

1 HB145  
2 116311-4  
3 By Representative Newton (C)  
4 RFD: Constitution and Elections  
5 First Read: 12-JAN-10  
6 PFD: 01/07/2010



1 registered write-in vote causes an over-vote, it shall be  
2 treated as any other over-vote and none of the votes for the  
3 over-voted office shall be counted. However, the remainder of  
4 the ballot shall be counted. When counting write-in votes,  
5 poll officials must check for over-votes if the electronic  
6 ballot counter does not perform the function.

7 "(b) All write-in ballots shall be returned to a  
8 central location in the county as determined by the judge of  
9 probate. If it is determined that total write-in ballots for  
10 any office cannot affect the outcome of the election for that  
11 office, all write-in votes for that office shall not be  
12 counted except as provided herein.

13 "(1) The judge of probate for elections involving  
14 voters in only the county where the judge of probate serves  
15 shall make a determination of whether the write-in votes for  
16 an office can affect the outcome of the election. If the judge  
17 of probate determines that the write-in votes can affect the  
18 outcome of the election, the write-in votes shall be counted.  
19 If the judge of probate determines that the number of write-in  
20 votes cannot affect the outcome of the election for the  
21 office, the write-in votes for that office shall not be  
22 counted, except as provided in subdivision (3).

23 "(2) For write-in votes for elections involving  
24 voters of more than one county, the judge of probate for each  
25 county where ballots are cast for the office shall forward to  
26 the Secretary of State the number of write-in votes for the

1 office. The Secretary of State shall then make a determination  
2 of whether the write-in votes for the office can affect the  
3 outcome of the election for that office. If the Secretary of  
4 State determines that the number of write-in votes can affect  
5 the outcome of the election, the write-in votes shall be  
6 counted. If the Secretary of State determines that number of  
7 write-in votes cannot affect the outcome of the election, the  
8 write-in votes for the office shall not be counted, except as  
9 provided in subdivision (3).

10 "(3) Any qualified elector who voted in an election  
11 may request within two business days of the election that the  
12 write-in votes for any office be counted. The elector  
13 requesting that the write-in votes for an office be counted  
14 shall pay the actual costs of the counting."

15 Section 2. This act shall become effective on the  
16 first day of the third month following its passage and  
17 approval by the Governor, or its otherwise becoming law.

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House of Representatives

Read for the first time and re-  
ferred to the House of Representa-  
tives committee on Constitution and  
Elections ..... 12-JAN-10

Read for the second time and placed  
on the calendar with 1 substitute  
and ..... 14-JAN-10

Read for the third time and passed  
as amended ..... 19-JAN-10

Yeas 95, Nays 0, Abstains 0

Greg Pappas  
Clerk