the ballot information may  
17 be arranged in vertical or horizontal rows or on a number of separate pages or screens. In any  
18 event, the name of each candidate, the candidate's party, the office for which he or she is a  
19 candidate, and each question shall be indicated clearly on the ballot.

20           ~~[3-]~~ **4.** Nothing in this subchapter shall be construed as prohibiting the use of a  
21 separate paper ballot for questions or for the presidential preference primary in any polling  
22 place using an electronic voting system.

23           ~~[4-]~~ **5.** Where electronic voting systems are used and when write-in votes are  
24 authorized by law, a write-in ballot, which may be in the form of a separate paper ballot, card,  
25 or envelope, may be provided by the election authority to permit each voter to write in the  
26 names of persons whose names do not appear on the ballot.

27           ~~[5-]~~ **6.** No ballot printed or designed for use with an electronic voting system for any  
28 partisan election held under this chapter shall allow a person to vote a straight political party  
29 ticket. For purposes of this subsection, a "straight political party ticket" means voting for all  
30 of the candidates for elective office who are on the ballot representing a single political party  
31 by a single selection on the ballot.

32           ~~[6-]~~ **7.** The secretary of state shall promulgate rules that specify uniform standards for  
33 ballot layout for each electronic or computerized ballot counting system approved under the  
34 provisions of section 115.225 so that the ballot used with any counting system is, where  
35 possible, consistent with the intent of this section. Nothing in this section shall be construed  
36 to require the format specified in this section if it does not meet the requirements of the ballot  
37 counting system used by the election authority.

38           ~~[7-]~~ **8.** Any rule or portion of a rule, as that term is defined in section 536.010, that is  
39 created under the authority delegated in this section shall become effective only if it complies  
40 with and is subject to all of the provisions of chapter 536 and, if applicable, section 536.028.  
41 This section and chapter 536 are nonseverable and if any of the powers vested with the

42 general assembly pursuant to chapter 536 to review, to delay the effective date or to  
43 disapprove and annul a rule are subsequently held unconstitutional, then the grant of  
44 rulemaking authority and any rule proposed or adopted after August 28, 2002, shall be invalid  
45 and void.

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