

SECOND REGULAR SESSION

HOUSE BILL NO. 2633

101ST GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVE BOGGS.

5306H.011

DANA RADEMAN MILLER, Chief Clerk

AN ACT

To repeal sections 115.013, 115.045, 115.051, 115.065, 115.077, 115.225, 115.229, 115.233, 115.235, 115.237, 115.249, 115.255, 115.257, 115.259, 115.261, 115.263, 115.265, 115.267, 115.269, 115.271, 115.273, 115.417, 115.421, 115.447, 115.467, 115.469, 115.471, 115.473, 115.475, 115.477, 115.479, 115.481, 115.483, 115.495, 115.503, 115.541, 115.585, and 115.655, RSMo, and to enact in lieu thereof fifteen new sections relating to elections.

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

Section A. Sections 115.013, 115.045, 115.051, 115.065, 115.077, 115.225, 115.229, 2 115.233, 115.235, 115.237, 115.249, 115.255, 115.257, 115.259, 115.261, 115.263, 115.265, 3 115.267, 115.269, 115.271, 115.273, 115.417, 115.421, 115.447, 115.467, 115.469, 115.471, 4 115.473, 115.475, 115.477, 115.479, 115.481, 115.483, 115.495, 115.503, 115.541, 115.585, 5 and 115.655, RSMo, are repealed and fifteen new sections enacted in lieu thereof, to be 6 known as sections 115.013, 115.045, 115.051, 115.065, 115.077, 115.225, 115.237, 115.417, 7 115.421, 115.447, 115.458, 115.541, 115.585, 115.655, and 115.1310, to read as follows:

115.013. As used in this chapter, unless the context clearly implies otherwise, the 2 following terms mean:

3 (1) ~~["Automatic tabulating equipment", the apparatus necessary to examine and~~
4 ~~automatically count votes, and the data processing machines which are used for counting~~
5 ~~votes and tabulating results;~~

6 (2) "Ballot", the ~~[ballot card,] paper ballot[, or ballot designed for use with an~~
7 ~~electronic voting system]~~ on which each voter may cast all votes to which he or she is entitled
8 at an election;

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.

9 ~~[(3) "Ballot card", a ballot which is voted by making a mark which can be tabulated~~
10 ~~by automatic tabulating equipment;~~

11 (4) (2) "Ballot label", the card, paper, booklet, page, or other material containing the
12 names of all offices and candidates and statements of all questions to be voted on;

13 ~~[(5) (3) "Counting location", a location selected by the election authority for the~~
14 ~~automatic processing or counting, or both, of ballots;~~

15 ~~[(6) (4) "County", any county in this state or any city not within a county;~~

16 ~~[(7) (5) "Disqualified", a determination made by a court of competent jurisdiction,~~
17 ~~the Missouri ethics commission, an election authority or any other body authorized by law to~~
18 ~~make such a determination that a candidate is ineligible to hold office or not entitled to be~~
19 ~~voted on for office;~~

20 ~~[(8) (6) "District", an area within the state or within a political subdivision of the~~
21 ~~state from which a person is elected to represent the area on a policy-making body with~~
22 ~~representatives of other areas in the state or political subdivision;~~

23 ~~[(9) "Electronic voting machine", any part of an electronic voting system on which a~~
24 ~~voter is able to cast a ballot under this chapter;~~

25 ~~(10) "Electronic voting system", a system of casting votes by use of marking devices,~~
26 ~~and counting votes by use of automatic tabulating or data processing equipment, including~~
27 ~~computerized voting systems;~~

28 ~~[(11) (7) "Established political party" for the state, a political party which, at either of~~
29 ~~the last two general elections, polled for its candidate for any statewide office more than two~~
30 ~~percent of the entire vote cast for the office. "Established political party" for any district or~~
31 ~~political subdivision shall mean a political party which polled more than two percent of the~~
32 ~~entire vote cast at either of the last two elections in which the district or political subdivision~~
33 ~~voted as a unit for the election of officers or representatives to serve its area;~~

34 ~~[(12) (8) "Federal office", the office of presidential elector, United States senator, or~~
35 ~~representative in Congress;~~

36 ~~[(13) (9) "Independent", a candidate who is not a candidate of any political party and~~
37 ~~who is running for an office for which political party candidates may run;~~

38 ~~[(14) (10) "Major political party", the political party whose candidates received the~~
39 ~~highest or second highest number of votes at the last general election;~~

40 ~~[(15) "Marking device", any approved device which will enable the votes to be~~
41 ~~counted by automatic tabulating equipment;~~

42 ~~[(16) (11) "Municipal" or "municipality", a city, village, or incorporated town of this~~
43 ~~state;~~

44 ~~[(17) (12) "New party", any political group which has filed a valid petition and is~~
45 ~~entitled to place its list of candidates on the ballot at the next general or special election;~~

46 ~~[(18)]~~ **(13)** "Nonpartisan", a candidate who is not a candidate of any political party
47 and who is running for an office for which party candidates may not run;

48 ~~[(19)]~~ **(14)** "Political party", any established political party and any new party;

49 ~~[(20)]~~ **(15)** "Political subdivision", a county, city, town, village, or township of a
50 township organization county;

51 ~~[(21)]~~ **(16)** "Polling place", the voting place designated for all voters residing in one
52 or more precincts for any election;

53 ~~[(22)]~~ **(17)** "Precincts", the geographical areas into which the election authority
54 divides its jurisdiction for the purpose of conducting elections;

55 ~~[(23)]~~ **(18)** "Public office", any office established by constitution, statute or charter
56 and any employment under the United States, the state of Missouri, or any political
57 subdivision or special district thereof, but does not include any office in the Missouri state
58 defense force or the National Guard or the office of notary public or city attorney in cities of
59 the third classification or cities of the fourth classification;

60 ~~[(24)]~~ **(19)** "Question", any measure on the ballot which can be voted "YES" or
61 "NO";

62 ~~[(25)]~~ **(20)** "Relative within the second degree by consanguinity or affinity", a spouse,
63 parent, child, grandparent, brother, sister, grandchild, mother-in-law, father-in-law, daughter-
64 in-law, or son-in-law;

65 ~~[(26)]~~ **(21)** "Special district", any school district, water district, fire protection district,
66 hospital district, health center, nursing district, or other districts with taxing authority, or other
67 district formed pursuant to the laws of Missouri to provide limited, specific services;

68 ~~[(27)]~~ **(22)** "Special election", elections called by any school district, water district,
69 fire protection district, or other district formed pursuant to the laws of Missouri to provide
70 limited, specific services; and

71 ~~[(28)]~~ **(23)** "Voting district", the one or more precincts within which all voters vote at
72 a single polling place for any election.

115.045. Each election authority shall have the authority to employ such attorneys
2 and other employees as may be necessary to promptly and correctly perform the duties of the
3 election authority. ~~[Where an electronic voting system or voting machines are used, the
4 election authority shall designate competent employees to have custody of and supervise
5 maintenance of the voting equipment.]~~ Board of election commissioners' employees shall be
6 subject to the same restrictions and subscribe the same oath as members of the board of
7 election commissioners, except that no employee of a board of election commissioners shall
8 be required to post bond unless directed to do so by the board. Employee oaths and any bonds
9 shall be filed and preserved in the office of the board.

