

COMMITTEE ON LEGISLATIVE RESEARCH
OVERSIGHT DIVISION

FISCAL NOTE

L.R. No.: 4557S.02C
 Bill No.: SCS for HB 1878
 Subject: County Officials; Elections; Secretary of State
 Type: Original
 Date: April 21, 2022

Bill Summary: This proposal modifies provisions relating to elections.

FISCAL SUMMARY

ESTIMATED NET EFFECT ON GENERAL REVENUE FUND			
FUND AFFECTED	FY 2023	FY 2024	FY 2025
General Revenue*	\$0	More than \$7,000,000	\$0
Total Estimated Net Effect on General Revenue	\$0	More than \$7,000,000	\$0

*Savings of approximately \$7 million in March 2024 (FY 2024) for not holding a Presidential Preference Primary Election (§115.123.2 & [§115.755 – §115.785])

ESTIMATED NET EFFECT ON OTHER STATE FUNDS			
FUND AFFECTED	FY 2023	FY 2024	FY 2025
Other State Funds*	\$0 to Unknown	\$0 to Unknown	\$0 to Unknown
Total Estimated Net Effect on <u>Other State Funds</u>	\$0 to Unknown	\$0 to Unknown	\$0 to Unknown

* §28.960.3 and §115.225.6 allow the Secretary of State to withhold funds from the Local Election Authorities (LEA). Oversight assumes this could be from various other state funds. These funds vary by size of election and LEA and are difficult to calculate a total. Withholding all these funds would be a potential loss to LEAs exceeding \$250,000 but be offset with savings to Other State Funds in the same amount.

Numbers within parentheses: () indicate costs or losses.

ESTIMATED NET EFFECT ON FEDERAL FUNDS			
FUND AFFECTED	FY 2023	FY 2024	FY 2025
Various Federal Funds	\$0 to Unknown	\$0 to Unknown	\$0 to Unknown
Total Estimated Net Effect on <u>All</u> Federal Funds	\$0 to Unknown	\$0 to Unknown	\$0 to Unknown

ESTIMATED NET EFFECT ON FULL TIME EQUIVALENT (FTE)			
FUND AFFECTED	FY 2023	FY 2024	FY 2025
Total Estimated Net Effect on FTE	0	0	0

- Estimated Net Effect (expenditures or reduced revenues) expected to exceed \$250,000 in any of the three fiscal years after implementation of the act or at full implementation of the act.
- Estimated Net Effect (savings or increased revenues) expected to exceed \$250,000 in any of the three fiscal years after implementation of the act or at full implementation of the act.

ESTIMATED NET EFFECT ON LOCAL FUNDS			
FUND AFFECTED	FY 2023	FY 2024	FY 2025
Local Government	Unknown to (Unknown)	Unknown to (Unknown)	Unknown to (Unknown)

FISCAL ANALYSIS

ASSUMPTION

Officials from the **Office of the Secretary of State (SOS)** assume this bill would allow voters who have moved from one county to another after the registration deadline for any given election to update their registration in person at the office of their local election authority on Election Day and be eligible to vote, so long as their existing registration was not previously cancelled. It also modifies the public voter information to only contain a voter's year of birth instead of the complete date.

These changes will require program modifications to the Missouri Centralized Voter Registration database. The Secretary of State's Office anticipates that these changes should be accomplished under existing contracts as part of a regular upgrade release cycle. However, it is possible that specialized programming outside of standard contracts may be required to accomplish the necessary changes. The cost of the technical resources that would be needed in such a situation is unknown.

Oversight assumes any additional costs arising from this proposal can be absorbed with existing personnel and resources. However, the SOS may seek additional appropriations if there is a significant increase for technical resources. Therefore, Oversight assumes the SOS will be able to perform any additional duties required by this proposal with current staff and resources and will reflect no fiscal impact to the SOS for fiscal note purposes due to these provisions.

The **SOS** states this bill also removes the requirement to hold a presidential preference primary election every four years. As a result, the State of Missouri would no longer be obligated to pay the costs of such an election.

