Procedures for
Judicial Commission Elections
by Electronic Balloting
under Rule 10.165

(a) Initiation of Electronic Voting Preparations

If possible, at least five months before the election, the clerk responsible for the election of a member of a judicial commission shall notify the states court administrator that an election is to take place. The clerk shall identify details such as date of the election and officials responsible for the election. OSCA shall initiate the creation of the election database and shall instruct the election administrators in the court conducting the election as to their duties for set-up of the election.

(b) Electronic Voter File

Not fewer than 30 days nor more than 60 days before the election, upon request of the Supreme Court, The Missouri Bar shall certify to the Supreme Court and OSCA the electronic file of lawyers eligible to vote in the election. The file shall contain name, Missouri Bar ID and password (also known as personal identification number or PIN), address, county of residence and e-mail address for all lawyers eligible to vote.

The certified file shall control eligibility to vote electronically. No additions to the electronic file of eligible voters shall be made after the date the voter file is certified except as provided in paragraph (h).

There will be no paper ballots printed or used in the election except to those individuals receiving an accommodation under the Americans with Disabilities Act. OSCA shall load the voter file into the electronic election software application and cooperate with the clerk conducting the election to ensure that an appropriate number of postcard notices required by section (h) will be available. OSCA shall send the Supreme Court and the clerk conducting the election a confirmation that the number of voter records loaded matches the number of voters provided in the voter file.

(c) Notification of Electronic Election

Prior to the close of candidate filing for the election, the clerk conducting the election shall send one or more e-mail announcements of the upcoming election to all lawyers whose e-mail addresses appear in the voter file provided by The Missouri Bar. All e-mail announcements shall provide notice of the web address that will be used for electronic voting and the names and telephone numbers of contact persons at the clerk's office.

Candidate names shall not be provided in notification e-mails prior to the close of candidate filing.

Not later than ten days after the close of candidate filing, the clerk conducting the election shall send all lawyers with e-mail addresses in the voter file an e-mail announcement that the voting period is open. In addition to the information contained in earlier e-mails, the e-mail announcement shall include the names of the candidates and their biographical sketches. At the same time, the clerk shall arrange for the mailing of postcard notices in accordance with procedures set forth in paragraph (h) to voters without e-mail addresses.

During the voting period, the clerk may send additional e-mail reminders of the availability of electronic voting.

(d) Voter Credentials

The Missouri Bar identification and The Missouri Bar PIN used for access to The Missouri Bar's secure members-only web site shall be used to confirm eligibility to vote electronically. The electronic election software shall not allow anyone to access the ballot who does not enter The Missouri Bar ID and PIN that were certified in the electronic voter file.

After the lawyer has cast one vote electronically, the software shall prevent any further access to the ballot by that ID and PIN. Appropriate error messages shall be displayed to anyone attempting to vote who does not appear in the voter file or who has already voted.

The Missouri Bar shall answer questions from lawyers about their own identification numbers and PINs.

(e) Voting Period

The voting period shall begin not later than ten days after the last date that candidates may file a petition of nomination. Voting shall end at 11:59:59 P.M. the Friday before the date of the election set forth in Rule 10.06. The election software application shall prevent voting after that time.

(f) Confidentiality of Electronic Voting

The electronic election software shall prevent election administrators from viewing or printing the votes cast for candidates until after the close of the electronic voting period. The software shall not provide a list of voters with their corresponding votes. The clerk shall not reveal if a person has or has not voted. Whether a person has or has not voted shall be confidential and shall not be revealed by the election administrators.

(g) Write-in Candidates

The electronic election software shall allow voters to write in a candidate. After the voting period ends, the software shall provide a list of write-in candidates that displays the exact information that voters entered on their ballots.

(h) Postcard Notices to Voters Without E-mail Addresses or Identified After the Electronic Voter File is Certified

The clerk conducting the election shall arrange to mail postcard notices to lawyers in the voter file without an e-mail address. The mailing to lawyers without e-mail addresses in the voter file shall occur not later than ten days after the last date that candidates may file a petition of nomination and not later than the e-mail notice that includes candidate names.

The postcard notification shall inform the voter of the election, the dates for voting, the e-mail address where a vote may electronically be cast, and, for elections held in a single county, the location in the courthouse where a computer is located from which a vote may be cast. For elections held in more than one county, the postcard shall identify one or more locations where such a computer is located. The postcard also shall contain information on how to receive an accommodation under the Americans with Disabilities Act.

Upon confirmation after the electronic voter file is certified by the Supreme Court clerk of the lawyers' eligibility to vote, the clerk conducting the election shall provide postcard notices to lawyers newly sworn in as members of The Missouri Bar and lawyers who changed their residence address to a location within the district.

(i) Vote Counting

Beginning the day of the election, the election software shall allow election administrators to view and print lists of the number of votes cast electronically for each candidate.

The clerk conducting the election shall count the ballots after 10:00 a.m. on election day, and the vote totals shall be announced when the tabulation process is complete. Within ten days after the election, the clerk shall certify the document containing the election results to the secretary of state and the clerk of the Supreme Court.

(j) Run-Off Elections

If the clerk conducting the election determines that a run-off election is required, the state courts administrator shall be notified, and the election shall be managed under the procedures set forth for the initial election, except that write-in candidates are not allowed.

(k) Retention of Ballots

Electronic ballots and related documentation in the electronic election software shall be retained for a period of six months after the completion of the election canvass. At the end of the six months, unless directed otherwise by the Supreme Court, the clerk conducting the election shall direct OSCA to delete the election database containing the ballots for the election. The clerk shall destroy all documents except the total vote at the same time that OSCA deletes the electronic database for the election.