115.051. 1. In each county which does not have a board of election commissioners, the county clerk shall have the right to employ such deputies and assistants as are necessary to promptly and correctly register voters and conduct elections. ~~[Where an electronic voting system or voting machines are used, the county clerk shall designate competent employees to have custody of and supervise maintenance of the voting equipment.]~~ Each deputy shall be subject to the same restrictions and subscribe the same oath as the county clerk, except that no employee shall be required to post bond unless directed to do so by the clerk. Employee oaths and any bonds shall be filed and preserved in the office of the county clerk.

2. Within the total amount for deputies and assistants approved by the county commission, the salary of each deputy and assistant shall be set by the county clerk.

115.065. 1. Except as provided in sections 115.069, 115.071, 115.073 and 115.077, when any question or candidate is submitted to a vote by two or more political subdivisions or special districts, or by the state and one or more political subdivisions or special districts at the same election, all costs of the election shall be paid proportionally from the general revenues of the state and all political subdivisions and special districts submitting a question or candidate at the election, except that costs of publications of legal notice of elections shall not be paid proportionally. The state and each political subdivision and each special district shall pay for publication of its legal notice of election. At the discretion of the election authority, ballot printing costs, if any, may be paid proportionally or the state and each political subdivision and each special district may pay for such ballot printing costs, if any.

2. Except as provided in sections 115.069, 115.071 and 115.073, when any question or candidate is submitted to a vote by two or more political subdivisions or special districts at the same election, all costs of the election shall be paid proportionally from the general revenues of all political subdivisions and special districts submitting a question or candidate at the election.

3. Proportional election costs paid under the provisions of subsection 2 of this section shall be assessed by charging each political subdivision and special district the same percentage of the total cost of the election as the number of registered voters of the political subdivision or special district on the day of the election is to the total number of registered voters on the day of the election, derived by adding together the number of registered voters in each political subdivision and special district submitting a question or candidate at the election.

4. "Proportional costs" and "election costs", as used in this chapter, are defined as those costs that require additional out-of-pocket expense by the election authority in conducting an election. It may include reimbursement to county general revenue for the salaries of employees of the election authority for the hours worked to conduct an election~~;~~ ~~the rental of any electronic voting machine or electronic poll book,~~ any indirect expenses

28 identified under an independent cost allocation study and an amount not to exceed five
29 percent of the total cost of election to be credited to the election services fund of the county.
30 The election services fund shall be budgeted and expended at the direction of the election
31 authority and shall not be used to substitute for or subsidize any allocation of general revenue
32 for the operation of the election authority's office without the express consent of the election
33 authority. The election services fund may be audited by the appropriate auditing agency, and
34 any unexpended balance shall be left in the fund to accumulate from year to year with
35 interest. The election services fund shall be used by the election authority for training
36 programs and purchase of additional supplies or equipment to improve the conduct of
37 elections, including anything necessarily pertaining thereto. In addition to these costs, the
38 state shall, subject to appropriation, compensate the election services fund for transactions
39 submitted pursuant to the provisions of section 115.157.

115.077. 1. Special districts, cities, townships in township organization counties,
2 villages and the state shall pay the election costs required by sections 115.063 to 115.077 to
3 each election authority conducting its elections.

4 2. If the state is required to pay election costs pursuant to sections 115.063 to 115.065,
5 the state shall, not later than the seventh Tuesday prior to any such election, pay each election
6 authority conducting its elections an amount determined by the office of the secretary of state,
7 in consultation with the election authority, to be a reasonable estimate of the cost of
8 conducting such election, using a method developed by the secretary of state, in consultation
9 with election authority, that is reviewed at least every two years.

10 3. Not later than the fifth Tuesday prior to any election to be conducted for a special
11 district or political subdivision, the election authority shall submit the estimated cost of
12 conducting the election for each political subdivision and special district submitting a
13 candidate or question at the election. Not later than the third Tuesday prior to the election,
14 each special district and political subdivision submitting a candidate or question at the
15 election, except the county, shall deposit with the election authority an amount equal to the
16 estimated cost of conducting the election for the political subdivision or special district.

17 4. All payments of election costs received by an election authority under the
18 provisions of this section shall be placed by the election authority in a special account and
19 used by the election authority only to pay the costs incurred in conducting the election. Not
20 later than the tenth Tuesday following an election, if the amount paid to an election authority
21 by the state or any political subdivision or special district exceeds the cost of conducting the
22 election for the state, political subdivision or special district, the election authority shall
23 refund to the state, political subdivision or special district the difference between the amount
24 deposited with it and the cost of conducting the election. Not later than the tenth Tuesday
25 following an election, if the amount deposited with an election authority by the state or any

26 political subdivision or special district is less than the cost of conducting the election, the
27 election authority shall submit a request to the state and each political subdivision and special
28 district for the difference between the amount deposited and the cost of conducting the
29 election.

30 5. (1) Within two weeks of receipt of actual cost and required documentation of
31 actual expenses from the election authority, the state, political subdivision, or special district
32 shall approve for payment the difference between the amount deposited and the cost of
33 conducting the election.

34 (2) For the purposes of this section, the term "required documentation" shall mean a
35 detailed list of expenses that the secretary of state intends to reimburse the election authority
36 for and a detailed description of the documentation that the election authority shall produce
37 following the election. For any election in which the state is required to pay all or a
38 proportion of the cost, the secretary of state shall, not later than the eleventh Tuesday prior to
39 the election or, in case of a special election, no later than five business days following the
40 issuance of a writ of election by the governor, transmit to the election authority the detailed
41 list and description described above.

42 6. Except as provided in sections 115.063 to 115.072, all payments of election costs
43 received by an election authority under the provisions of this section shall be placed by the
44 election authority in a special account and used by the election authority only to pay the costs
45 incurred in conducting elections.

46 7. When the state or any political subdivision or special district willfully fails to make
47 payment of an election cost required by this subchapter by the time provided in this
48 subchapter, it shall pay a penalty of fifty dollars for each day after the time provided in this
49 subchapter proper payment is not made. Any such penalty shall be payable to the election
50 authority authorized to receive payment of the election cost and shall be deposited in the
51 general revenue fund of such election authority's city or county. For purposes of this
52 subsection, the state shall not be considered to have willfully failed to make payment of an
53 election cost if there is not sufficient cash or appropriation authority to make such a payment.

54 8. (1) There is hereby created the "State Election Subsidy Fund" in the state treasury.