The payment of election costs is subject to appropriation by the General Assembly. However, if they assume that the presidential preference primary were to be fully appropriated as it has been in years past, they anticipate a cost savings to the state of approximately \$7 million, based on actual expenditures from the 2020 Presidential Preference Primary. Such savings would next occur in FY 2024 as a result of not holding the presidential preference primary in March 2024.

Oversight has reflected, in this fiscal note, the state saving due to removing the requirement to hold a PPP. The next scheduled Presidential Preference Primary election is March 2024 (FY24). Therefore, Oversight will reflect a potential election cost savings for reimbursement to local political subdivisions in FY 2024.

In addition, **SOS** has noted in response to similar proposals that this would require all direct-record electronic voting machines (DREs) be removed from service by January 1, 2024, with the exception of any machine used solely for disabled voters. Based on most recent survey conducted in 2020, there are 330 DREs in service statewide. All local election authorities (LEAs) which disclosed the use of DREs on the survey have already replaced or have indicated that they

are actively planning to replace those machines prior to the date specified in the bill. Therefore, the SOS does not anticipate being required to cover the costs under Article X, Section 21, but will provide assistance to those LEAs using existing grant programs.

Oversight notes this response from the SOS is different from previous years. SOS' response to similar proposals in 2021 (i.e. HB 925) included a per-machine replacement cost of \$5,000 for the 330 DRE's in service statewide (for a total of \$1.65 million). Oversight will utilize SOS' assumption that this change is already in progress and that this bill will not create a material additional fiscal impact to the state.

The **SOS** also assumes many bills considered by the General Assembly include provisions allowing or requiring agencies to submit rules and regulations to implement the act. The SOS is provided with core funding to handle a certain amount of normal activity resulting from each year's legislative session. The fiscal impact for this fiscal note to the SOS for Administrative Rules is less than \$5,000. The SOS recognizes that this is a small amount and does not expect that additional funding would be required to meet these costs. However, the SOS also recognizes that many such bills may be passed by the General Assembly in a given year and that collectively the costs may be in excess of what the office can sustain with the core budget. Therefore, the SOS reserves the right to request funding for the cost of supporting administrative rules requirements should the need arise based on a review of the finally approved bills signed by the governor.

Oversight assumes the SOS could absorb the costs of printing and distributing regulations related to this proposal. If multiple bills pass which require the printing and distribution of regulations at substantial costs, the SOS could require additional resources.

Officials from the **Department of Revenue (DOR)** state:

§115.427.2(1)

The proposed change removes the language requiring the individual to sign a statement certifying the individual has no other form of personal identification that meets the current requirements of §115.427.2(1) when applying for a Nondriver identification card for voting transactions.

Administrative Impact

Currently the Department is required to have the individual who is applying for a Nondriver license for voting purposes, sign a statement at time of application, certifying under penalty of perjury that they have no other form of personal identification that would meet the current requirements of §115.427.2(1).

To implement the proposed change, the Department would be required to:

- Update policies, procedures, and the Uniform License Issuance Manual (ULIM);
- Update forms, manuals, and the Department website;

- Complete business requirements and design documents to modify the Missouri Electronic Driver License (MEDL) issuance system;
- Complete programming and user acceptance testing of the Missouri Electronic Driver License (MEDL) issuance system;
- Train staff.

FY 2023 - Driver License Bureau

Research/Data Assistant	220 hrs. @ \$16.30 per hr.	= \$3,586
Research/Data Analyst	260 hrs. @ \$24.29 per hr.	= \$6,315
Administrative Manager	80 hrs. @ \$26.37 per hr.	= \$2,110
Total		\$12,011

FY 2023 - Personnel Services Bureau

Associate Research/Data Analyst	20 hrs. @ \$19.47 per hr.	= \$389
Associate Research/Data Analyst	10 hrs. @ \$19.47 per hr.	= \$195
Total		\$584

Total Costs \$12,595

Oversight notes that IT costs for §115.427.2(1) according to **DOR** are contracted at \$95 per hour. This section would result in \$2,873 (30.24 hours x \$95) in FY 2023.

Revenue Impact

DOR states currently persons who already hold an acceptable identification for voting are not allowed the no cost nondriver for voting since they cannot complete the required affidavit statement. The removal of this limitation may allow persons who already have a valid driver license or other eligible document to apply for the no cost nondriver for voting. The estimated number of potential applicants who may have a current acceptable identification document for voting and yet request an NDL for voting purposes is 53. This number was determined by reviewing the maximum office denial count statewide in 2021.

