

FIRST REGULAR SESSION

HOUSE BILL NO. 772

95TH GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVES GRILL (Sponsor) AND OXFORD (Co-sponsor).

1793L.01I

D. ADAM CRUMBLISS, Chief Clerk

AN ACT

To repeal sections 115.237, 115.391, and 115.449, RSMo, and to enact in lieu thereof three new sections relating to ballots.

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

Section A. Sections 115.237, 115.391, and 115.449, RSMo, are repealed and three new sections enacted in lieu thereof, to be known as sections 115.237, 115.391, and 115.449, to read as follows:

115.237. 1. Each ballot printed or designed for use with an electronic voting system for any election pursuant to this chapter shall contain all questions and the names of all offices and candidates certified or filed pursuant to this chapter and no other. As far as practicable, all questions and the names of all offices and candidates for which each voter is entitled to vote shall be printed on one page except for the ballot for political party committee persons in polling places not utilizing an electronic voting system which may be printed separately and in conformity with the requirements contained in this section. As far as practicable, ballots containing only questions and the names of nonpartisan offices and candidates shall be printed in accordance with the provisions of this section, except that the ballot information may be listed in vertical or horizontal rows. The names of candidates for each office shall be listed in the order in which they are filed, **unless the office is a statewide office, or the office of state senator or representative. If the office is a statewide office, or the office of state senator or representative, each candidate shall be listed in as many different positions on the ballot as there are candidates for that office. Any increased costs incurred in printing such ballots for statewide offices or the office of state senator or representative shall be paid as provided in section 115.061.**

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.

17 2. Except as provided in subsection 5 of this section, each ballot shall have:

18 (1) Each party name printed in capital letters not less than eighteen point in size;

19 (2) The name of each office printed in capital letters not less than eight point in size;

20 (3) The name of each candidate printed in capital letters not less than ten point in size;

21 (4) A small square, the sides of which shall not be less than one-fourth inch in length,
22 printed directly to the left of each candidate's name and on the same line as the candidate's name.

23 When write-in votes are authorized and no candidate's name is to be printed under the name of
24 an office in a party or nonpartisan column, under the name of the office in the column shall be
25 printed a square. Directly to the right of the square shall be printed a horizontal line on which
26 the voter may vote for a person whose name does not appear on the ballot. When more than one
27 position is to be filled for an office, and the number of candidates' names under the office in a
28 column is less than the number of positions to be filled, the number of squares and write-in lines
29 printed in the column shall equal the difference between the number of candidates' names and
30 the number of positions to be filled;

31 (5) The list of candidates of each party and all nonpartisan candidates placed in separate
32 columns with a heavy vertical line between each list;

33 (6) A horizontal line extending across the ballot three-eighths of an inch below the last
34 name or write-in line under each office in such a manner that the names of all candidates and all
35 write-in lines for the same office appear between the same horizontal lines. If write-in votes are
36 not authorized, the horizontal line shall extend across the ballot three-eighths of an inch below
37 the name of the last candidate under each office;

38 (7) In a separate column or beneath a heavy horizontal line under all names and write-in
39 lines, all questions;

40 (8) At least three-eighths of an inch below all other matter on the ballot, printed in
41 ten-point Gothic type, the words "Instructions to Voters" followed by directions to the voter on
42 marking the ballot as provided in section 115.439;

43 (9) Printed at the top on the face of the ballot the words "Official Ballot" followed by the
44 date of the election and the statement "Instruction to Voters: Place an X in the square opposite
45 the name of the person for whom you wish to vote.".

46 3. As nearly as practicable, each ballot shall be in substantially the following form:

47

48 OFFICIAL BALLOT

DATE

49	REPUBLICAN	DEMOCRATIC	THIRD PARTY	INDEPENDENT
50	For President	For President	For President	For President
51	and	and	and	and
52	Vice President	Vice President	Vice President	Vice President
53	☐	☐	☐	☐
54	For	For	For	For
55	United States	United States	United States	United States
56	Senator	Senator	Senator	Senator
57	☐	☐	☐	☐
58	For Governor	For Governor	For Governor	For Governor
59	☐	☐	☐	☐
60	For Lieutenant	For Lieutenant	For Lieutenant	For Lieutenant
61	Governor	Governor	Governor	Governor
62	☐	☐	☐	☐
63	For Secretary	For Secretary	For Secretary	For Secretary
64	of State	of State	of State	of State
65	☐	☐	☐	☐
66	For Treasurer	For Treasurer	For Treasurer	For Treasurer
67	☐	☐	☐	☐
68	For Attorney	For Attorney	For Attorney	For Attorney
69	General	General	General	General
70	☐	☐	☐	☐
71	For	For	For	For
72	United States	United States	United States	United States
73	Representative	Representative	Representative	Representative
74	☐	☐	☐	☐
75	For State	For State	For State	For State
76	Senator	Senator	Senator	Senator
77	☐	☐	☐	☐
78	For State	For State	For State	For State
79	Representative	Representative	Representative	Representative
80	☐	☐	☐	☐

