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SALUS POPULI SUPREMA LEX ESTO

"The welfare of the people shall be the supreme law."



ROBIN CARNAHAN
SECRETARY OF STATE

MISSOURI
REGISTER

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Documents will be accepted for filing on all regular workdays from 8:00 a.m. until 5:00 p.m. We encourage early filings to facilitate the timely publication of the *Missouri Register*. Orders of Rulemaking appearing in the *Missouri Register* will be published in the *Code of State Regulations* and become effective as listed in the chart above. Advance notice of large volume filings will facilitate their timely publication. We reserve the right to change the schedule due to special circumstances. Please check the latest publication to verify that no changes have been made in this schedule. To review the entire year's schedule, please check out the website at <http://www.sos.mo.gov/adrules/pubsched.asp>

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HOW TO CITE RULES AND RSMo

RULES—Cite material in the *Missouri Register* by volume and page number, for example, Vol. 28, *Missouri Register*, page 27. The approved short form of citation is 28 MoReg 27.

The rules are codified in the *Code of State Regulations* in this system—

Title	Code of State Regulations	Division	Chapter	Rule
1	CSR	10-	1.	010
Department		Agency, Division	General area regulated	Specific area regulated

They are properly cited by using the full citation, i.e., 1 CSR 10-1.010.

Each department of state government is assigned a title. Each agency or division within the department is assigned a division number. The agency then groups its rules into general subject matter areas called chapters and specific areas called rules. Within a rule, the first breakdown is called a section and is designated as (1). Subsection is (A) with further breakdown into paragraph 1., subparagraph A., part (I), subpart (a), item I. and subitem a.

RSMo—The most recent version of the statute containing the section number and the date.

Rules appearing under this heading are filed under the authority granted by section 536.025, RSMo 2000. An emergency rule may be adopted by an agency if the agency finds that an immediate danger to the public health, safety or welfare, or a compelling governmental interest requires emergency action; follows procedures best calculated to assure fairness to all interested persons and parties under the circumstances; follows procedures which comply with the protections extended by the *Missouri* and the *United States Constitutions*; limits the scope of such rule to the circumstances creating an emergency and requiring emergency procedure, and at the time of or prior to the adoption of such rule files with the secretary of state the text of the rule together with the specific facts, reasons and findings which support its conclusion that there is an immediate danger to the public health, safety or welfare which can be met only through the adoption of such rule and its reasons for concluding that the procedure employed is fair to all interested persons and parties under the circumstances.

Rules filed as emergency rules may be effective not less than ten (10) days after filing or at such later date as may be specified in the rule and may be terminated at any time by the state agency by filing an order with the secretary of state fixing the date of such termination, which order shall be published by the secretary of state in the *Missouri Register* as soon as practicable.

All emergency rules must state the period during which they are in effect, and in no case can they be in effect more than one hundred eighty (180) calendar days or thirty (30) legislative days, whichever period is longer. Emergency rules are not renewable, although an agency may at any time adopt an identical rule under the normal rulemaking procedures.

Title 15—ELECTED OFFICIALS Division 30—Secretary of State Chapter 9—Uniform Counting Standards

EMERGENCY RESCISSION

15 CSR 30-9.020 Uniform Counting Standards—Optical Scan Voting Systems. This rule provided for standards to be used by election authorities when counting ballots cast using optical scan voting systems.

PURPOSE: This rule is being rescinded so that updated standards may be promulgated for use by election authorities when counting ballots using optical scan voting systems.

EMERGENCY STATEMENT: There is a compelling governmental interest in rescinding this rule because a corresponding emergency rule updating the counting standards for optical scan voting systems has been filed and will be effective February 18, 2006. A proposed rescission, which covers the same material, is published in this issue of the *Missouri Register*. The scope of this emergency rescission is limited to the circumstances creating the emergency and complies with the protections extended in the *Missouri* and *United States Constitutions*. The Office of the Secretary of State believes this emergency rescission is fair to all interested persons and parties under the circumstances. This emergency rescission was filed February 2, 2006, effective February 18, 2006, expires August 16, 2006.

AUTHORITY: section 115.225, RSMo 2000. Original rule filed Aug. 8, 2001, effective March 1, 2002. Emergency rescission filed Feb. 2, 2006, effective Feb. 18, 2006, expires Aug. 16, 2006. A proposed rescission covering this same material is published in this issue of the *Missouri Register*.