55 (2) All unobligated funds in the state election subsidy fund on January 1, 2019, shall
56 be transferred to the elections administration improvements fund authorized pursuant to
57 section 115.078. To meet the state's funding obligation to maintain expenditures pursuant to
58 Section 254(a)(7) of the Help America Vote Act of 2002 (**52 U.S.C. Section 21004**), as
59 **amended**, the commissioner of the office of administration shall annually transfer from
60 general revenue to the election administration improvements fund, established pursuant to
61 section 115.078, an amount not less than the amount expended in the fiscal year that ended
62 June 30, 2000. Any other law to the contrary notwithstanding, the funds received pursuant to

63 Sections 251 and 252 of the Help America Vote Act of 2002 (**52 U.S.C. Sections 21001 and**
64 **21002**), **as amended**, shall be expended according to the state plan developed pursuant to the
65 provisions of Section 254 of said act (**52 U.S.C. Section 21004**), **as amended**. The secretary
66 of state shall develop the state plan through the committee appointed by the secretary of state
67 under the provisions of Section 255 of the Help America Vote Act of 2002 (**52 U.S.C. Section**
68 **21005**), **as amended**.

69 ~~[9. An election authority may rent or lease out any electronic voting machine~~
70 ~~purchased by such election authority.]~~

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]~~ **used to cast ballots** and may promulgate rules and regulations to implement
4 the intent of sections 115.225 to ~~[115.235]~~ **115.230**.

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;~~

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) Permits each voter, while voting, to clearly see the ballot label;~~

23 ~~(10) Has been tested and is certified by an independent authority that meets the voting~~
24 ~~system standards developed by the Federal Election Commission or its successor agency. The~~
25 ~~provisions of this subdivision shall not be required for any system purchased prior to August~~
26 ~~28, 2002.~~

27 3. ~~The secretary of state shall promulgate rules and regulations to allow the use of a~~
28 ~~computerized voting system. The procedures shall provide for the use of a computerized~~
29 ~~voting system with the ability to provide a paper audit trail. Notwithstanding any provisions~~

30 ~~of this chapter to the contrary, such a system may allow for the storage of processed ballot~~
31 ~~materials in an electronic form.]~~ **If any election authority uses any touchscreen direct-**
32 **recording electronic vote-counting machine, the election authority may continue to use**
33 **such machine. Upon the removal of such voting machine from the election authority's**
34 **inventory because of mechanical malfunction, wear and tear, or any other reason, the**
35 **machine shall not be replaced and no additional direct-recording electronic voting**
36 **machine shall be added to the election authority's inventory. Such machines shall not be**
37 **used beginning January 1, 2023, except that election authorities may allow the machines**
38 **to be used by voters who are disabled as long as the machines are functional.**
39 **Replacement of equipment for use by voters who are disabled shall be with paper ballot**
40 **marking devices designed to assist voters.**

41 [4.] **3.** Any rule or portion of a rule, as that term is defined in section 536.010, that is
42 created under the authority delegated in this section shall become effective only if it complies
43 with and is subject to all of the provisions of chapter 536 and, if applicable, section 536.028.
44 This section and chapter 536 are nonseverable and if any of the powers vested with the
45 general assembly pursuant to chapter 536 to review, to delay the effective date or to
46 disapprove and annul a rule are subsequently held unconstitutional, then the grant of
47 rulemaking authority and any rule proposed or adopted after August 28, 2002, shall be invalid
48 and void.

49 **4. Beginning January 1, 2023, no electronic voting systems or automatic**
50 **tabulating equipment shall be used. All elections in this state shall use paper ballots,**
51 **that shall be counted by hand.**

115.237. 1. ~~[Each ballot printed or designed for use with an electronic voting system~~
2 ~~for any election pursuant to this chapter shall contain all questions and the names of all offices~~
3 ~~and candidates certified or filed pursuant to this chapter and no other.]~~ **Beginning January 1,**
4 **2023, the official ballot shall be a paper ballot that is hand-marked by the voter, or in the**
5 **case of voters with disabilities who need assistance, by a paper ballot marking device**
6 **designed to assist voters, except as provided in subsection 3 of section 115.225.** As far as
7 practicable, all questions and the names of all offices and candidates for which each voter is
8 entitled to vote shall be printed on one page ~~[except for the ballot for political party~~
9 ~~committee persons in polling places not utilizing an electronic voting system which may be~~
10 ~~printed separately and in conformity with the requirements contained in this section].~~ As far
11 as practicable, ballots containing only questions and the names of nonpartisan offices and
12 candidates shall be printed in accordance with the provisions of this section, except that the
13 ballot information may be listed in vertical or horizontal rows. The names of candidates for
14 each office shall be listed in the order in which they are filed.

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

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

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

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

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

37 ~~[7.]~~ 3. Any rule or portion of a rule, as that term is defined in section 536.010, that is
38 created under the authority delegated in this section shall become effective only if it complies
39 with and is subject to all of the provisions of chapter 536 and, if applicable, section 536.028.
40 This section and chapter 536 are nonseverable and if any of the powers vested with the
41 general assembly pursuant to chapter 536 to review, to delay the effective date or to
42 disapprove and annul a rule are subsequently held unconstitutional, then the grant of
43 rulemaking authority and any rule proposed or adopted after August 28, 2002, shall be invalid
44 and void.

115.417. 1. Before the time fixed by law for the opening of the polls, the election
2 authority shall deliver to each polling place a sufficient number of voter instruction cards
3 which include the following information: ~~[if paper ballots or an electronic voting system is~~
4 ~~used, the instructions shall inform the voter on]~~ how to obtain a ballot for voting, how to vote
5 and prepare the ballot for deposit in the ballot box and how to obtain a new ballot to replace
6 one accidentally spoiled.

7 2. The election authority at each polling place shall post in a conspicuous place voting
8 instructions on a poster no smaller than twenty-four inches by thirty inches. Such instructions
9 shall also inform the voter that the electronic voting equipment can be demonstrated upon
10 request of the voter. The election authority shall also publicly post during the period of time
11 in which a person may cast an absentee ballot and on election day a sample version of the
12 ballot that will be used for that election, the date of the election, the hours during which the
13 polling place will be open, instructions for mail-in registrants and first-time voters, general
14 information on voting rights in accordance with the state plan filed by the secretary of state
15 pursuant to the Help America Vote Act of 2002, general information on the right to cast a
16 provisional ballot and instructions for provisional ballots, how to contact appropriate
17 authorities if voting rights have been violated, and general information on federal and
18 Missouri law regarding prohibitions on acts of fraud and misrepresentation. The secretary of
19 state may promulgate rules to execute this section. No rule or portion of a rule promulgated
20 pursuant to the authority of this section shall become effective unless it has been promulgated
21 pursuant to chapter 536.

22 3. The secretary of state may develop multilingual voting instructions to be made
23 available to election authorities.