The estimated loss of revenue below reflects the office transaction fee and office processing fee since currently the offices are reimbursed for processing fees related to no fee nondriver for voting transactions not collected at the time of issuance.

Potential annual loss of NDL Transaction Fee = \$6.00 x 53=	\$318
10 months (FY23) = \$265	
Total Loss of State General Revenue FY 24, FY 25 and on-going	\$318

Potential savings from General Revenue by removing reimbursement of processing fees to license offices for current issuance volumes of nondriver for voting documents would be:

\$12.00 x 1,001(948 annual NDL Voting issuance + 53 denials) = \$12,012 potential revenue savings.

Vendor per card cost including postage for NDL \$2.44112 x 53 = \$129 annually FY 24, 25 and on-going (this is assuming thee applicants would not have completed application today if fee not waived).

This impact could potentially increase on election years when more citizens will utilize the provisions.

**Oversight notes that there may be a potential increase in loss of revenue during an election year when more citizens may utilize the provisions. According to DOR, the denial count statewide out of 182 offices was 1,442 persons YTD in 2020 (Presidential Election Year). The loss of revenue is reflected below:

NDL Transaction Fee (Loss) = \$6.00 x 1,442=	(\$ 8,652)
Office Processing Fee (Savings) = \$12.00 x 1,442=	<u>\$17,304</u>
Total Affect to State General Revenue FY 23, FY 24 and on-going	\$8,652

Oversight assumes that Department of Revenue will be able to accomplish the requirements of §115.427.2(1) with existing resources; however, during presidential election years, the cumulative impact may require additional appropriations. Oversight also assumes the effects on the General Revenue Fund would not be material.

Officials from the **Office of the State Public Defender, Department of Public Safety-Missouri Highway Patrol, Attorney General's Office, and Missouri Office of Prosecution Services** each assumed the proposal will have no fiscal impact on their organizations. **Oversight** does not have any information to the contrary. Therefore, Oversight will reflect a zero impact in the fiscal note for these agencies.

In response to similar legislation, HCS for HB 2140, officials from the **Office of the State Courts Administrator** assumed the proposal will have no fiscal impact on their organizations. **Oversight** does not have any information to the contrary. Therefore, Oversight will reflect a zero impact in the fiscal note for this agency.

In response to similar legislation, HCS for HB 2140, officials from the **St. Louis County Board of Elections** assumed the proposed section 28.960 is vague at best and could have negative financial ramifications for county election authorities. This proposed section allows the SOS to conduct discretionary audits of voter records in any Missouri county. The section states that the SOS shall verify whether a voter is alive, where the voter resides, and whether the voter is entitled to vote. This may sound straightforward to the uninitiated, but verifying these things can be difficult in practice. For example, many Missouri voters registered to vote decades ago before the last four digits of the Social Security Number were required when registering. It can be quite

difficult to match a death record against a voter with no Social Security Number in the voter database. This same type of ambiguity also exists in questions of residency. Presumably the Secretary of State's office, which heretofore has had no statutory role in registering voters or maintaining the voter list, could make some arbitrary decision that a certain voter or voters should be deleted and the local election authority may disagree with this decision. In a case such as this, the local election authority would be in the precarious position of having funding withheld. This provision does not detail what funding may be withheld or how much. In a worst case scenario the Secretary of State could withhold the State's portion of the potential election funding for the August and November 2022 elections. For St. Louis County this would be about \$1.4 million.

Section 115.160.3 will have the DMV electronically transfer voter registrations to the office would save 350 hours of work a year. At the lowest temporary employee salary, this would save \$13,000 annually.

115.022 would prevent them from accepting private money for election administration. This could have a potential impact from \$0-\$2 million.

In response to similar legislation, HCS for HB 2140, officials from **Platte County Board of Elections** stated in 2020, they received about \$40,000 in funding that would not be allowed in the proposed legislation. The funding was necessary due to added expenses of conducting an election in the midst of a pandemic.