Title 15—ELECTED OFFICIALS Division 30—Secretary of State Chapter 9—Uniform Counting Standards

EMERGENCY RULE

15 CSR 30-9.020 Uniform Counting Standards—Optical Scan Voting Systems

PURPOSE: This rule provides for standards to be used by election authorities when counting ballots cast using optical scan voting systems.

EMERGENCY STATEMENT: The Help America Vote Act (HAVA) of 2002, requires each state to enact laws to improve election administration and to create standards in several key areas. HAVA requires states to promulgate uniform and nondiscriminatory standards that define what constitutes a vote and what will be counted as a vote for each category of voting system used in the state. As part of the Elections Division program for compliance with HAVA and the equipment qualification process, the Secretary of State (SOS) reviewed existing counting standards. This review revealed a potential for ambiguity in the counting standards rule for optical scan ballots, for example the use of the term "adjacent to." The local jurisdictions are in the process of finalizing their HAVA compliant voting system purchases and it has become apparent that the vast majority of voters in the state of Missouri will be using optical scan voting systems, many of them for the first time. The increased numbers of voters and jurisdictions using optical scan voting systems makes a uniform counting standard that maximizes the accuracy and efficiency of hand recounts crucial to the improvement of election administration. As the first election in 2006 approaches that involves all local election authorities, including those jurisdictions using optical scan systems for the first time (April 4), there is a compelling governmental interest for a uniform counting standard which is capable of expeditiously handling a large volume of ballots.

The scope of this emergency rule is limited to the circumstances creating the emergency and complied with the protections extended in the *Missouri* and *United States Constitutions*. The Office of the Secretary of State believes this emergency is fair to all interested persons and parties under the circumstances. This emergency rule was filed February 2, 2006, effective February 18, 2006, expires August 16, 2006.

(1) The election authority shall be responsible for insuring that the standards provided for in this rule are followed when counting ballots cast using optical scan voting systems.

(2) Prior to tabulating ballots all machines shall be programmed to reject blank ballots where no votes are recorded, or where an over-vote is registered in any race.

(A) In jurisdictions using precinct-based tabulators, the voter who cast the ballot shall review the ballot if rejected, to determine if he/she wishes to make any changes to the ballot or if he/she would like to spoil their ballot and receive another ballot.

(B) In jurisdictions using centrally based tabulators, if a ballot is so rejected, it shall be reviewed by a bipartisan team using the following criteria:

1. If a ballot is determined to be damaged, the bipartisan team shall spoil the original ballot and duplicate the voter's intent on the new ballot, provided that there is an undisputed method of matching the duplicate card with its original after it has been placed with the remainder of the ballot cards from that precinct; and

2. The provisions of sections (3), (4), (5) and (6) of this rule.

(3) The following marks shall be considered expressions of voter intent:

(A) Any ballot which is properly marked in the target area, as specified by the ballot instructions.

For Governor (Vote for one)		
<input checked="" type="radio"/>	HARRY S. TRUMAN	PARTY
<input type="radio"/>	LAURA INGALLS WILDER	PARTY
<input type="radio"/>	MARK TWAIN	PARTY
<input type="radio"/>	GEORGE WASHINGTON CARVER	PARTY
<input type="radio"/>	WRITE-IN	PARTY

This constitutes a vote for Harry S. Truman

For Governor (Vote for one)		
HARRY S. TRUMAN	PARTY	←
LAURA INGALLS WILDER	PARTY	←
MARK TWAIN	PARTY	←
GEORGE WASHINGTON CARVER	PARTY	←
WALT DISNEY	PARTY	←
WRITE-IN		←

This constitutes a vote for Laura Ingalls Wilder

(B) Any ballot that is properly marked with any device other than the approved marking device which prevents a machine count shall be counted as a vote.

(C) The target area next to a candidate or issue preference is circled.