 115.421. Before the time fixed by law for the opening of the polls, the election judges
2 shall:

3 (1) Set up the voting equipment, arrange the furniture, supplies and records and make
4 all other arrangements necessary to open the polls at the time fixed by law;

5 (2) Post a voter instruction card in each voting booth or machine and in at least one
6 other conspicuous place within the polling place and post a sample ballot in a conspicuous
7 place near the voting booths;

8 (3) Certify the number of ballots received at each polling place. In each polling place
9 using voting machines, the election judges shall, in lieu of certifying the number of ballots
10 received, certify the number on each voting machine received at the polling place, the number
11 on the seal of each voting machine, the number on the protective counter of each voting
12 machine and that all recording counters on all voting machines at the polling place are set at
13 zero. If a recording counter on any voting machine is not set at zero, the election judges shall
14 immediately notify the election authority and proceed as it directs;

15 (4) Compare the ballot, ballot label or ballot card and ballot label with the sample
16 ballots, see that the names, numbers and letters agree and certify thereto in the tally book. If
17 the names, numbers or letters do not agree, the election judges shall immediately notify the
18 election authority and proceed as it directs; and

19 (5) Sign the tally book in the manner provided in the form for tally books in section
20 115.461 [~~or 115.473~~]. If any election judge, challenger or watcher has not been previously

21 sworn as the law directs, he or she shall take and subscribe the oath of his or her office as
22 provided in section 115.091 or 115.109, and the oath shall be returned to the election
23 authority with the tally book.

115.447. 1. As used in this subchapter, unless the context clearly implies otherwise,
2 the following terms shall mean:

3 (1) "Counting judges" are the two judges, one from each major political party, who
4 read each vote received by all candidates and each vote for and against all questions at a
5 polling place;

6 (2) "Receiving judges" are the two judges, one from each major political party, who
7 initial each voter's ballot at a polling place;

8 (3) "Recording judges" are the two judges, one from each major political party, who
9 tally the votes received by each candidate and for and against each question at a polling place.
10 These terms describe functions rather than individuals, and any election judge may perform
11 more than one function at a polling place on election day.

12 2. As used in this subchapter, unless the context clearly implies otherwise, the
13 following terms shall mean:

14 (1) "Defective ballot" is any ballot ~~[card]~~ on which the number of write-in votes and
15 votes cast on the ballot ~~[card]~~ for any office exceed the number allowed ~~[by law, and any~~
16 ~~ballot card which is bent or damaged so that it cannot be properly counted by automatic~~
17 ~~tabulating equipment]~~;

18 (2) "Rejected ballot" is any ballot on which no votes are counted because the ballot
19 fails to have the initials of the proper election judges, because the number of votes for all
20 offices and on all questions exceeds the number authorized by law, because the voter is
21 deemed by the election judges to be unqualified, because it is an absentee ballot not
22 accompanied by a completed and signed affidavit, or because the ballot was voted with
23 unlawful assistance;

24 (3) "Spoiled ballot" is any ballot accidentally spoiled by a voter and replaced by
25 election judges in the manner provided in subsection 2 of section 115.439.

**115.458. 1. This section shall apply to all votes counted under sections 115.447 to
2 115.525.**

**3 2. All votes cast in any election governed by this chapter shall be counted by
4 hand. No electronic voting machines or automatic tabulating equipment shall be used.**

**5 3. No election authority shall begin counting ballots until each polling place has
6 returned its ballot box to the election authority.**

**7 4. No absentee ballots shall be counted until all votes cast on election day are
8 counted by the election authority.**

115.541. 1. Whenever a recount is ordered pursuant to section 115.539, the court shall order all materials and records relating to the contest brought before it, so that the court has the same materials and records as the election judges had while making the count and statements of returns. The court shall have authority to pass upon the form and determine the legality of the votes brought into question and to determine the qualifications of any voter whose vote is brought into question, provided that the name of a voter upon a precinct register for the polling place shall be prima facie evidence of the proper qualifications of the voter. A comparison may be made between the signatures on the identification certificates and those which appear in the precinct registers, and no votes shall be counted except the votes of registered voters and those entitled to vote as provided in section 115.277 without being registered. No votes of any person found by the court to be unqualified to vote at the primary election shall be counted.

2. Whenever a recount of votes cast on paper ballots is ordered pursuant to section 115.539 or 115.601, the court shall proceed to open and count the votes and, after the count has been completed, shall tabulate by voting district the votes cast for the contestant and the contestee.

3. Whenever a recount of votes cast on any voting machine is ordered pursuant to section 115.539 or 115.601, the court shall make visible the registering counters of the machine and, without unlocking the machine against voting, shall record the votes cast on the machine.

~~[4. Whenever a recount of votes cast on ballot cards is ordered pursuant to section 115.539 or 115.601, the court shall supervise a test of the automatic tabulating equipment conducted in the manner provided in section 115.233 and shall cause the votes to be recounted automatically or may order a hand count of the votes. In its discretion, the court may order a new computer program to be made, which shall be tested in the manner provided in section 115.233 before the votes in question are recounted automatically.]~~

115.585. 1. Whenever a recount is ordered pursuant to section 115.583 or 115.601, the court or legislative body trying the contest shall issue a writ to each election authority responsible for conducting the election in any area in which an alleged irregularity occurred, commanding the election authority to prepare its office and all records and materials relating to the contested election for the recount. Such writ shall be served immediately on the election authority by the sheriff of the county. Upon receipt of a writ, each election authority shall set a day, not more than twenty days after receiving the writ, on which it will have its office and all records and materials relating to the contested election prepared. Immediately upon setting the day, the election authority shall send by certified or registered mail a notice to the court or legislative body issuing the writ. The notice shall set forth the day selected by the election authority for the recount.

12 2. Whenever a recount is ordered pursuant to section 115.583, the court or legislative
13 body shall have authority to pass upon the form and determine the legality of the votes
14 brought into question and to determine the qualifications of any voter whose vote is brought
15 into question, provided that the name of a voter upon a precinct register for the polling place
16 shall be prima facie evidence of the proper qualifications of the voter. A comparison may be
17 made between the signatures on the identification certificates and those which appear in the
18 precinct registers, and no votes shall be counted except the votes of registered voters and
19 those entitled to vote as provided in subsection 2 of section 115.137 and section 115.277
20 without being registered. No votes of any person found by the court to be unqualified to vote
21 at the election shall be counted.

22 3. Whenever a recount of votes cast on paper ballots is ordered pursuant to section
23 115.583 or 115.601, the court or legislative body shall proceed to open and count the votes
24 and, after the count has been completed, shall tabulate by voting district the votes cast for the
25 contestant and the contestee.

26 4. Whenever a recount of votes cast on any voting machine is ordered pursuant to
27 section 115.583 or 115.601, the court or legislative body shall make visible the registering
28 counters of the machine and, without unlocking the machine against voting, shall record the
29 votes cast on the machine.

30 ~~[5. Whenever a recount of votes cast on ballot cards is ordered pursuant to section
31 115.583 or 115.601, the court or legislative body shall supervise a test of the automatic
32 tabulating equipment conducted in the manner provided in section 115.233 and shall cause
33 the votes to be recounted automatically, or may order a hand count of the votes. In its
34 discretion, the court or legislative body may order a new computer program to be made,
35 which shall be tested in the manner provided in section 115.233 before the votes in question
36 are recounted automatically.]~~

115.655. 1. The election authority shall provide for the delivery of official ballots to
2 each qualified voter:

3 (1) By first class mail to the mailing address of each voter as it appears on the
4 registration records of the election authority on the deadline specified in subsection 1 of
5 section 115.135 for registration. Each ballot so mailed shall be placed by the election
6 authority in an envelope which is prominently marked "Do Not Forward" and mailed not later
7 than the tenth day prior to the election; or

8 (2) By delivering the ballot to the residential address of the voter as it appears on the
9 registration records of the election authority on the deadline specified in subsection 1 of
10 section 115.135 for registration. Such delivery shall be made by a bi-partisan team appointed
11 by the election authority from lists submitted under the provisions of section 115.087.