81	For Circuit	For Circuit	For Circuit	For Circuit
82	Judge	Judge	Judge	Judge
83	☐	☐	☐	☐

84

85 4. No ballot printed or designed for use with an electronic voting system for any partisan
86 election held under this chapter shall allow a person to vote a straight political party ticket. For
87 purposes of this subsection, a "straight political party ticket" means voting for all of the
88 candidates for elective office who are on the ballot representing a single political party by a
89 single selection on the ballot.

90 5. The secretary of state shall promulgate rules that specify uniform standards for ballot
91 layout for each electronic or computerized ballot counting system approved under the provisions
92 of section 115.225 so that the ballot used with any counting system is, where possible, consistent
93 with the intent of this section. Nothing in this section shall be construed to require the format
94 specified in this section if it does not meet the requirements of the ballot counting system used
95 by the election authority.

96 6. Any rule or portion of a rule, as that term is defined in section 536.010, RSMo, that
97 is created under the authority delegated in this section shall become effective only if it complies
98 with and is subject to all of the provisions of chapter 536, RSMo, and, if applicable, section
99 536.028, RSMo. This section and chapter 536, RSMo, are nonseverable and if any of the powers
100 vested with the general assembly pursuant to chapter 536, RSMo, to review, to delay the
101 effective date or to disapprove and annul a rule are subsequently held unconstitutional, then the
102 grant of rulemaking authority and any rule proposed or adopted after August 28, 2002, shall be
103 invalid and void.

 115.391. Not later than the fourth Tuesday prior to the primary election, each election
2 authority shall prepare sample official ballots. The sample ballots shall contain, under the
3 appropriate offices and party designations, the names of all candidates to be voted on in its
4 jurisdiction in the order they will appear on the ballot, **except that for candidates for statewide**
5 **office or the office of state senator or representative, the sample ballot shall contain a**
6 **notice that candidates for such office may appear in different order on the official ballot**
7 **than they appear on the sample ballot under subsection 1 of section 115.237.** Each sample
8 ballot shall be printed upon tinted or colored paper, of a different tint or color from the official
9 primary ballot, and shall contain no endorsements. Immediately after having the sample ballots
10 prepared, each election authority shall mail to the chairman of each county committee in its
11 jurisdiction and to each candidate named on the ballot, a copy of the sample ballot for his party.
12 The election authority shall also post a copy of each sample ballot in a conspicuous place in its
13 office.

115.449. 1. As soon as the polls close in each polling place using paper ballots, the election judges shall begin to count the votes. If earlier counting is begun pursuant to section 115.451, the election judges shall complete the count in the manner provided by this section. Once begun, no count shall be adjourned or postponed until all proper votes have been counted.

2. One counting judge, closely observed by the other counting judge, shall take the ballots out of the ballot box one at a time and, holding each ballot in such a way that the other counting judge may read it, shall read the name of each candidate properly voted for and the office sought by each. As each vote is called out, the recording judges shall each record the vote on a tally sheet. The votes for and against all questions shall likewise be read and recorded. If more than one political subdivision or special district is holding an election on the same day at the same polling place and using separate ballots, the counting judges may separate the ballots of each political subdivision and special district and first read one set, then the next and so on until all proper votes have been counted.

3. After all of the proper votes on a ballot have been counted, the ballot shall be strung on a wire or string in the order read. After all the ballots have been read and strung and after the recording judges agree on the count, the wire or string shall be tied in a firm knot, and the knot shall be sealed so that it cannot be untied without breaking the seal. Rejected and spoiled ballots shall not be strung but shall be placed in separate containers marked "REJECTED" and "SPOILED".

4. After the recording of all proper votes, the recording judges shall compare their tallies. When the recording judges agree on the count, they shall sign both of the tally sheets, and one of the recording judges shall announce in a loud voice the total number of votes for each candidate and for and against each question.

5. After the announcement of the vote, the election judges shall record the vote totals in the appropriate places on each statement of returns. If any tally sheet or statement of returns contains no heading for any question, the election judges shall write the necessary headings on the tally sheet or statement of returns.

6. The secretary of state shall establish procedures for counting votes for statewide offices or the office of state senator or representative when electronic voting systems or voting machines are used and candidates for such statewide office or the office of state senator or representative are listed on the ballot in varying order as provided in subsection 1 of section 115.237.

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