In addition, several of their poll sites in private buildings charge no or reduced rent for Election Day. This legislation could increase costs if election authorities have to pay something for currently free poll sites, or increase costs a lot if election authorities have to pay a fair price for all our poll sites in private buildings.

In response to similar legislation, HB 680 from 2021, officials from the **Platte County Board of Elections** assumed the 2020 Presidential Preference Primary (PPP) cost about \$85,000. That would be the savings for each PPP not held.

In response to similar legislation, HB 680 from 2021, officials from the **Johnson County Clerk's Office** assumed the removal of the Presidential Preference Primary would create a savings of \$43,200 for Johnson County alone. This cost will increase in 2024 due to increased costs for polling place rent, election judge pay and increased costs for ballot printing and programming. Since reinstating the PPP in 2000, the voter turnout in Johnson County has fluctuated from a low turnout of 6% in 2012 to their highest turnout of 43% in 2016. The cost to taxpayers far outweighs the justification for holding the presidential preference primary, due to a lack of participation by voters and an overall feeling that it is an unnecessary endeavor.

In response to similar legislation, HCS for HB 2140, officials from the **Kansas City Board of Elections** assumed if this legislation is passed, election estimates would increase by \$75,000, (\$50,000 for PPE supplies and \$25,000 for the printing of documents associated with

new absentees' information and photo I.D.) Also, the Board wouldn't allow penetration testing as it would void our contract with the vendor. Also, two new staff would be hired to handle all the DMV transactions at \$40,000 per year, including benefits.

In response to similar legislation, HCS for HB 2140, officials from **Jackson County Board of Elections** stated currently the Board uses ballot marking devices for absentee voting. Limiting the use of the ADA ballot marking devices to only those with disabilities will increase ballot printing costs substantially.

The Jackson County Election Board can have up to three hundred (300) different ballot styles in an election and would have to print absentee ballots for each ballot style for absentee voting at a cost of .35 cents per ballot. The Board has no way of knowing who will be voting absentee so at least 2% of each ballot style would have to be printed to cover the walk-in and permanent absentee voters. Currently the Board prints enough absentee ballots for permanent/disabled voters to mail to them and have a small amount for walk-in absentees if the walk-in chooses a paper ballot over the ballot marking device. The ballot marking device allows them to pull up any individual's particular ballot style while also producing a paper ballot at a substantial cost savings.

The Jackson County Election Board along with other Missouri election authorities have invested millions of dollars in ADA machines which are not widely used at the polling locations so making use of them in our absentee department is fiscally responsible and our voters like the machines.

Cost to Election Authority/County

Small Elections \$3,500 per election/per year
Large Elections \$10,000 per election/per year

In response to similar legislation, SB 670 from 2022, officials from the **St. Charles County Election Authority** assumed Section 28.960.3 and Section 115.225.6 state that the SOS may withhold funds from the Local Election Authorities (LEAs). The language does not state which funds may be withheld. As the SOS distributes federal grant funds, the State's "Fair Share" of election costs when appropriated, the Efficiency Grant, absentee mail postage reimbursements and reimbursements for updating the state MCVR database, any and all of these funds could be withheld by the SOS from the LEA. These funds vary by size of election and LEA and are difficult to calculate a total. Withholding all these funds in 2020 would have cost St. Charles County Election Authority \$1,047,000.

In response to similar legislation, SB 668 from 2022, officials from the **St. Louis City Board of Elections** assumed the proposal prohibits election authorities from receiving funding from extra-governmental sources. While it is unclear what sources could be available in the future for such funding, the inability to access such a possibility would have a negative fiscal impact on the bipartisan St. Louis City Election Board to access funds. Requiring photo ID for voters would

likely increase the amount of provisional votes cast which would need to be processed by election board staff within the certification period. Increased staffing and possible overtime would have a negative fiscal impact. This provisions also eliminates the duty of the SOS to inform the public of the new ID requirement; lack of information would likely lead to confusion on the part of the voter; and lead to casting of more provisional ballots.

Oversight notes that §115.160.3 states the Director of Revenue shall utilize electronic voter registration application forms and provide for secure electronic transfer of voter registration information to election authorities. As stated above by the St. Louis County Board of Elections there would be a savings as a result of electronic registrations. Therefore, Oversight will reflect an unknown positive impact to local election authorities in the fiscal note due to this provision.