12

13 Voters shall also be provided with a return identification envelope, a secrecy envelope, and
14 instructions sufficient to describe the voting process.

15 2. Upon receipt of the ballot, the voter shall mark it, place and seal the marked ballot
16 in the secrecy envelope supplied with the ballot, place and seal the sealed secrecy envelope
17 containing the marked ballot in the return identification envelope supplied with the ballot
18 which has been signed by the voter and then return the marked ballot to the election authority
19 by either:

20 (1) United States mail; or

21 (2) Personally delivering the ballot to the office of the election authority.

22 3. The election authority may provide additional sites for return delivery of ballots.
23 The election authority may provide for the payment of postage on the return of ballots.

24 4. The return identification envelope shall be in substantially the following form:

25	PLEASE PRINT:
26	NAME _____
27	I declare under penalty of perjury, a felony, that I am a resident and a
28	qualified voter for this election as shown on voter registration records
29	and that I have voted the enclosed ballot and am returning it in
30	compliance with sections 115.650 to 115.660, RSMo, and have not and
31	will not vote more than one ballot in this election.
32	I also understand that failure to complete the information below will
33	invalidate my ballot.
34	_____
35	Signature
36	_____
37	Residence Address
38	_____
39	Mailing Address (if different)

40 5. If the ballot is destroyed, spoiled, lost or not received by the voter, the voter may
41 obtain a replacement ballot from the election authority as provided in this subsection. A voter
42 seeking a replacement ballot shall sign a statement verified on oath or affirmation, on a form
43 prescribed by the election authority that the ballot was destroyed, spoiled, lost or not received.
44 The applicant shall deliver the statement to the election authority before noon on the date of
45 the election. The applicant may mail the statement to the election authority; but, no election
46 authority shall transmit a ballot by mail under this subsection unless the application is
47 received prior to the close of business on the fifth day prior to the election. When an
48 application is timely received under this subsection, the election authority shall deliver the
49 ballot to the voter if the voter is present in the office of the election authority, or promptly

50 transmit the ballot by mail to the voter at the address contained in the application, except
 51 when prohibited in this subsection. The election authority shall keep a record of each
 52 replacement ballot provided under this subsection.

53 6. A ballot must be returned by mail or received in the office of the election authority
 54 or at a site provided for receipt of ballots by the election authority no later than 7:00 p.m. on
 55 election day. The election authority shall transmit all return identification envelopes to a team
 56 or teams of judges of not less than four, with an equal number from each major political party.
 57 The judges shall be selected by the election authority from lists submitted under the
 58 provisions of section 115.087, and subscribe to the oath provided in section 115.091. Upon
 59 receipt of such envelopes the judges shall verify the signature of each voter on the return
 60 identification envelope with the signature of the voter on the voter registration records. Such
 61 verification may commence at time prior to the day of the election. The election authority
 62 shall adopt procedures for securing and accounting for all verified return identification
 63 envelopes. The secrecy envelope shall not be separated from the return identification
 64 envelope before ballots are counted. ~~[Ballots may be counted at any time on election day~~
 65 ~~provided the results are not released before 7:00 p.m. on that day.]~~ **Ballots shall not be**
 66 **counted until all ballots have been returned to the election authority.** Counting of ballots
 67 ~~[may]~~ shall be done by hand ~~[or through the utilization of automatic tabulating equipment]~~
 68 and shall be governed by the applicable sections of this chapter.

115.1310. The vote-counting process for every election in this state shall be
 2 **livestreamed and recorded. Recordings made under this section shall be public records**
 3 **and available to the public under chapter 610.**

2 ~~[115.229. 1. An electronic voting system may be used at any primary~~
 3 ~~election if it has been approved by the secretary of state, complies with the~~
 4 ~~provisions of section 115.225, and if the automatic tabulating equipment will~~
 5 ~~reject each vote on which a voter has voted for candidates of more than one~~
 6 ~~party.~~

7 ~~2. An electronic voting system may be used at any other election if it~~
 8 ~~has been approved by the secretary of state and complies with the provisions~~
 9 ~~of section 115.225.]~~

2 ~~[115.233. Within fourteen days prior to an election at which an~~
 3 ~~electronic voting system is to be used, the election authority shall have the~~
 4 ~~automatic tabulating equipment tested to ascertain that the equipment is in~~
 5 ~~compliance with the law and that it will correctly count the votes cast for all~~
 6 ~~offices and on all questions. At least forty-eight hours prior to the test, notice~~
 7 ~~of the time and place of the test shall be mailed to each independent and new~~
 8 ~~party candidate and the chairman of the county committee of each established~~
 9 ~~political party named on the ballot. The test shall be observed by at least two~~
 10 ~~persons designated by the election authority, one from each major political~~
 11 ~~party, and shall be open to representatives of the political parties, candidates,~~

11 the news media and the public. The test shall be conducted by processing a
 12 preaudited group of ballots. If any error is detected, the cause shall be
 13 ascertained and corrected, and an errorless count shall be made before the
 14 tabulating equipment is approved.]

2 [115.235. In jurisdictions where electronic voting systems are used,
 3 the election authority shall cause the marking devices to be put in order, set,
 4 adjusted and made ready for voting, before they are delivered to polling places
 on election day.]

2 [115.249. No voting machine shall be used unless it:
 3 (1) Permits voting in absolute secrecy;
 4 (2) Permits each voter to vote for as many candidates for each office as
 he is lawfully entitled to vote for, and no other;
 5 (3) Permits each voter to vote for or against as many questions as he is
 6 lawfully entitled to vote on, and no more;
 7 (4) Provides facilities for each voter to cast as many write-in votes for
 8 each office as he is lawfully entitled to cast;
 9 (5) Permits each voter in a primary election to vote for the candidates
 10 of only one party announced by the voter in advance;
 11 (6) Correctly registers or records and accurately counts all votes cast
 12 for each candidate and for and against each question;
 13 (7) Is provided with a lock or locks which prevent any movement of
 14 the voting or registering mechanism and any tampering with the mechanism;
 15 (8) Is provided with a protective counter or other device whereby any
 16 operation of the machine before or after an election will be detected;
 17 (9) Is provided with a counter which shows at all times during the
 18 election how many people have voted on the machine;
 19 (10) Is provided with a proper light which enables each voter, while
 20 voting, to clearly see the ballot labels.]

2 [115.255. The use of separate paper ballots for questions and
 3 candidates in polling places shall not be prohibited where electronic voting
 machines are used.]