For Governor (Vote for one)		
<input type="radio"/>	HARRY S. TRUMAN	PARTY
<input type="radio"/>	LAURA INGALLS WILDER	PARTY
<input checked="" type="radio"/>	MARK TWAIN	PARTY
<input type="radio"/>	GEORGE WASHINGTON CARVER	PARTY
<input type="radio"/>	WRITE-IN	PARTY

This constitutes a vote for Mark Twain

For Governor (Vote for one)		
HARRY S. TRUMAN	PARTY	←
LAURA INGALLS WILDER	PARTY	←
MARK TWAIN	PARTY	←
GEORGE WASHINGTON CARVER	PARTY	←
WALT DISNEY	PARTY	←
WRITE-IN		←

This constitutes a vote for Harry S. Truman

(D) There is a distinguishing mark in the target area next to a candidate or issue preference including but not limited to the following examples:

For Governor (Vote for one)		
<input checked="" type="radio"/>	HARRY S. TRUMAN	PARTY
<input type="radio"/>	LAURA INGALLS WILDER	PARTY
<input type="radio"/>	MARK TWAIN	PARTY
<input type="radio"/>	GEORGE WASHINGTON CARVER	PARTY
<input type="radio"/>	WRITE-IN	PARTY

This constitutes a vote for Harry S. Truman

For Governor (Vote for one)		
HARRY S. TRUMAN	PARTY	← X
LAURA INGALLS WILDER	PARTY	←
MARK TWAIN	PARTY	←
GEORGE WASHINGTON CARVER	PARTY	←
WALT DISNEY	PARTY	←
WRITE-IN		←

This constitutes a vote for Harry S. Truman

For Governor (Vote for one)		
<input checked="" type="radio"/>	HARRY S. TRUMAN	PARTY
<input type="radio"/>	LAURA INGALLS WILDER	PARTY
<input type="radio"/>	MARK TWAIN	PARTY
<input type="radio"/>	GEORGE WASHINGTON CARVER	PARTY
<input type="radio"/>	WRITE-IN	PARTY

This constitutes a vote for Harry S. Truman

For Governor (Vote for one)		
HARRY S. TRUMAN	PARTY	←
LAURA INGALLS WILDER	PARTY	←
MARK TWAIN	PARTY	←
GEORGE WASHINGTON CARVER	PARTY	←
WALT DISNEY	PARTY	← ✓
WRITE-IN		←

This constitutes a vote for Walt Disney

(E) The name of a candidate or issue preference is circled or underlined.

For Governor (Vote for one)		
<input type="radio"/>	<u>HARRY S. TRUMAN</u>	PARTY
<input type="radio"/>	LAURA INGALLS WILDER	PARTY
<input type="radio"/>	MARK TWAIN	PARTY
<input type="radio"/>	GEORGE WASHINGTON CARVER	PARTY
<input type="radio"/>	WRITE-IN	PARTY

This constitutes a vote for Harry S. Truman

For Governor (Vote for one)		
HARRY S. TRUMAN	PARTY	←
LAURA INGALLS WILDER	PARTY	←
MARK TWAIN	PARTY	←
GEORGE WASHINGTON CARVER	PARTY	←
WALT DISNEY	PARTY	←
WRITE-IN		←

This constitutes a vote for Harry S. Truman

For Governor (Vote for one)		
<input type="radio"/> HARRY S. TRUMAN	PARTY	
<input checked="" type="radio"/> LAURA INGALLS WILDER	PARTY	
<input checked="" type="radio"/> MARK TWAIN	PARTY	
<input checked="" type="radio"/> GEORGE WASHINGTON CARVER	PARTY	
<input type="radio"/> WRITE-IN	PARTY	

This constitutes a vote for Harry S. Truman

For Governor (Vote for one)		
<input type="radio"/> HARRY S. TRUMAN	PARTY	
<input checked="" type="radio"/> LAURA INGALLS WILDER	PARTY	
<input type="radio"/> MARK TWAIN	PARTY	
<input type="radio"/> GEORGE WASHINGTON CARVER	PARTY	
<input type="radio"/> WRITE-IN	PARTY	

This constitutes a vote for Laura Ingalls Wilder

For Governor (Vote for one)		
HARRY S. TRUMAN	PARTY	←
LAURA INGALLS WILDER	PARTY	←
MARK TWAIN	PARTY	←
GEORGE WASHINGTON CARVER	PARTY	←
WALT DISNEY	PARTY	←
WRITE-IN		←

This constitutes a vote for Mark Twain

For Governor (Vote for one)		
HARRY S. TRUMAN	PARTY	←
<input checked="" type="radio"/> LAURA INGALLS WILDER	PARTY	←
MARK TWAIN	PARTY	←
GEORGE WASHINGTON CARVER	PARTY	←
WALT DISNEY	PARTY	←
WRITE-IN		←

This constitutes a vote for Laura Ingalls Wilder

(H) In the event that there are distinguishing marks for two (2) or more candidates, clarified by an additional mark or marks that appear to indicate support, the ballot shall be counted as a vote for the candidate with the additional, clarifying marks.

