

FIRST REGULAR SESSION

[CORRECTED]

[PERFECTED]

HOUSE BILL NO. 336

98TH GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVE MCGAUGH.

0703L.01P

D. ADAM CRUMBLISS, Chief Clerk

AN ACT

To repeal sections 115.105 and 115.107, 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Section A. Sections 115.105 and 115.107, RSMo, are repealed and three new sections
2 enacted in lieu thereof, to be known as sections 115.105, 115.107, and 115.960, to read as
3 follows:

115.105. 1. The chair of the county committee of each political party named on the
2 ballot shall have the right to designate a challenger for each polling place, who may be present
3 during the hours of voting, [and a challenger for each location at which absentee ballots are
4 counted, who may be present] while the ballots are being prepared for counting and counted,
5 **and until all closing certification forms are completed, all equipment is closed and taken**
6 **down, the transportation case for the ballots is sealed, election materials are returned to**
7 **the election authority or to the designated collection place for a polling place, and any other**
8 **duties or procedures required under sections 115.447 to 115.491 are completed. A**
9 **challenger may also remain present at each location at which absentee ballots are counted**
10 **and may remain present while such ballots are being prepared for counting and counted.**
11 No later than four business days before the election, the chair of each county committee of each
12 political party named on the ballot shall provide signed official designation forms with the names
13 of the designated challengers and substitutes to the local election authority for confirmation of

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.

14 eligibility to serve as a challenger. The local election authority, after verifying the eligibility of
15 each designated and substitute challenger, shall sign off on the official designation forms, unless
16 the challenger is found not to have the qualifications established by subsection 5 of this section.
17 If the election authority determines that a challenger does not meet the qualifications of
18 subsection 5 of this section, the designating party chair may designate a replacement challenger
19 and provide the local election authority with the name of the replacement challenger before 5:00
20 p.m. of the Monday preceding the election. The designating chair may substitute challengers at
21 his or her discretion during such hours.

22 2. Challenges may only be made when the challenger believes the election laws of this
23 state have been or will be violated, and each challenger shall report any such belief to the
24 election judges, or to the election authority if not satisfied with the decision of the election
25 judges.

26 3. Prior to the close of the polls, challengers may list and give out the names of those
27 who have voted. The listing and giving out of names of those who have voted by a challenger
28 shall not be considered giving information tending to show the state of the count.

29 4. In a presidential primary election, challengers may collect information about the party
30 ballot selected by the voter and may disclose party affiliation information after the polls close.

31 5. All persons selected as challengers shall have the same qualifications required by
32 section 115.085 for election judges, except that such challenger shall be a registered voter in the
33 jurisdiction of the election authority for which the challenger is designated as a challenger.

34 6. Any challenge by a challenger to a voter's identification for validity shall be made only
35 to the election judges or other election authority. If the poll challenger is not satisfied with the
36 decision of the election judges, then he or she may report his or her belief that the election laws
37 of this state have been or will be violated to the election authority as allowed under this section.

115.107. 1. At every election, the chairman of the county committee of each political
2 party named on the ballot shall have the right to designate a watcher for each place votes are
3 counted.

4 2. Watchers are to observe the counting of the votes and present any complaint of
5 irregularity or law violation to the election judges, or to the election authority if not satisfied with
6 the decision of the election judges. No watcher may be substituted for another on election day.

7 3. No watcher shall report to anyone the name of any person who has or has not voted.

8 4. **A watcher may remain present until all closing certification forms are completed,**
9 **all equipment is closed and taken down, the transportation case for the ballots is sealed,**
10 **election materials are returned to the election authority or to the designated collection**
11 **place for a polling place, and any other duties or procedures required under sections**
12 **115.447 to 115.491 are completed. A watcher may also remain present at each location at**

13 **which absentee ballots are counted and may remain present while such ballots are being**
14 **prepared for counting and counted.**

15 **5.** All persons selected as watchers shall have the same qualifications required by section
16 115.085 for election judges, except that such watcher shall be a registered voter in the
17 jurisdiction of the election authority for which the watcher is designated as a watcher.