2 [115.257. 1. In jurisdictions where electronic voting machines are
 3 used, the election authority shall cause the voting machines to be put in order,
 4 set, adjusted and made ready for voting before they are delivered to polling
 places.
 5 2. At least five days before preparing electronic voting machines for
 6 any election, notice of the time and place of such preparation shall be mailed
 7 to each independent candidate and the chairman of the county committee of
 8 each established political party named on the ballot. The preparation shall be
 9 watched by two observers designated by the election authority, one from each
 10 major political party, and shall be open to representatives of the political
 11 parties, candidates, the news media and the public.
 12 3. When an electronic voting machine has been examined by such
 13 observers and shown to be in good working order, the machine shall be locked

14 against voting. The observers shall certify the vote count on each machine is
 15 set at zero.

16 4. After an electronic voting machine has been properly prepared and
 17 locked, its keys shall be retained by the election authority and delivered to the
 18 election judges along with the other election supplies.

19 5. For the purpose of processing absentee ballots, cast by voters in
 20 person in the office of the election authority, the election authority may cause
 21 voting machines to be put in order, set, adjusted, tested, and made ready for
 22 voting within one business day of the printing of absentee ballots as provided
 23 in section 115.281. The election authority shall have the recording counter
 24 except for the protective counter on the voting machine set to zero (000).
 25 After the voting machines have been made ready for voting, the election
 26 authority shall not permit any person to handle any voting machine, except
 27 voters while they are voting and others expressly authorized by the election
 28 authority. The election authority shall neither be nor permit any other person
 29 to be in any position or near any position that enables the authority or person to
 30 see how any absentee voter votes or has voted.

31 6. Nothing in this section shall prohibit the on site storage of
 32 electronic voting machines and the preparation of the electronic machines for
 33 voting, provided the electronic voting machines are put in order, set, adjusted
 34 and made ready for voting as provided in subsections 1, 2, 3, 4, and 5 of this
 35 section.]

2 [115.259. At each polling place using voting machines, the exterior of
 3 the voting machines shall be in plain view of the election judges. The election
 4 judges shall not be nor permit any other person to be in any position, or near
 5 any position, that enables them to see how any voter votes or has voted. The
 6 election judges may inspect any machine as necessary to make sure the ballot
 label is in its proper place and that the machine has not been damaged.]

2 [115.261. During an election, no door, compartment, or lock shall be
 3 unlocked or opened, except by direction of the election authority, and then
 4 only for good and sufficient reason. If the door, compartment, or lock on any
 5 machine is opened by the election authority or his representative, the reason
 6 for such opening shall be stated in writing, signed by the election authority or
 his representative and attached to one statement of returns.]

2 [115.263. After the opening of the polls, the election judges shall not
 3 permit any person to handle any electronic voting machine, except voters
 4 while they are voting and others expressly authorized by the election authority
 or state law.]

2 [115.265. If any electronic voting machine at a polling place becomes
 3 inoperative, the election judges shall immediately notify the election authority.
 4 If possible, the election authority shall repair or replace the machine. If an
 5 electronic voting machine is replaced with another machine, the votes on both
 6 machines shall be recorded at the close of the polls and shall be added together
 in determining the results of the election. If the inoperative machine cannot be

7 repaired, and no other machine is available for use, paper ballots made as
 8 nearly as practicable to the official ballot may be used. At the close of the
 9 polls, the votes on paper ballots and the votes on the electronic voting
 10 machines shall be recorded and shall be added together in determining the
 11 results of the election. All paper ballots used pursuant to this section shall be
 12 used in accordance with the laws affecting paper ballots and shall be returned
 13 to the election authority as paper ballots are returned with a statement
 14 describing how and why the paper ballots were voted.]

2 [115.267. Any election authority may adopt, experiment with or
 3 abandon any electronic voting system approved for use in the state, or may
 4 lease one or more electronic voting machines or other equipment, either with
 5 or without option to purchase, and may use any authorized electronic voting
 equipment at any polling place in its jurisdiction.]

2 [115.269. For the purpose of giving instructions on their use, any
 3 election authority may designate suitable times and places for the exhibition
 4 and demonstration of its electronic voting machines. During such instructions,
 5 the electronic voting machines may contain sample ballot labels which show
 6 the names of offices and fictitious candidates. No electronic voting machine
 7 shall be used for instruction after it has been prepared for use at an election,
 unless it is prepared again prior to the election.]

2 [115.271. 1. While its electronic voting machines are not in use, the
 3 election authority may permit civic or educational organizations to use the
 4 machines for the purpose of giving instructions on their use.
 5 2. Any election authority may rent its electronic voting machines to
 6 any other group for use in its elections.
 7 3. At the discretion of the election authority, the machines may be
 8 transported at the expense of the organizations using them. The president or
 9 secretary of each organization using such machines shall sign a receipt therefor
 10 and shall agree in writing that the organization assumes liability for any
 11 damage or loss occurring to the machines up to the time they are returned to
 the election authority and will return the machines by a designated time.]

2 [115.273. All provisions of law not inconsistent with the provisions of
 3 sections 115.249 to 115.271 shall apply with full force and effect to elections
 in jurisdictions using electronic voting machines.]

2 [115.467. 1. As soon as the polls close in each polling place using an
 3 electronic voting system, the election judges shall secure the marking devices
 4 against further voting and begin to count the write-in votes. If earlier counting
 5 of write-in votes is begun pursuant to section 115.469, the election judges shall
 6 complete the count in the manner provided in this section. Once begun, the
 7 count shall not be adjourned or postponed until all proper write-in votes in the
 8 ballot box have been counted.

2 2. The election judges shall remove the ballot cards from the ballot
 3 box and separate the ballots with write-in votes from those without write-in

10 votes. If there is a separate form for write-in votes, all forms on which write-in
11 votes have been recorded shall be consecutively numbered, starting with the
12 number one, and the same number shall be placed on the ballot card of the
13 voter. Where tallying of write-in votes is to be done at the polling place, the
14 election judges shall compare the write-in votes with the votes cast on the
15 ballot card. If the total number of votes including write-in votes for any office
16 exceeds the number allowed by law, or if a voter has voted more than once for
17 the same person for the same office at the same election, a notation of the fact
18 shall be noted on the back of the ballot card, and it shall be returned with the
19 write-in form, if any, to the counting location in an envelope marked
20 "DEFECTIVE BALLOTS".

21 3. All proper write-in votes shall be read, recorded and counted as
22 provided in sections 115.449 and 115.453. No write-in vote shall be counted
23 for any candidate for any office whose name appears on the ballot label as a
24 candidate for the office, except when more than one person is to be nominated
25 or elected to an office. When more than one person is to be nominated or
26 elected to an office, the voter may write in the names of one or more persons
27 whose names do not appear on the ballot label with or without the names of
28 one or more persons whose names do appear.

29 4. If any ballot card is damaged so that it cannot properly be counted
30 by the automatic tabulating equipment, the fact shall be noted on the back of
31 the ballot card and it shall be returned to the counting location in the envelope
32 marked "DEFECTIVE BALLOTS".]

