

HB 336 -- ELECTRONIC SIGNATURES

SPONSOR: McGaugh

COMMITTEE ACTION: Voted "Do Pass" by the Standing Committee on Elections by a vote of 12 to 0. Voted "Do Pass" by the Select Committee on State and Local Government.

This bill changes the laws regarding voter registration and petition signature requirements. In its main provisions, the bill:

- (1) Authorizes an election authority to accept voter registration applications using electronic methods that only apply to transactions between parties that have agreed to conduct transactions by electronic means;
- (2) Authorizes a local election authority to develop, maintain, and approve systems that transmit voter registration applications electronically. An officer, agency, or organization cannot collect or submit a voter registration application with an electronic signature to an election authority without first obtaining approval of the data and signature format from the local election authority and the approval of the voter to collect and store the signature and data;
- (3) Requires a local election authority that maintains a voter registration application system to direct voter registration applicants from other jurisdictions to the system used by the local election authority for that jurisdiction to accept voter registration applications electronically;
- (4) Requires a system maintained by the Office of the Secretary of State to be used to accept voter registration applications electronically subsequent to approval from the committee that is to be formed. Within 30 days of the effective date of these provisions, the president of the Missouri Association of County Clerks and Election Authorities must appoint 14 of its members to serve on a committee to approve and develop uniform standards, systems, and modifications that must be used by the Secretary of State in any electronic voter registration application system offered by that office. The committee must have 14 local election authorities, including representatives of each classification of counties, a representative from an election board, and at least one member who has experience processing on-line voter registration transactions. In addition, one representative appointed by the Office of the Secretary of State must serve on the committee. The committee must immediately meet to approve electronic signature formats and a minimum set of data collection standards for use in a voter registration application system maintained by the Secretary

of State. Once the format and data collection standards are approved by the committee and implemented for the system maintained by the Secretary of State, local election authorities must accept the transmission of voter registration applications submitted to the approved system. The Office of the Secretary of State must direct eligible voters to a local election authority's system to accept voter registration applications electronically if the local election authority has a system in place as of the effective date of these provisions or implements a system that meets the same standards and format that has been approved by the committee for the Secretary of State's system;

(5) Requires the committee to meet not less than semi-annually through June 30, 2017, to recommend and approve changes and enhancements proposed by the Secretary of State or election authorities to the electronic voter registration application system. Vacancies that occur on the committee must be filled by the president of the Missouri Association of County Clerks and Election Authorities at the time of the vacancy;

(6) Requires, as soon as practical, the system maintained by the Secretary of State to provide a method where the data entered by the voter registration applicant does not have to be re-entered by the election authority to the state voter registration database;

(7) Specifies that each applicant who registers using an approved electronic voter registration application system must be deemed to be registered as of the date the signed application is submitted to the system if the application is accepted and not rejected by the election authority and the verification notice required under Section 115.155, RSMo, is not returned as undeliverable by the postal service;

(8) Specifies that these provisions cannot apply to voter registration and absentee records submitted by voters authorized under federal law, Section 115.291, or Sections 115.900 to 115.940, to submit electronic records and signatures;

(9) Requires any signature required for petition submission under Chapter 116 to be handwritten on a paper document. High quality copies, including electronic copies, of signatures made on paper documents may be used for petition signature verification purposes and retained as records; and

(10) Stipulates that an election authority that agrees to conduct a transaction by electronic means may refuse to conduct other transactions by electronic means. An election authority or the Secretary of State cannot furnish to any member of the public any data collected under a voter registration application system except

as authorized by law. These provisions cannot be construed to require the Secretary of State to cease operating a voter registration application in place as of the effective date of the bill.

PROPOSERS: Supporters say that the bill will ensure uniform standards for electronic registration of voters. Local election authorities will retain ability to run their individual registration systems and will have input over the general rules governing all electronic registration. Petition and ballot measures will still require hard copy signature verification.

Testifying for the bill were Representative McGaugh; Peggy Kenney and Darryl Kempf, Missouri Association Of County Clerks and Election Authorities; Wendy Noren, Boone County Clerk; Peggy McGaugh, County Clerk; and ACLU of Missouri.

OPPOSERS: There was no opposition voiced to the committee.