115.960. 1. An election authority is authorized to accept voter registration
2 **applications with a signature submitted to the election authority under the provisions of**
3 **sections 432.200 to 432.295 as provided in this section:**

4 **(1) Sections 432.200 to 432.295 shall only apply to transactions between parties that**
5 **have agreed to conduct transactions by electronic means;**

6 **(2) Except as provided in subsection 2 of this section, as used in this section and**
7 **sections 432.200 to 432.295, the parties who agree to conduct voter registration transactions**
8 **by electronic means shall be the local election authority who is required to accept or reject**
9 **a voter registration application and the prospective voter submitting the application;**

10 **(3) A local election authority is authorized to develop, maintain, and approve**
11 **systems that transmit voter registration applications electronically under sections 432.200**
12 **to 432.295;**

13 **(4) Except as provided in subsection 2 of this section, no officer, agency, or**
14 **organization shall collect or submit a voter registration application with an electronic**
15 **signature to an election authority without first obtaining approval of the data and**
16 **signature format from the local election authority and the approval of the voter to collect**
17 **and store the signature and data; and**

18 **(5) Local election authorities who maintain a voter registration application system**
19 **shall direct voter registration applicants from other jurisdictions to the system used by the**
20 **local election authority for that jurisdiction to accept voter registration applications**
21 **electronically.**

22 **2. A system maintained by the secretary of state's office shall be used to accept**
23 **voter registration applications electronically subsequent to approval from the committee**
24 **formed as set forth in this subsection:**

25 **(1) Within thirty days of the effective date of this section, the president of the**
26 **Missouri association of county clerks and election authorities shall appoint fourteen of its**
27 **members to serve on a committee to approve and develop uniform standards, systems, and**
28 **modifications that shall be used by the secretary of state in any electronic voter registration**
29 **application system offered by that office. The committee shall have fourteen local election**
30 **authorities, including representatives of each classification of counties, a representative**
31 **from an election board, and at least one member who has experience processing online**

32 voter registration transactions. In addition, one representative appointed by the secretary
33 of state's office shall serve on the committee;

34 (2) The committee shall immediately meet to approve electronic signature formats
35 and a minimum set of data collection standards for use in a voter registration application
36 system maintained by the secretary of state;

37 (3) Once the format and data collection standards are approved by the committee
38 and implemented for the system maintained by the secretary of state, local election
39 authorities shall accept the transmission of voter registration applications submitted to the
40 approved system under the provisions of sections 432.200 to 432.295;

41 (4) The secretary of state's office shall direct eligible voters to a local election
42 authority's system to accept voter registration applications electronically if the local
43 election authority has a system in place as of the effective date of this section or implements
44 a system that meets the same standards and format that has been approved by the
45 committee for the secretary of state's system;

46 (5) The committee shall meet not less than semi-annually through June 30, 2018,
47 to recommend and approve changes and enhancements proposed by the secretary of state
48 or election authorities to the electronic voter registration application system. Vacancies
49 that occur on the committee shall be filled by the president of the Missouri association of
50 county clerks and election authorities at the time of the vacancy;

51 (6) To improve the accuracy of voter registration application data and reduce costs
52 for local election authorities, the system maintained by the secretary of state shall, as soon
53 as is practical, provide a method where the data entered by the voter registration applicant
54 does not have to be re-entered by the election authority to the state voter registration
55 database.

56 3. Each applicant who registers using an approved electronic voter registration
57 application system shall be deemed to be registered as of the date the signed application
58 is submitted to the system, if such application is accepted and not rejected by the election
59 authority and the verification notice required under section 115.155 is not returned as
60 undeliverable by the postal service.

61 4. This section shall not apply to voter registration and absentee records submitted
62 by voters authorized under federal law, section 115.291, or sections 115.900 to 115.940 to
63 submit electronic records and signatures.

64 5. High quality copies, including electronic copies, of signatures made on paper
65 documents may be used for petition signature verification purposes and retained as
66 records.

67 **6. Any signature required for petition submission under chapter 116 shall be**
68 **handwritten on a paper document.**

69 **7. Notwithstanding the provisions of section 432.230, nothing in this section shall**
70 **require the election authority to accept voter registration records or signatures created,**
71 **generated, sent, communicated, received, stored, or otherwise processed, or used by**
72 **electronic means or in electronic form from any officer, agency, or organization not**
73 **authorized under subsection 2 of this section without prior approval from the election**
74 **authority. Except as provided in subsection 2 of this section, no officer, agency, or**
75 **organization shall give the voter the opportunity to submit a voter registration application**
76 **with an electronic signature without first obtaining the approval of the local election**
77 **authority.**

78 **8. An election authority that agrees to conduct a transaction by electronic means**
79 **may refuse to conduct other transactions by electronic means.**

80 **9. No election authority or the secretary of state shall furnish to any member of the**
81 **public any data collected under a voter registration application system except as**
82 **authorized in subsection 1 of section 115.157.**

83 **10. Nothing in this section shall be construed to require the secretary of state to**
84 **cease operating a voter registration application in place as of the effective date of this act.**

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