Oversight notes §115.022 prohibits state of Missouri and political subdivisions from receiving or expending private moneys for preparing, administering, or conducting an election, including registering voters. If there is not sufficient appropriation of state funds to proportionally compensate counties pursuant to section 115.063 and 115.065, this section shall not be enforced. This could have a potential negative impact on local elections authorities if they are unable to replace private money with an acceptable source according to this provision. This version of the bill allows LEAs to accept private money if there is not sufficient appropriation of state funds. Therefore, Oversight will reflect a zero impact in the fiscal note for this provision.

Oversight notes that §28.960.3 and §115.225.6 state that the SOS may withhold funds from the LEAs. The language does not state which funds may be withheld. As mentioned above by the St. Charles Election Authority the SOS distributes federal grant funds, the State's "Fair Share" of election costs when appropriated, the Efficiency Grant, absentee mail postage reimbursements and reimbursements for updating the state MCVR database, any of these funds could be withheld by the SOS from the LEA. These funds vary by size of election and LEA and are difficult to calculate a total. Therefore, Oversight will reflect a potential loss of \$0 (no funds withheld by SOS) to Unknown (funds withheld by SOS) to the LEAs on the fiscal note. Oversight will reflect a corresponding potential savings of \$0 (no funds withheld by SOS) to Unknown (funds withheld by SOS) to the Other State Funds and Federal Funds on the fiscal note.

Oversight also notes that at the beginning of January 1, 2024, no electronic voting systems shall be used. The use of remaining direct-record electronic voting machines shall be phased out upon mechanical failure. Based on most recent survey conducted in 2020, there are 330 DREs in service statewide. All local election authorities (LEAs) which disclosed the use of DREs on the survey have already replaced or have indicated that they are actively planning to replace those machines prior to the date specified in the bill. Therefore, Oversight does not anticipate fiscal impact to LEAs for this provision.

Oversight only reflects the responses received from state agencies and political subdivisions; however, other local election authorities and county clerks were requested to respond to this proposed legislation but did not. A listing of political subdivisions included in the Missouri Legislative Information System (MOLIS) database is available upon request.

<u>FISCAL IMPACT – State Government</u>	FY 2023 (10 Mo.)	FY 2024	FY 2025
GENERAL REVENUE FUND			
<u>Savings</u> - SOS - reimbursement of local election authority election costs for PPP p. 3	<u>\$0</u>	More than <u>\$7,000,000</u>	<u>\$0</u>
ESTIMATED NET EFFECT ON GENERAL REVENUE FUND	<u>\$0</u>	More than <u>\$7,000,000</u>	<u>\$0</u>
OTHER STATE FUNDS			
<u>Savings</u> – §28.960.3 and §115.225.6 Potential withholding by SOS of “Fair Share” funding to LEAs p. 9	<u>\$0 to Unknown</u>	<u>\$0 to Unknown</u>	<u>\$0 to Unknown</u>
ESTIMATED NET EFFECT ON OTHER STATE FUNDS	<u>\$0 to Unknown</u>	<u>\$0 to Unknown</u>	<u>\$0 to Unknown</u>
FEDERAL FUNDS			
<u>Savings</u> – §28.960.3 and §115.225.6 Potential withholding by SOS of “Fair Share” funding to LEAs p. 9	<u>\$0 to Unknown</u>	<u>\$0 to Unknown</u>	<u>\$0 to Unknown</u>
ESTIMATED NET EFFECT ON FEDERAL FUNDS	<u>\$0 to Unknown</u>	<u>\$0 to Unknown</u>	<u>\$0 to Unknown</u>