2 [115.469. 1. If authorized by the election authority, the election judges
3 at any polling place using an electronic voting system may read and record
4 write-in votes before the close of the polls and may send other voted ballots to
5 the counting place. If so authorized, the election judges shall use one ballot
6 box for the deposit of ballots during the first five hours of voting. Between
7 eleven o'clock in the morning and twelve noon, the receiving judges shall
8 deliver the ballot box to the counting and recording judges, who shall give the
9 receiving judges a second empty ballot box. The second ballot box shall be
10 shown to be empty and locked in the manner provided in section 115.423. The
11 second ballot box shall not be opened or removed from public view from the
12 time it is shown to be empty until the time the polls close. The ballot box
13 containing the voted ballots shall be taken to a private area within the polling
14 place, and the write-in votes shall be read and recorded in the manner provided
15 in section 115.467.

16 2. If early counting of write-in votes is begun pursuant to this section,
17 the election judges shall, after counting and recording all proper write-in votes,
18 separate all ballot cards, except defective ballot cards, from the write-in forms
19 if any. The ballots which do not have write-in votes shall then be sent to the
20 counting place in the same manner as ballots are sent upon the close of the
21 polls. The election judges shall enclose the ballot cards, the envelope marked
22 "DEFECTIVE BALLOTS", and all write-in forms containing proper votes, in
23 a container designated by the election authority. The container shall be
24 securely sealed in such a manner that if the container is opened, the seal will
be broken beyond repair. On the outside of the container, the location of the

25 ~~polling place and the date of the election shall be printed. After sealing, the~~
 26 ~~container shall be closely watched by the election judges until it is delivered to~~
 27 ~~the counting location.~~

28 ~~3. If early counting of write-in votes is begun pursuant to this section,~~
 29 ~~the election authority shall appoint a team of employees or election judges~~
 30 ~~who shall, between the hours of eleven o'clock in the morning and three~~
 31 ~~o'clock in the afternoon, receive the ballot container from the election judges at~~
 32 ~~the polling place and immediately deliver it to the counting location. Each~~
 33 ~~team appointed pursuant to this subsection shall consist of two members, one~~
 34 ~~from each major political party. If any ballot container is not sealed when it is~~
 35 ~~delivered to the counting location, the election official receiving the container~~
 36 ~~shall make a statement of the fact which includes the location of the polling~~
 37 ~~place and the date of the election printed on the container and the reason the~~
 38 ~~container is not sealed, if known.~~

39 ~~4. After delivery to the counting location, any ballot which is damaged~~
 40 ~~and cannot be properly counted by the automatic tabulating equipment may be~~
 41 ~~handcounted or duplicated in the manner provided in subsection 3 of section~~
 42 ~~115.477.~~

43 ~~5. After delivery to the counting location, the proper votes on each~~
 44 ~~ballot card may be transferred to magnetic tapes. Under no circumstances~~
 45 ~~shall any such tape be read or interpreted until after the time fixed by law for~~
 46 ~~the close of the polls and then only in the manner provided in section 115.477.~~

47 ~~6. Write-in ballots may also be counted as provided in section~~
 48 ~~115.451.]~~

~~[115.471. At each polling place using an electronic voting system,~~
 2 ~~after the polling place is closed, the election judges shall~~

3 ~~(1) Certify in the tally book: the number of ballots cast by reconciling~~
 4 ~~the ballot stubs against the number of identification certificates signed; the~~
 5 ~~number of defective and spoiled ballots; the number of ballots with write-in~~
 6 ~~votes; and the number of ballots received at the polling place which were not~~
 7 ~~cast at the election. If the number of signed identification certificates is not the~~
 8 ~~same as the number of ballots cast, the judges shall make a signed statement of~~
 9 ~~the fact and the reasons therefor, if known, and shall return the statement with~~
 10 ~~the statements of returns;~~

11 ~~(2) Where tallying of write-in votes is to be done at the polling place,~~
 12 ~~certify on two statements of returns the number of write-in votes received by~~
 13 ~~each candidate. No returns shall be signed in blank or before the polls have~~
 14 ~~closed and all proper write-in votes cast at the polling place have been~~
 15 ~~counted;~~

16 ~~(3) Certify that each statement made in the tally book and on each~~
 17 ~~statement of returns is correct. If any judge declines to certify that all such~~
 18 ~~statements are correct, he shall state his reasons in writing, which shall be~~
 19 ~~attached to each statement of returns and returned with the statement to the~~
 20 ~~election authority.]~~

~~[115.473. 1. The tally book for each polling place using an electronic~~
 2 ~~voting system shall be in 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
 6 this 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 ballot cards and ballot labels received at
 11 this polling place is the same as the information on the sample
 12 ballots received 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 defective ballots at this polling place is _____;

22 The number of spoiled ballots at this polling place is _____;

23 The number of voters casting proper write-in votes at this polling
 24 place is _____;

25 The number of ballots received at this polling place which were
 26 not cast at this election is _____;

27 AB

28 CD—Election Judges

29 EF

30 XP

31 2. Where tallying of write-in votes is to be done at the polling place, at
 32 each polling place using an electronic voting system, two tally sheets shall be
 33 included in each tally book. The tally sheets shall be used to record the proper
 34 write-in votes and shall be in substantially the same form provided in
 35 subsection 2 of section 115.461.

36 3. Where tallying of write-in votes is to be done at the polling place, at
 37 each polling place using an electronic voting system, two statements of returns
 38 shall be provided to the election judges. The statements of returns shall be in
 39 substantially the following form:

40 We hereby certify that BK had _____ write-in votes for governor, and
 41 SF had _____ write-in votes for governor, that JH had _____ write-
 42 in votes for representative in Congress, etc. We, the duly qualified and
 43 acting judges of the polling place for _____ precincts, at the general

44 (special, primary) election held on the _____ day of _____, 20____
 45 _____, in _____ County (City of St. Louis, Kansas City), Missouri, do
 46 ~~hereby certify that the foregoing is a full and accurate return of all~~
 47 ~~write-in votes cast at this polling place for all candidates.~~
 48 ~~AB~~
 49 ~~CD—Election Judges~~
 50 ~~EF~~
 51 ~~XP-1~~

2 ~~[115.475. 1. As soon as possible after signing the statements of~~
 3 ~~returns, the election judges shall seal and enclose the ballots, electronic voting~~
 4 ~~machine memory cards, write-in forms containing no votes, the unused ballots~~
 5 ~~and other election supplies in containers designated by the election authority.~~
 6 ~~2. Immediately after the election materials have been placed in the~~
 7 ~~proper containers, the two supervisory judges shall together deliver the~~
 8 ~~containers to the counting location or other place designated by the election~~
 9 ~~authority. If any container is not sealed when it is delivered to the counting~~
 10 ~~location or other place designated by the election authority, the election~~
 11 ~~official receiving the container shall make a statement of the fact which~~
 12 ~~includes the location of the polling place and the date of the election printed on~~
 13 ~~the container and the reason the container is not sealed, if known.~~
 14 ~~3. If the election authority has directed the supervisory judges to~~
 15 ~~deliver election materials to a place other than the counting location, the~~
 16 ~~election authority shall appoint at least one team of election judges who shall~~
 17 ~~receive the containers from the supervisory judges and immediately deliver~~
 18 ~~them to the counting location. Each team appointed pursuant to this~~
 19 ~~subsection shall consist of two election judges or employees of the election~~
~~authority, one from each major political party.]~~