For Governor (Vote for one)		
<input checked="" type="radio"/> ^{this one} HARRY S. TRUMAN	PARTY	
<input type="radio"/> LAURA INGALLS WILDER	PARTY	
<input checked="" type="radio"/> MARK TWAIN	PARTY	
<input type="radio"/> GEORGE WASHINGTON CARVER	PARTY	
<input type="radio"/> WRITE-IN	PARTY	

This constitutes a vote for Harry S. Truman

(F) The party abbreviation associated with a candidate's name is circled.

For Governor (Vote for one)		
<input type="radio"/> HARRY S. TRUMAN	PARTY	
<input type="radio"/> LAURA INGALLS WILDER	PARTY	
<input type="radio"/> MARK TWAIN	<input checked="" type="radio"/> PARTY	
<input type="radio"/> GEORGE WASHINGTON CARVER	PARTY	
<input type="radio"/> WRITE-IN	PARTY	

This constitutes a vote for Mark Twain

For Governor (Vote for one)		
HARRY S. TRUMAN	PARTY	←
LAURA INGALLS WILDER	PARTY	←
MARK TWAIN	PARTY	←
GEORGE WASHINGTON CARVER	PARTY	←
WALT DISNEY	PARTY	←
WRITE-IN		←

This constitutes a vote for Harry S. Truman

For Governor (Vote for one)		
HARRY S. TRUMAN	PARTY	←
LAURA INGALLS WILDER	PARTY	←
MARK TWAIN	<input checked="" type="radio"/> PARTY	←
GEORGE WASHINGTON CARVER	PARTY	←
WALT DISNEY	PARTY	←
WRITE-IN		←

This constitutes a vote for Mark Twain

(4) The following shall not be considered expressions of voter intent:

(A) Hesitation or stray marks.

For Governor (Vote for one)		
<input type="radio"/> HARRY S. TRUMAN	PARTY	
<input type="radio"/> LAURA INGALLS WILDER	PARTY	
<input type="radio"/> MARK TWAIN	PARTY	
<input type="radio"/> GEORGE WASHINGTON CARVER	PARTY	
<input type="radio"/> WRITE-IN	PARTY	

This constitutes an undervote

(G) If a voter marked each choice by crossing out the names of candidate or issue preference not chosen, such expressions of intent shall constitute a valid vote for such candidate or issue preference not crossed out.

For Governor (Vote for one)		
HARRY S. TRUMAN	PARTY	←
LAURA INGALLS WILDER	PARTY	←
MARK TWAIN	PARTY	←
GEORGE WASHINGTON CARVER	PARTY	←
WALT DISNEY	PARTY	←
WRITE-IN		←

This constitutes an undervote

(B) In the event that there are distinguishing marks for two (2) or more candidates, without additional clarifying marks, the ballot shall be deemed an overvote.

For Governor (Vote for one)		
<input type="radio"/> HARRY S. TRUMAN	PARTY	
<input checked="" type="radio"/> LAURA INGALLS WILDER	PARTY	
<input type="radio"/> MARK TWAIN	PARTY	
<input checked="" type="radio"/> GEORGE WASHINGTON CARVER	PARTY	
<input type="radio"/> WRITE-IN	PARTY	

This constitutes an overvote

For Governor (Vote for one)		
<input type="radio"/> HARRY S. TRUMAN	PARTY	
<input type="radio"/> LAURA INGALLS WILDER	PARTY	
<input type="radio"/> MARK TWAIN	PARTY	
<input checked="" type="radio"/> GEORGE WASHINGTON CARVER	PARTY	
<input type="radio"/> <i>George W. Carver</i>	PARTY	
WRITE-IN		

This constitutes a vote for George Washington Carver

For Governor (Vote for one)		
HARRY S. TRUMAN	PARTY	←
LAURA INGALLS WILDER	PARTY	←
MARK TWAIN	PARTY	←
GEORGE WASHINGTON CARVER	PARTY	←
WALT DISNEY	PARTY	←
WRITE-IN		←