<u>FISCAL IMPACT – Local Government</u>	FY 2023 (10 Mo.)	FY 2024	FY 2025
LOCAL POLITICAL SUBDIVISIONS			
<u>Savings</u> - Local Election Authorities - cost of a PPP election p. 3	\$0	\$0 or More than \$7,000,000	\$0
<u>Savings</u> - §115.160.3 Electronic registrations p. 9	Unknown	Unknown	Unknown
<u>Loss</u> – §28.960.3 and §115.225.6 Potential withholding by SOS of “Fair Share” funding to LEAs p. 9	\$0 to (Unknown)	\$0 to (Unknown)	\$0 to (Unknown)
<u>Loss</u> - Local Election Authorities - reimbursement of election costs for PPP p. 3	\$0	\$0 or (More than \$7,000,000)	\$0
<u>Costs</u> – to implement various provisions of the bill	\$0 to (Unknown)	\$0 to (Unknown)	\$0 to (Unknown)
ESTIMATED NET EFFECT ON LOCAL POLITICAL SUBDIVISIONS	Unknown to (Unknown)	Unknown to (Unknown)	Unknown to (Unknown)

FISCAL IMPACT – Small Business

There could be an impact from the potential statewide loss of Contract Office Processing Fee monies from additional no fee nondriver for voting applications and removal of appropriations language that previously covered the reimbursement of processing fees to contracted license offices. With this proposed language the DOR assumes they will no longer return those fees since funding is not allowed for such and the contractor may see a reduction based on their office nondriver for voting volume.

FISCAL DESCRIPTION

SCS/HB 1878 - This act modifies various provisions relating to elections.

AUDITS OF VOTER REGISTRATION RECORDS BY SECRETARY OF STATE (Section 28.960)

The Secretary of State (SOS) is authorized to audit the voter registration records of any local election authority (LEA). Each such audit shall, at least quarterly, determine whether the LEA has performed certain voter registration list maintenance activities that are required by law. If, after completing the audit, the SOS determines that the LEA has not performed such activities, then the SOS may withhold funds from the LEA.

AMENDMENTS TO ELECTION LAWS, RULES, AND REGULATIONS (Section 115.004)

The act prohibits amendments or modifications of any kind to all election laws, rules, and regulations in the 26 weeks preceding any presidential election.

AIR-GAPPED ELECTION EQUIPMENT (Section 115.013)

The act requires all automatic tabulating equipment, electronic voting machines, and electronic voting systems to all be air-gapped, as that term is defined in the act.

ELECTION FUNDING (Section 115.022)

Neither the state of Missouri nor any political subdivision thereof that conducts elections shall receive or expend private moneys, excluding in-kind donations as provided in the act, for preparing, administering, or conducting an election, including registering voters. If there is not sufficient appropriation of state funds to proportionally compensate counties pursuant to state law, this provision shall not be enforced.

QUALIFICATIONS FOR ELECTION OFFICIALS (Sections 115.031 to 115.107)

Current law requires election commissioners to be a registered voter and a resident of the jurisdiction for which he or she is appointed for at least one year preceding his or her appointment. This act repeals the one year residency requirement. (Section 115.031)

The act stipulates that no employee of a board of election commissioners shall be required to reside and be a registered voter within the jurisdiction of the LEA unless directed by the board. (Section 115.045) The act also stipulates that no deputy county clerk shall be required to reside and be a registered voter within the jurisdiction of the county clerk unless directed by the clerk. (Section 115.051)

The act permits the committee of each major political party within the jurisdiction of a particular LEA to provide the LEA with a list of candidates for the position of election judge. If the

committee fails to submit a number of candidates equal to the number of positions available for election judge, then the LEA may fill the positions as otherwise required by law. Furthermore, if the LEA determines that a candidate submitted by the committee does not meet the qualifications for election judge, the LEA shall notify the committee and permit it to submit a new name prior to filling the position. (Section 115.081)

Current law permits an LEA to appoint election judges who are registered voters of another LEA's jurisdiction only after receiving the written consent of the other LEA. This act repeals that requirement. (Section 115.085)

VOTER REGISTRATION (Sections 115.135 to 115.205)

The act provides that in order to vote in any election for which registration is required, a person must be registered to vote in the state of Missouri, rather than in the specific jurisdiction, no later than 5:00 p.m. on the fourth Wednesday prior to the election. Furthermore, the act repeals a provision that says in no case shall registration for an election extend beyond 10:00 p.m. on the fourth Wednesday prior to the election. (Section 115.135)

This act requires the use of electronic voter registration application forms by the Director of Revenue. The Director must additionally provide for the secure electronic transfer of voter registration information to election authorities in the manner described in the act. All voter registration information sent electronically to the election authorities shall be printed out by the election authorities and retained for a period of at least two years. (Section 115.160)

