

House \_\_\_\_\_ Amendment NO. \_\_\_\_\_

Offered By

1 AMEND House Committee Substitute for Senate Bill No. 468, Page 19, Section 115.357, Line 49,  
2 by inserting after all of said section and line the following:

3  
4 "115.601. 1. Any contestant in a statewide primary or other statewide election contest who  
5 was defeated by less than one percent of the votes cast for the office and any contestant who  
6 received the second highest number of votes cast for that office if two or more are to be elected and  
7 who was defeated by less than one percent of the votes cast, or any person whose position on a  
8 question was defeated by less than one percent of the votes cast on the question, shall have the right  
9 to a recount of the votes cast for the office or on the question.

10 2. Any contestant in a local primary or other local election contest who was defeated by less  
11 than one-half of one percent of the votes cast for the office and any contestant who received the  
12 second highest number of votes cast for that office if two or more are to be elected and who was  
13 defeated by less than one-half of one percent of the votes cast, or any person whose position on a  
14 question was defeated by less than one-half of one percent of the votes cast on the question shall  
15 have the right to a recount of the votes cast for the office or on the question.

16 3. In cases where the candidate filed or the ballot question was originally filed with an  
17 election authority as defined in section 115.015, such recount shall be requested in accordance with  
18 the provisions of section 115.531 or 115.577 and conducted under the direction of the court or the  
19 commissioner representing the court trying the contest according to the provisions of this  
20 subchapter.

21 [3.] 4. In cases where the candidate filed or the ballot question was originally filed with the  
22 secretary of state, the defeated candidate or the person whose position on a question was defeated by  
23 less than [one-half of] one percent of the votes cast on the question shall be allowed a recount  
24 pursuant to this section by filing with the secretary of state a request for a recount stating that the  
25 person or the person's position on a question was defeated by less than [one-half of] one percent of  
26 the votes cast. Such request shall be filed not later than seven days after certification of the election.  
27 The secretary of state shall notify all concerned parties of the filing of the request for a recount. The  
28 secretary of state shall authorize the election authorities to conduct a recount pursuant to this section  
29 if the requesting party or his position on a question was defeated by less than [one-half of] one  
30 percent of the votes cast. The secretary of state shall conduct and certify the results of the recount  
31 as the official results in the election within twenty days of receipt of the aforementioned notice of

Action Taken \_\_\_\_\_ Date \_\_\_\_\_

1 recount.

2 [4.] 5. Whenever a recount is requested pursuant to subsection [3] 4 of this section, the  
3 secretary of state shall determine the number of persons necessary to assist with the recount and  
4 shall appoint such persons equally from lists submitted by the contestant and the opponent who  
5 received more votes or a person whose position on a question received more votes than the  
6 contestant's position on that question. Each person appointed pursuant to this section shall be a  
7 disinterested person and a registered voter of the area in which the contested election was held.  
8 Each person so appointed shall take the oath prescribed for and receive the same pay as an election  
9 judge in the jurisdiction where the person is registered. After being sworn not to disclose any facts  
10 uncovered by the recount, except those which are contained in the report, the contestant and the  
11 opponent who received more votes or a person whose position on a question received more votes  
12 than the contestant's position on that question shall be permitted to be present in person or  
13 represented by an attorney at the recount and to observe the recount. Each recount shall be  
14 completed under the supervision of the secretary of state with the assistance of the election  
15 authorities involved, and the persons appointed to assist with the recount shall perform such duties  
16 as the secretary of state directs. Upon completion of any duties prescribed by the secretary of state  
17 the persons appointed to assist with the recount shall make a written and signed report of their  
18 findings. The findings of the persons appointed to assist with the recount shall be prima facie  
19 evidence of the facts stated therein, but any person present at the examination of the votes may be a  
20 witness to contradict the findings. No one other than the secretary of state, the election authorities  
21 involved, the contestant and the other witnesses described in this subsection, their attorneys, and  
22 those specifically appointed by the secretary of state to assist with the recount shall be present  
23 during any recount conducted pursuant to this section.

24 [5.] 6. For purposes of this section, "recount" means one additional counting of all votes  
25 counted for the office or on the question with respect to which the recount is requested."; and

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27 Further amend said bill by amending the title, enacting clause, and intersectional references  
28 accordingly.