

FIRST REGULAR SESSION

# HOUSE BILL NO. 894

99TH GENERAL ASSEMBLY

---

INTRODUCED BY REPRESENTATIVE KORMAN.

0253H.011

D. ADAM CRUMBLISS, Chief Clerk

---

## AN ACT

To repeal sections 115.237 and 115.507, RSMo, and to enact in lieu thereof three new sections relating to elections.

---

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

Section A. Sections 115.237 and 115.507, RSMo, are repealed and three new sections  
2 enacted in lieu thereof, to be known as sections 115.237, 115.240, and 115.507, to read as  
3 follows:

115.237. 1. Each ballot printed or designed for use with an electronic voting system for  
2 any election pursuant to this chapter shall contain all questions and the names of all offices and  
3 candidates certified or filed pursuant to this chapter and no other. **Under section 115.240, all**  
4 **ballots for statewide office, state legislature, circuit judge, and the United States Senate and**  
5 **House of Representatives shall contain an option labeled “none of the above”.** As far as  
6 practicable, all questions and the names of all offices and candidates for which each voter is  
7 entitled to vote shall be printed on one page except for the ballot for political party committee  
8 persons in polling places not utilizing an electronic voting system which may be printed  
9 separately and in conformity with the requirements contained in this section. As far as  
10 practicable, ballots containing only questions and the names of nonpartisan offices and  
11 candidates shall be printed in accordance with the provisions of this section, except that the  
12 ballot information may be listed in vertical or horizontal rows. The names of candidates for each  
13 office shall be listed in the order in which they are filed.

14 2. In polling places using electronic voting systems, the ballot information may be  
15 arranged in vertical or horizontal rows or on a number of separate pages or screens. In any event,

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.

16 the name of each candidate, the candidate's party, the office for which he or she is a candidate,  
17 and each question shall be indicated clearly on the ballot.

18 3. Nothing in ~~[this subchapter]~~ **section 115.237** shall be construed as prohibiting the use  
19 of a separate paper ballot for questions or for the presidential preference primary in any polling  
20 place using an electronic voting system.

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

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

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

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

**115.240. 1. Every ballot containing the names of candidates for all statewide office, state legislature, circuit judge, and the United States Senate and House of Representatives shall contain for each office an additional line equivalent to the lines on which the candidates' names appear and placed at the end of the group of lines containing the names of the candidates for that office. Each additional line shall contain a square in which the voter may express a choice of that line in the same manner as the voter would express a choice of a candidate, and the line shall read "none of the above."**

**2. Each ballot shall be counted according to the provisions set forth under section 115.449. Should the "none of the above" option receive the majority of votes, a special**

10 election will be conducted according to section 115.127. Those candidates designated by  
11 name on the current ballot shall be barred from appearing on the special election ballot.  
12 The special election ballot shall not include the “none of the above” option and shall result  
13 in a winning candidate.

14 3. Every sample ballot and all other instructions to voters prescribed or approved  
15 by the secretary of state shall clearly explain that the voter may mark the choice of the line  
16 “none of the above” only if the voter has not voted for any candidate for the office.

115.507. 1. Not later than the second Tuesday after the election, **unless a special**  
2 **election is required under section 115.240**, the verification board shall issue a statement  
3 announcing the results of each election held within its jurisdiction and shall certify the returns  
4 to each political subdivision and special district submitting a candidate or question at the  
5 election. The statement shall include a categorization of the number of regular and absentee  
6 votes cast in the election, and how those votes were cast; provided however, that absentee votes  
7 shall not be reported separately where such reporting would disclose how any single voter cast  
8 his or her vote. When absentee votes are not reported separately the statement shall include the  
9 reason why such reporting did not occur. Nothing in this section shall be construed to require  
10 the election authority to tabulate absentee ballots by precinct on election night.

11 2. The verification board shall prepare the returns by drawing an abstract of the votes  
12 cast for each candidate and on each question submitted to a vote of people in its jurisdiction by  
13 the state and by each political subdivision and special district at the election. The abstract of  
14 votes drawn by the verification board shall be the official returns of the election.

15 3. Any home rule city with more than four hundred thousand inhabitants and located in  
16 more than one county may by ordinance designate one of the election authorities situated  
17 partially or wholly within that home rule city to be the verification board that shall certify the  
18 returns of such city submitting a candidate or question at any election and shall notify each  
19 verification board within the city of that designation by providing each with a copy of such duly  
20 adopted ordinance. Not later than the second Tuesday after any election in any city making such  
21 a designation, **unless a special election is required under section 115.240**, each verification  
22 board within the city shall certify the returns of such city submitting a candidate or question at  
23 the election to the election authority so designated by the city to be its verification board, and  
24 such election authority shall announce the results of the election and certify the cumulative  
25 returns to the city in conformance with subsections 1 and 2 of this section not later than ten days  
26 thereafter.

27 4. Not later than the second Tuesday, **unless a special election is required under**  
28 **section 115.240**, after each election at which the name of a candidate for nomination or election  
29 to the office of president of the United States, United States senator, representative in Congress,

30 governor, lieutenant governor, state senator, state representative, judge of the circuit court,  
31 secretary of state, attorney general, state treasurer, or state auditor, or at which an initiative,  
32 referendum, constitutional amendment or question of retaining a judge subject to the provisions  
33 of Article V, Section 29 of the State Constitution, appears on the ballot in a jurisdiction, the  
34 election authority of the jurisdiction shall mail or deliver to the secretary of state the abstract of  
35 the votes given in its jurisdiction, by polling place or precinct, for each such office and on each  
36 such question. If mailed, the abstract shall be enclosed in a strong, sealed envelope or envelopes.  
37 On the outside of each envelope shall be printed: "Returns of election held in the county of  
38 ..... (City of St. Louis, Kansas City) on the ..... day of ....., .....", etc.

✓