

FIRST REGULAR SESSION

# HOUSE BILL NO. 372

## 101ST GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVE MCGAUGH.

0653H.011

DANA RADEMAN MILLER, Chief Clerk

### AN ACT

To repeal sections 115.151, 115.160, and 115.960, RSMo, and to enact in lieu thereof three new sections relating to voter registration.

*Be it enacted by the General Assembly of the state of Missouri, as follows:*

Section A. Sections 115.151, 115.160, and 115.960, RSMo, are repealed and three new sections enacted in lieu thereof, to be known as sections 115.151, 115.160, and 115.960, to read as follows:

115.151. 1. Each qualified applicant who appears before the election authority shall be deemed registered as of the time the applicant's completed, signed and sworn registration application is witnessed by the election authority or deputy registration official.

2. Each applicant who registers by mail shall be deemed to be registered as of the date the application is postmarked, if such application is accepted and not rejected by the election authority and the verification notice required pursuant to section 115.155 is not returned as undeliverable by the postal service.

3. Each applicant who registers at a voter registration agency or the division of motor vehicle and drivers licensing of the department of revenue shall be deemed to be registered as of the date the application is signed by the applicant, if such application is accepted and not rejected by the election authority and the verification notice required pursuant to section 115.155 is not returned as undeliverable by the postal service. ~~Voter registration agencies [and the division of motor vehicle and drivers licensing of the department of revenue]~~ shall transmit voter registration application forms to the appropriate election authority not later than five business days after the form is completed by the applicant. **The division of motor vehicle and drivers licensing of the department of revenue shall transmit voter registration application forms**

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.

17 **to the appropriate election authority not later than three business days after the form is**  
18 **completed by the applicant.**

115.160. 1. All Missouri driver's license applicants shall receive a voter registration  
2 application form as a simultaneous part of the application for a driver's license, renewal of  
3 driver's license, change of address, duplicate request and a nondriver's license.

4 2. If a single application form is used, the voter registration application portion of any  
5 application described in subsection 1 of this section may not require any information that  
6 duplicates information required in the driver's license portion of the form, except a second  
7 signature or other information required by law.

8 3. After conferring with the secretary of state as the chief state election official  
9 responsible for overseeing of the voter registration process, the director of revenue shall adopt  
10 rules and regulations pertaining to the format of the voter registration application used by the  
11 department. **The director of revenue shall utilize electronic voter registration application**  
12 **forms and provide for secure electronic transfer of voter registration information to**  
13 **election authorities. The secretary of state and the director of revenue shall ensure the**  
14 **confidentiality and integrity of the voter registration data collected, maintained, received,**  
15 **or transmitted under this section.**

16 4. No information relating to the failure of an applicant for a driver's license or  
17 nondriver's license to sign a voter registration application may be used for any purpose other than  
18 voter registration.

19 5. Any voter registration application received pursuant to the provisions of this section  
20 shall be forwarded, **in a secure and electronic manner**, to the election authority located within  
21 that county or any city not within a county, or if there is more than one election authority within  
22 the county, then to the election authority located nearest to the location where the driver's license  
23 application was received. **Voter registration information, including an electronic image of**  
24 **the signature of the applicant, shall be transmitted in a format compatible with the**  
25 **Missouri voter registration system established in section 115.158 which allows for review**  
26 **by the election authority and does not require the election authority to manually reenter**  
27 **the information.** The election authority receiving the application forms shall review the  
28 applications and forward, **in a secure and electronic manner**, any applications pertaining to a  
29 different election authority to that election authority.

30 6. A completed voter registration application accepted in the driver's licensing process  
31 shall be transmitted to the election authority described in subsection 5 of this section not later  
32 than five business days after the form is completed by the applicant.

33 7. Any person registering to vote when applying for or renewing a Missouri driver's  
34 license shall submit with the application form a copy of a birth certificate, a Native American

35 tribal document, or other proof of United States citizenship, a valid Missouri driver's license, or  
36 other form of personal identification.