This constitutes an overvote

For Governor (Vote for one)		
HARRY S. TRUMAN	PARTY	←
LAURA INGALLS WILDER	PARTY	←
MARK TWAIN	PARTY	←
GEORGE WASHINGTON CARVER	PARTY	←
WALT DISNEY	PARTY	←
<i>Laura Ingalls Wilder</i>		←
WRITE-IN		

This constitutes a vote for Laura Ingalls Wilder

(C) If a voter marks more candidates than there are positions to be elected for that office, the marks do not constitute a valid vote for any candidate in that race.

(B) If a voter designates a vote for a named candidate on the ballot and writes in the name of a qualified write-in candidate or the name of a different named candidate on the ballot in that race, it shall be considered an overvote with neither candidate receiving credit for the vote.

For Governor (Vote for one)		
<input checked="" type="radio"/> HARRY S. TRUMAN	PARTY	
<input type="radio"/> LAURA INGALLS WILDER	PARTY	
<input checked="" type="radio"/> MARK TWAIN	PARTY	
<input type="radio"/> GEORGE WASHINGTON CARVER	PARTY	
<input type="radio"/> WRITE-IN	PARTY	

This constitutes an overvote

For Governor (Vote for one)		
<input type="radio"/> HARRY S. TRUMAN	PARTY	
<input type="radio"/> LAURA INGALLS WILDER	PARTY	
<input checked="" type="radio"/> MARK TWAIN	PARTY	
<input type="radio"/> GEORGE WASHINGTON CARVER	PARTY	
<input type="radio"/> <i>Harry S. Truman</i>	PARTY	
WRITE-IN		

This constitutes an overvote

For School Board (Vote for three)		
HARRY S. TRUMAN	PARTY	←
LAURA INGALLS WILDER	PARTY	←
MARK TWAIN	PARTY	←
GEORGE WASHINGTON CARVER	PARTY	←
WALT DISNEY	PARTY	←
WRITE-IN		←

This constitutes an overvote

For Governor (Vote for one)		
HARRY S. TRUMAN	PARTY	←
LAURA INGALLS WILDER	PARTY	←
MARK TWAIN	PARTY	←
GEORGE WASHINGTON CARVER	PARTY	←
WALT DISNEY	PARTY	←
<i>Walt Disney</i>		←
WRITE-IN		

This constitutes an overvote

(C) If a voter designates a vote for a named candidate on the ballot and writes in the name of a person who is not a qualified write-in candidate and not a named candidate on the ballot in that race, it shall be considered an overvote with no candidate receiving credit for the vote.

For Governor (Vote for one)		
<input type="radio"/>	HARRY S. TRUMAN	PARTY
<input checked="" type="radio"/>	LAURA INGALLS WILDER	PARTY
<input type="radio"/>	MARK TWAIN	PARTY
<input type="radio"/>	GEORGE WASHINGTON CARVER	PARTY
<input type="radio"/>	<u>Albert Einstein</u>	PARTY
<input type="radio"/>	WRITE-IN	PARTY

This constitutes an overvote

For Governor (Vote for one)		
<input type="checkbox"/>	HARRY S. TRUMAN	PARTY
<input type="checkbox"/>	LAURA INGALLS WILDER	PARTY
<input type="checkbox"/>	MARK TWAIN	PARTY
<input type="checkbox"/>	GEORGE WASHINGTON CARVER	PARTY
<input type="checkbox"/>	WALT DISNEY	PARTY
<input type="checkbox"/>	<u>Michael Douglas</u>	PARTY
<input type="checkbox"/>	WRITE-IN	PARTY

This constitutes an overvote

(7) Whenever a hand recount of votes of optical scan ballots is ordered, the provisions of this rule shall be used to determine voter intent.

AUTHORITY: section 115.225, RSMo Supp. 2005. Original rule filed Aug. 8, 2001, effective March 1, 2002. Emergency rescission and rule filed Feb. 2, 2006, effective Feb. 18, 2006, expires Aug. 16, 2006. A proposed rule covering this same material is published in this issue of the *Missouri Register*.

