

HCS HB 738 -- ELECTIONS

SPONSOR: Rone

COMMITTEE ACTION: Voted "Do Pass with HCS" by the Standing Committee on Elections and Elected Officials by a vote of 7 to 3. Voted "Do Pass" by the Standing Committee on Rules- Administrative Oversight by a vote of 9 to 4. Voted "Do Pass with HS" by Legislative Review by a vote of 4 to 1.

The following is a summary of the House Committee Substitute for HB 738.

This bill changes election laws. In its main provisions the bill:

- (1) Authorizes the Secretary of State (SOS) to audit voter registration lists and require election authorities to remove improper names. Audit procedures are specified in the bill and noncompliance could result in a withhold of funds (Section 28.960);
- (2) Prohibits changes to election laws in the 26 weeks preceding a presidential election (Section 115.004);
- (3) Removes obsolete references to ballot cards and requires voting machines to be air gapped as a security measure (Section 115.013, 115.417, 115.447);
- (4) Exempts board of election commissioners and clerk employees from requirement to reside or register within the jurisdiction in which they serve (Sections 115.045 and 115.051);
- (5) Allows appointment of election judges who reside outside the requisite election authorities jurisdiction without the need for written consent from the election authority in whose jurisdiction the potential judge resides (Section 115.085);
- (6) Repeals a provision allowing challengers to presidential primary elections to collect information about party ballots and disclose such information after polls close (Section 115.105);
- (7) Allows candidates to select poll watchers at their own expense to monitor an election (Section 115.107);
- (8) Repeals provisions allowing a presidential primary election to be held in March (Sections 115.123, 115.237, 115.349, 115.351, 115.755, 115.758, 115.761, 115.765, 115.767, 115.770, 115.773, 115.776, and 115.785);
- (9) Authorizes the Department of Revenue to use electronic

applications when sending materials to election authorities under the existing voter registration program in place at the Division of Motor Vehicles and Drivers Licensing, within the Department of Revenue. Electronic applications shall be sent no later than three business days after completion of a form. The electronic applications shall be secure and in a format compatible with the existing Voter Registration System under Section 115.158, RSMo. The Secretary of State and Director of Revenue shall guarantee the security and transmission of electronic data. Images of signatures may be used for the purpose of voter registration (Sections 115.151, 115.160, 115.960);

(10) Restricts voter information released by election authorities by eliminating the date of birth and prohibiting uses for commercial purposes. Certain requirements to release such information to the general public are also repealed or modified (Sections 115.157 and 115.289);

(11) Prohibits the payment of persons for soliciting voter registration applications and requires registration of any person soliciting more than 10 voter registration applications (Section 115.205);

(12) Beginning January 1, 2022, the bill requires the use of a paper ballot that will be counted by hand and repeals electronic voting system language with certain exceptions for voting equipment used for the disabled. Requires local election authorities to be members of the Center for Internet Security and allows the SOS to review cyber security for local election authorities and vendors as specified in the bill. Testing of vendor products such as programs and machines is allowed and subject to appropriation. (Sections 115.225, 115.237);

(13) Defines absentee ballots as those authorized to be cast away from a polling place or in the office of the election authority or other authorized location designated by the election authority (Sections 115.257 and 115.275);

(14) Allows use of absentee ballots without stating a reason beginning the third Tuesday before an election provided that photo identification is provided or other exceptions are met. Notarization requirements are also specified in the bill and affidavit forms are modified (Sections 115.277 and 115.279, 115.283);

(15) Authorizes the counting of absentee ballots received in person prior to election day and those received by mail or authorized drop box prior to the closing of polls on election day (Section 115.286);

(16) Allows voter assistance in cases of temporary confinement due to illness or physical disability, but repeals specific Covid-19 references that have expired (Sections 115.287, 115.291, and 115.652);

(17) Specifies photographic identification requirements for voting a regular ballot, but allows use of provisional ballots with any type of documentation currently allowed for voting. A line item appropriation for the Secretary of State's Office regarding notice of personal identification is repealed. Certain affidavit requirements are repealed and requirements for provisional ballots are specified in the bill (Section 115.427);

(18) Specifies that once a ballot is deposited in the ballot box, then it is deemed cast (115.435);

(19) Repeals expired Section 115.302, RSMo., which allowed mail in ballots during the COVID-19 crisis and other sections referencing obsolete COVID-19 laws (Section 115.652);

(20) Prohibits the use of mail-in ballots, with the exception of current absentee ballot use as allowed by law, by any executive, administrative, or legal process except by statutory repeal of this section (Section 1); and

(21) Requires election authorities to secure data sticks or other methods of data transfer from automatic tabulating machines prior to reporting any information on votes (Section 2).

The following is a summary of the public testimony from the committee hearing. The testimony was based on the introduced version of the bill.

**PROPOSERS:** Supporters say that the bill will ensure fair and secure elections in Missouri. Most of the measures are designed to combat actual problems and attempts at fraud personally witnessed by the sponsor in past years. The use of hand marked paper ballots will greatly help in securing elections and providing an audit trail. Photographic identification provisions are modified in accordance with court rulings so that they can be implemented. The bill will provide assurance to the general public that Missouri elections will not be questioned in the same way as other state elections.

Testifying for the bill were Representative Rone; Becky L Bickhaus; Brenda Kay West; Catherine Burns; Celia Gillam; Christina M Reichert; Cynthia Redburn; Debby Jones; Donald A Bickhaus II; Gregory Cowan; Josephine Byrne; Karin Kraft-Stuppy; Leighanne

Heisel; Margaret Welker; Melissa Campbell; Michele Nunemacher; Nancy Delcour; Patricia Ann Smith; Paula Juelich; Penelope Arussell; Rebecca Richards; Rodney Farthing; William H Laskey, Jr; John Webb; Tricia Adams; David Lash; Frank and Bev Eggering; Karen Prideaux; and Susan Kay Venable.

OPPONENTS: Those who oppose the bill say that the bill retains problematic photographic identification requirements which make it difficult for disabled individuals, college students, and impoverished individuals to vote. It might prevent necessary emergency measures such as the COVID-19 adjustments. The use of absentee ballots should be encouraged and ample time given for administrative duties by election authorities. There is little evidence of actual voter fraud in Missouri so these measures are inefficient and unjustified.

Testifying against the bill were Alex Kalen; Arnie Dienoff; Denise Lieberman, Missouri Voter Protection Coalition; Don Crozier; Elizabeth Kramer; Judith L Kramer; Rebecca Fehlig; Sherry L. Buchanan; Susan Gibson; Missouri NEA; Stephen Seele; Janice Seele; Marla Marantz; Kim Reid; and the American Civil Liberties Union of Missouri.

Written testimony has been submitted for this bill. The full written testimony can be found under Testimony on the bill page on the House website.