115.960. 1. An election authority is authorized to accept voter registration applications  
2 with a signature submitted to the election authority under the provisions of sections 432.200 to  
3 432.295 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 sections  
7 432.200 to 432.295, the parties who agree to conduct voter registration transactions by electronic  
8 means shall be the local election authority who is required to accept or reject a voter registration  
9 application and the prospective voter submitting the application;

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

12 (4) Except as provided in subsection 2 of this section **and section 115.160**, no officer,  
13 agency, or organization shall collect or submit a voter registration application with an electronic  
14 signature to an election authority without first obtaining approval of the data and signature  
15 format from the local election authority and the approval of the voter to collect and store the  
16 signature and data; and

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

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

23 (1) Within thirty days of, but in no event prior to January 1, 2017, the president of the  
24 Missouri Association of County Clerks and Election Authorities shall appoint fourteen of its  
25 members to serve on a committee to approve and develop uniform standards, systems, and  
26 modifications that shall be used by the secretary of state in any electronic voter registration  
27 application system offered by that office. The committee may also make recommendations  
28 regarding the purchase, maintenance, integration, and operation of electronic databases, software,  
29 and hardware used by local election authorities and the secretary of state's office including, but  
30 not limited to, systems used for military and overseas voting and for building and conducting  
31 election operations. The committee shall have fourteen local election authorities, including  
32 representatives of each classification of counties, a representative from an election board, and  
33 at least one member who has experience processing online voter registration transactions. In

34 addition, one representative appointed by the secretary of state's office shall serve on the  
35 committee;

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

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

43 (4) The secretary of state's office shall direct eligible voters to a local election authority's  
44 system to accept voter registration applications electronically if the local election authority has  
45 a system in place as of August 28, 2016, or implements a system that meets the same standards  
46 and format that has been approved by the committee for the secretary of state's system;

47 (5) The committee shall meet not less than semiannually through June 30, 2019, to  
48 recommend and approve changes and enhancements proposed by the secretary of state or election  
49 authorities to the electronic voter registration application system. Vacancies that occur on the  
50 committee shall be filled by the president of the Missouri Association of County Clerks and  
51 Election Authorities at the time of the vacancy;

52 (6) To improve the accuracy of voter registration application data and reduce costs for  
53 local election authorities, the system maintained by the secretary of state shall, as soon as is  
54 practical, provide a method where the data entered by the voter registration applicant does not  
55 have to be re-entered by the election authority to the state voter registration 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 is  
58 submitted to the system, if such application is accepted and not rejected by the election authority  
59 and the verification notice required under section 115.155 is not returned as undeliverable by the  
60 postal service.

61 4. This section shall not apply to voter registration and absentee records submitted by  
62 voters authorized under federal law, section 115.291, or sections 115.900 to 115.936 to submit  
63 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 records.

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

68 7. ~~[Notwithstanding the provisions of section 432.230]~~ **Except as provided under**  
69 **sections 115.160 and 432.230**, nothing in this section shall require the election authority to

70 accept voter registration records or signatures created, generated, sent, communicated, received,  
71 stored, or otherwise processed, or used by electronic means or in electronic form from any  
72 officer, agency, or organization not authorized under subsection 2 of this section without prior  
73 approval from the election authority. **Election authorities shall accept and process voter**  
74 **registration records, including electronic images of applicant signatures, transmitted**  
75 **electronically by the division of motor vehicle and drivers licensing of the department of**  
76 **revenue under section 115.160.** Except as provided in subsection 2 of this section **and section**  
77 **115.160**, no officer, agency, or organization shall give the voter the opportunity to submit a voter  
78 registration application with an electronic signature without first obtaining the approval of the  
79 local election authority.

80           8. An election authority that agrees to conduct a transaction by electronic means may  
81 refuse to conduct other transactions by electronic means.

82           9. No election authority or the secretary of state shall furnish to any member of the public  
83 any data collected under a voter registration application system except as authorized in  
84 subsections 1 to 5 of section 115.157.

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

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