**Title 15—ELECTED OFFICIALS
Division 30—Secretary of State
Chapter 9—Uniform Counting Standards**

EMERGENCY RESCISSION

15 CSR 30-9.030 Uniform Counting Standards—Paper Ballots. This rule provided for standards to be used by election authorities when counting ballots cast using paper ballots.

PURPOSE: This rule is being rescinded so that updated standards may be promulgated for use by election authorities when counting ballots using paper ballots.

EMERGENCY STATEMENT: There is a compelling governmental interest in rescinding this rule because a corresponding emergency rule updating the counting standards for paper ballots has been filed and will be effective February 18, 2006. A proposed rescission, which covers the same material, is published in this issue of the *Missouri Register*. The scope of this emergency rescission is limited to the circumstances creating the emergency and complies with the protections extended in the *Missouri and United States Constitutions*. The Office of the Secretary of State believes this emergency rescission is fair to all interested persons and parties under the

circumstances. This emergency rescission was filed February 2, 2006, effective February 18, 2006, expires August 16, 2006.

AUTHORITY: section 115.225, RSMo 2000. Original rule filed Aug. 8, 2001, effective March 1, 2002. Emergency rescission filed Feb. 2, 2006, effective Feb. 18, 2006, expires Aug. 16, 2006. A proposed rescission covering this same material is published in this issue of the *Missouri Register*.

**Title 15—ELECTED OFFICIALS
Division 30—Secretary of State
Chapter 9—Uniform Counting Standards**

EMERGENCY RULE

15 CSR 30-9.030 Uniform Counting Standards—Paper Ballots

PURPOSE: This rule provides for standards to be used by election authorities when counting ballots cast using paper ballots.

EMERGENCY STATEMENT: On February 2, 2006 the Office of the Secretary of State filed an emergency rule concerning uniform counting standards for optical scan voting systems. As part of the elections division program for compliance with the Help America Vote Act (HAVA) of 2002 and the equipment qualification process, the Secretary of State (SOS) reviewed existing counting standards. This review revealed a potential for ambiguity in the counting standards rule for optical scan ballots, for example the use of the term “adjacent to.” The increased numbers of voters and jurisdictions using optical scan voting systems makes a uniform counting standard that maximizes the accuracy and efficiency of hand recounts crucial to the improvement of election administration. As the first election in 2006 approaches that involves all local election authorities, including those jurisdictions using optical scan systems for the first time (April 4), it was necessary to have a uniform counting standard which is capable of expeditiously handling a large volume of ballots. As the current uniform counting standards for paper ballots mirror those relating to optical scan systems, there is a compelling governmental interest in the promulgation of this emergency rule in order to maintain the consistency of counting standards for each voting system and method.

The scope of this emergency rule is limited to the circumstances creating the emergency and complies with the protections extended in the *Missouri and United States Constitutions*. The Office of the Secretary of State believes this emergency is fair to all interested persons and parties under the circumstances. This emergency rule was filed February 2, 2006, effective February 18, 2006, expires August 16, 2006.

(1) The election authority shall be responsible for insuring that the standards provided for in this rule are followed when counting ballots cast using paper ballots.

(2) The following marks shall be considered expressions of voter intent:

(A) Any ballot which is properly marked, as specified by the ballot instructions, in the target area.

For Governor (Vote for one)		
<input checked="" type="checkbox"/>	HARRY S. TRUMAN	PARTY
<input type="checkbox"/>	LAURA INGALLS WILDER	PARTY
<input type="checkbox"/>	MARK TWAIN	PARTY
<input type="checkbox"/>	GEORGE WASHINGTON CARVER	PARTY
<input type="checkbox"/>	WRITE-IN	PARTY

This constitutes a vote for Harry S. Truman

(B) The target area next to a candidate or issue preference is circled.

For Governor		
(Vote for one)		
<input type="checkbox"/>	HARRY S. TRUMAN	PARTY
<input type="checkbox"/>	LAURA INGALLS WILDER	PARTY
<input checked="" type="checkbox"/>	MARK TWAIN	PARTY
<input type="checkbox"/>	GEORGE WASHINGTON CARVER	PARTY
<input type="checkbox"/>	WRITE-IN	PARTY

This constitutes a vote for Mark Twain

(E) The party abbreviation associated with a candidate's name is circled.