2 ~~[115.477. 1. In each jurisdiction using an electronic voting system, all~~
 3 ~~proceedings at the counting location shall be under the direction of the election~~
 4 ~~authority. The election authority shall appoint two judges, one from each~~
 5 ~~major political party, to be present and observe the count. The counting shall~~
 6 ~~be open to the public, but no persons, except those employed and authorized~~
 7 ~~for the purpose, shall touch any ballot, ballot container or return.~~
 8 ~~2. The automatic tabulating equipment shall produce a return showing~~
 9 ~~the total number of votes cast for each candidate and on each question at each~~
 10 ~~polling place and in the jurisdiction as a whole.~~
 11 ~~3. If any ballot is damaged and cannot be properly counted by the~~
 12 ~~automatic tabulating equipment, it may be handcounted in the manner~~
 13 ~~provided for absentee ballots, or a true duplicate copy may be made of the~~
 14 ~~defective ballot. If any ballot contains a number of votes and write-in votes~~
 15 ~~for any office which exceeds the number allowed by law, it may be~~
 16 ~~handcounted in the manner provided for absentee ballots, a true duplicate copy~~
 17 ~~be made which does not include the invalid votes or, at the discretion of the~~
~~election judges, a self-adhesive removable label, sensitized, may be placed~~

18 over any mark to allow the ballot to be processed through the automatic
19 tabulating equipment. The duplication of each ballot shall be closely observed
20 by two election judges or employees of the election authority, one from each
21 major political party. Each duplicate ballot shall be clearly labeled
22 "duplicate", shall bear a serial number which shall be recorded on the
23 defective ballot, and shall be counted in lieu of the defective ballot.]

2 [~~115.479. In each jurisdiction using an electronic voting system, the~~
3 election authority shall, after the count has been completed and the results
4 received, have the automatic tabulating equipment tested to ascertain that the
5 equipment has correctly counted the votes for all offices and on all questions.
6 The test shall be observed by at least two persons designated by the election
7 authority, one from each major political party, and shall be open to the public.
8 The test shall be conducted by processing the same preaudited group of ballots
9 used in the preelection test provided for in section 115.233. If any error is
10 detected, the cause shall be ascertained and corrected, and an errorless count
11 shall be made before the final results are announced. After the completion of
12 an errorless count, the programs and the ballots shall be sealed, retained and
disposed of as provided for paper ballots.]

2 [~~115.481. The final and correct return printed by the automatic~~
3 tabulating equipment added to the write in, absentee and handcounted votes
shall be the official return of each polling place and the jurisdiction.]

2 [~~115.483. 1. As soon as the polls close in each polling place using~~
3 electronic voting machines, the election judges shall secure each voting
4 machine against further voting and proceed to count the votes. Once begun,
5 the count shall not be adjourned or postponed until all proper votes have been
6 counted.

7 2. The election judges shall open the counting compartment on each
8 voting machine or, if a machine is equipped with a device for printing,
9 embossing or photographing the registering counters, the judges shall operate
10 the machine to produce a record of the counters. One counting judge shall
11 read the total vote cast for each candidate and for and against each question on
12 each machine. The other counting judge shall watch and verify each total as it
13 is being read from the recording counters or from the record of the counters.
14 The two recording judges shall each record the votes cast for each candidate
15 and for and against each question as they are called out and verified by the
16 counting judges.

17 3. All proper write in votes shall be read, recorded and counted as
18 provided in sections 115.449 and 115.453. No write in vote shall be counted
19 for any candidate for any office whose name appears on the ballot label as a
20 candidate for the office, except when more than one person is to be nominated
21 or elected to an office. When more than one person is to be nominated or
22 elected to an office, the voter may write in the names of one or more persons
23 whose names do not appear on the ballot label with or without the names of
24 one or more persons whose names do appear. No write in vote shall be
counted unless it is cast in the appropriate place on the machine.

25 4. ~~If more than one voting machine is used in a polling place, the~~
26 ~~election judges shall read, verify and record all the totals from the first~~
27 ~~machine before proceeding to the second, and so on, until all of the totals on~~
28 ~~each machine in the polling place have been read, verified and recorded. The~~
29 ~~total number of votes from each machine shall be added to the write in votes to~~
30 ~~determine the total vote for each candidate and for and against each question.]~~

2 ~~[115.495. 1. After being secured against further voting by the election~~
3 ~~judges, electronic voting machines shall remain secured for the period~~
4 ~~provided by law for filing an election contest and as much longer as may be~~
5 ~~necessary or advisable because of any threatened or pending contest, grand~~
6 ~~jury investigation, or civil or criminal case relating to the election. During this~~
7 ~~time, the electronic voting machines shall not be unsecured, except upon order~~
8 ~~of a court, grand jury or legislative body trying an election contest.~~

9 ~~2. Notwithstanding the provisions of subsection 1 of this section to the~~
10 ~~contrary, when an election is required by law to be held after an election during~~
11 ~~any period of time described in subsection 1 of this section, the data of the~~
12 ~~electronic voting machine relating to the initial election shall be removed and~~
13 ~~secured and such machine shall be made available for use in the subsequent~~
~~election.]~~

2 ~~[115.503. 1. As soon as possible after an election in which electronic~~
3 ~~voting machines are used, the verification board, or a bipartisan committee~~
4 ~~appointed by the verification board, shall inspect each secured electronic~~
5 ~~voting machine and record the votes cast on the machine. In precincts where~~
6 ~~electronic voting machines equipped with printed election returns mechanisms~~
7 ~~are used, the counter compartment shall not be opened and the original and~~
8 ~~duplicate originals of the printed return sheets of the votes cast on questions~~
9 ~~and for candidates regularly nominated, or who have duly filed, together with~~
10 ~~the tabulation and inclusion of any votes written in on the paper roll for those~~
11 ~~not regularly nominated, or who have not filed, shall constitute the official~~
12 ~~return sheet for the votes cast on that machine, when properly certified by the~~
13 ~~precinct election officers. One copy of such printed return sheet shall be~~
14 ~~returned to the election authority and retained by it for not less than one year.~~
15 ~~Any bipartisan committee appointed pursuant to this subsection shall consist~~
16 ~~of at least two people, one from each major political party, who shall be~~
17 ~~appointed in the same manner and possess the same qualifications as election~~
~~judges.~~

18 ~~2. After the verification board or committee has completed its~~
19 ~~inspection and record, it shall compare the record with the returns made by the~~
20 ~~election judges on election day. If there is a discrepancy between the returns~~
21 ~~of the election judges and the record of the verification board or committee,~~
22 ~~the verification board shall correct the returns made by the judges to conform~~
23 ~~to its record. The corrected returns shall supersede the returns made by the~~
24 ~~election judges on election day. Both the record and the returns shall be~~
25 ~~retained by the election authority as provided in section 115.493.]~~