For Governor		
(Vote for one)		
<input type="checkbox"/>	HARRY S. TRUMAN	PARTY
<input type="checkbox"/>	LAURA INGALLS WILDER	PARTY
<input type="checkbox"/>	MARK TWAIN	PARTY
<input type="checkbox"/>	GEORGE WASHINGTON CARVER	PARTY
<input type="checkbox"/>	WRITE-IN	PARTY

This constitutes a vote for George Washington Carver

(C) There is a distinguishing mark in the target area next to a candidate or issue preference including but not limited to the following examples:

For Governor		
(Vote for one)		
<input checked="" type="checkbox"/>	HARRY S. TRUMAN	PARTY
<input type="checkbox"/>	LAURA INGALLS WILDER	PARTY
<input type="checkbox"/>	MARK TWAIN	PARTY
<input type="checkbox"/>	GEORGE WASHINGTON CARVER	PARTY
<input type="checkbox"/>	WRITE-IN	PARTY

This constitutes a vote for Harry S. Truman

(F) If a voter consistently marked each choice by crossing out the names of candidate not chosen, such expressions of intent shall constitute a valid vote for such candidate or issue preference not crossed out.

For Governor		
(Vote for one)		
<input checked="" type="checkbox"/>	HARRY S. TRUMAN	PARTY
<input checked="" type="checkbox"/>	LAURA INGALLS WILDER	PARTY
<input type="checkbox"/>	MARK TWAIN	PARTY
<input checked="" type="checkbox"/>	GEORGE WASHINGTON CARVER	PARTY
<input type="checkbox"/>	WRITE-IN	PARTY

This constitutes a vote for Mark Twain

For Governor		
(Vote for one)		
<input checked="" type="checkbox"/>	HARRY S. TRUMAN	PARTY
<input type="checkbox"/>	LAURA INGALLS WILDER	PARTY
<input type="checkbox"/>	MARK TWAIN	PARTY
<input type="checkbox"/>	GEORGE WASHINGTON CARVER	PARTY
<input type="checkbox"/>	WRITE-IN	PARTY

This constitutes a vote for Harry S. Truman

(G) In the event that there are distinguishing marks for two (2) or more candidates, clarified by an additional mark or marks that appear to indicate support, the ballot shall be counted as a vote for the candidate with the additional, clarifying marks.

For Governor		
(Vote for one)		
<input type="checkbox"/>	HARRY S. TRUMAN	PARTY
<input checked="" type="checkbox"/>	LAURA INGALLS WILDER	PARTY
<input type="checkbox"/>	MARK TWAIN	PARTY
<input checked="" type="checkbox"/>	GEORGE WASHINGTON CARVER	PARTY
<input type="checkbox"/>	WRITE-IN	PARTY

This one ←

This constitutes a vote for Laura Ingalls Wilder

(D) The name of a candidate or issue preference is circled or underlined.

For Governor		
(Vote for one)		
<input type="checkbox"/>	HARRY S. TRUMAN	PARTY
<input type="checkbox"/>	<u>LAURA INGALLS WILDER</u>	PARTY
<input type="checkbox"/>	MARK TWAIN	PARTY
<input type="checkbox"/>	GEORGE WASHINGTON CARVER	PARTY
<input type="checkbox"/>	WRITE-IN	PARTY

This constitutes a vote for Laura Ingalls Wilder

(3) The following shall not be considered expressions of voter intent:
(A) Hesitation or stray marks.

For Governor		
(Vote for one)		
<input type="checkbox"/>	HARRY S. TRUMAN	PARTY
<input type="checkbox"/>	LAURA INGALLS WILDER	PARTY
<input type="checkbox"/>	MARK TWAIN	PARTY
<input type="checkbox"/>	GEORGE WASHINGTON CARVER	PARTY
<input type="checkbox"/>	WRITE-IN	PARTY

This constitutes an overvote

For Governor		
(Vote for one)		
<input type="checkbox"/>	HARRY S. TRUMAN	PARTY
<input type="checkbox"/>	<u>LAURA INGALLS WILDER</u>	PARTY
<input type="checkbox"/>	MARK TWAIN	PARTY
<input type="checkbox"/>	GEORGE WASHINGTON CARVER	PARTY
<input type="checkbox"/>	WRITE-IN	PARTY

This constitutes a vote for Laura Ingalls Wilder

(B) In the event that there are distinguishing marks for two (2) or more candidates, without additional clarifying marks, the ballot shall be deemed an overvote.

For Governor (Vote for one)		
<input checked="" type="checkbox"/>	HARRY S. TRUMAN	PARTY
<input type="checkbox"/>	LAURA INGALLS WILDER	PARTY
<input type="checkbox"/>	MARK TWAIN	PARTY
<input checked="" type="checkbox"/>	GEORGE WASHINGTON CARVER	PARTY
<input type="checkbox"/>	WRITE-IN	PARTY

This constitutes an overvote

For Governor (Vote for one)		
<input type="checkbox"/>	HARRY S. TRUMAN	PARTY
<input type="checkbox"/>	LAURA INGALLS WILDER	PARTY
<input checked="" type="checkbox"/>	MARK TWAIN	PARTY
<input type="checkbox"/>	GEORGE WASHINGTON CARVER	PARTY
<input checked="" type="checkbox"/>	<i>Harry S. Roman</i>	PARTY
	WRITE-IN	PARTY

This constitutes an overvote

(C) If a voter marks more candidates than there are positions to be elected for that office, the marks do not constitute a valid vote for any candidate in that race.

(C) If a voter designates a vote for a named candidate on the ballot and writes in the name of a person who is not a qualified write-in candidate and not a named candidate on the ballot in that race, it shall be considered an overvote with no candidate receiving credit for the vote.

For School Board (Vote for three)		
<input checked="" type="checkbox"/>	HARRY S. TRUMAN	PARTY
<input type="checkbox"/>	LAURA INGALLS WILDER	PARTY
<input checked="" type="checkbox"/>	MARK TWAIN	PARTY
<input checked="" type="checkbox"/>	GEORGE WASHINGTON CARVER	PARTY
<input checked="" type="checkbox"/>	WALT DISNEY	PARTY
<input type="checkbox"/>	WRITE-IN	PARTY

This constitutes an overvote

For Governor (Vote for one)		
<input type="checkbox"/>	HARRY S. TRUMAN	PARTY
<input type="checkbox"/>	LAURA INGALLS WILDER	PARTY
<input type="checkbox"/>	MARK TWAIN	PARTY
<input checked="" type="checkbox"/>	GEORGE WASHINGTON CARVER	PARTY
<input type="checkbox"/>	<i>Gertrude Steen</i>	PARTY
	WRITE-IN	PARTY

This constitutes an overvote

(4) In jurisdictions using paper ballots, a valid vote for a write-in candidate must include the following:

(A) The name of a qualified write-in candidate. If the name of the candidate, as written by the voter, is substantially as declared by the candidate it shall be counted, or in those circumstances where the names of candidates are similar, the names of candidates as shown on voter registration records shall be counted.

(B) The name of the office for which the candidate is to be elected.

(5) If a voter designates a vote for a named candidate on the ballot and also provides for a write-in candidate in the same race it shall be treated as follows:

(A) If a voter designates a vote for a named candidate on the ballot and writes in the same candidate in the write-in area, the vote shall count for that candidate.

For Governor (Vote for one)		
<input type="checkbox"/>	HARRY S. TRUMAN	PARTY
<input checked="" type="checkbox"/>	LAURA INGALLS WILDER	PARTY
<input type="checkbox"/>	MARK TWAIN	PARTY
<input type="checkbox"/>	GEORGE WASHINGTON CARVER	PARTY
<input checked="" type="checkbox"/>	<i>Laura Ingalls Wilder</i>	PARTY
	WRITE-IN	PARTY

This constitutes a vote for Laura Ingalls Wilder

(B) If a voter designates a vote for a named candidate on the ballot and writes in the name of a qualified write-in candidate or the name of a different named candidate on the ballot in that race, it shall be considered an overvote with neither candidate receiving credit for the vote.

(6) Whenever a hand recount of votes of paper ballots is ordered, the provisions of this rule shall be used to determine voter intent.

AUTHORITY: section 115.225, RSMo Supp. 2005. Original rule filed Aug. 8, 2001, effective March 1, 2002. Emergency rescission and rule filed Feb. 2, 2006, effective Feb. 18, 2006, expires Aug. 16, 2006. A proposed rule covering this same material is published in this issue of the Missouri Register.