The act requires LEAs to accept and process voter registration records, including electronic images of applicant signatures, transmitted electronically by the Division of Motor Vehicle and Driver Licensing of the Department of Revenue. (Section 115.960)

The act requires LEAs to forward voter history to the Missouri voter registration system not later than 3 months after each election. Current law gives LEAs up to 6 months. (Section 115.157)
The act modifies the voter registration information that a LEA or the SOS may furnish to any member of the public. Specifically, in furnishing electronic media printouts containing voter registration information a LEA or the SOS may only include unique voter identification numbers, voters' names, years of birth, addresses, and townships or wards, and precincts. Furthermore, any information so furnished shall not be used for commercial purposes. (Section 115.157)

The act repeals a provision allowing a candidate, campaign committee, or a political party committee to request information regarding the names of voters within a particular jurisdiction who have requested an absentee ballot. Another provision is repealed requiring local election authorities to supply voter registration lists to all candidates and party committees that request them. (Section 115.157)

A registered voter who has changed his or her residence within the state and has not been removed from the list of registered voters shall be permitted to file a change of address in person at the office of the LEA on election day. In order to change an address in person on election day, a registered voter shall provide a form of personal photo identification required to vote. The act prohibits any person from being paid or otherwise compensated for soliciting voter registration applications, provided that a governmental entity or person paid or compensated by a governmental entity may solicit such applications. Any person who solicits more than 10 voter registration applications is required to register with the SOS for every election cycle. (Section 115.205)

PAPER BALLOTS AND ELECTRONIC VOTING MACHINES (Sections 115.225 and 115.237)

The act prohibits the use of touchscreen direct-recording, electronic vote-counting machines beginning January 1, 2024. Upon the removal of such a machine from an LEA's inventory because of mechanical malfunction, wear and tear, or any other reason, the machine shall not be replaced and no additional direct-recording electronic vote-counting machine shall be added to the LEA's inventory.

The SOS may require cyber security testing, including penetration testing, of vendor machines, programs, and systems. Failure to participate in such testing shall result in a revocation of vendor certification. Upon notice from another jurisdiction of cyber security failures or certification withholds or revocation, the SOS may revoke or withhold certification for vendors. The requirements of this provision shall be subject to appropriation for the purpose of cyber security testing.

Each LEA is required to be a member of the Elections Infrastructure Information Sharing and Analysis Center (EI-ISAC) and must allow a cyber-security assessment of their office by the SOS. (Section 115.225)

Beginning January 1, 2024, the official ballot shall be a paper ballot that is hand-marked by the voter or by a paper ballot marking device. (Section 115.237)

(Sections 115.257 to 115.291)

DEFINITION OF ABSENTEE BALLOT

The act provides that an absentee ballot includes any ballot cast in the office of the LEA, by mail, or at another authorized location designated as a polling place by the LEA. (Section 115.275(1)).

ABSENTEE VOTING - REASONS FOR VOTING

The act expands the use of absentee voting to members of the Space Force as well as their spouses and dependents. (Section 115.275) The Uniformed Military and Overseas Voters Act is also amended to include members of the Space Force as well as their spouses and dependents. (Section 115.902)

The act also allows persons who are employed as a first responder, health care worker, or member of law enforcement to vote absentee. (Section 115.277.3(7))

ABSENTEE VOTING - GENERALLY

This act provides that any person may cast an absentee ballot in person at a place determined by the LEA by providing a form of personal photo identification required by law. (Section 115.277.1) A person may cast an absentee ballot not in person by having his or her ballot envelope notarized. (Section 115.277.2)

VOTING ABSENTEE NOT IN-PERSON DUE TO INCAPACITY OR CONFINEMENT

For persons voting absentee not in person, if the reason for such person voting absentee is due to incapacity or confinement due to illness or physical disability, such person must expect to have such incapacity or confinement on election day. Furthermore, if the reason for voting absentee is due to being primarily responsible for the physical care of a person who is incapacitated or confined due to illness or disability, the person voting must live at the same address as the person that is being cared for. (Section 115.277.2(2))

ABSENTEE BALLOT APPLICATIONS

No individual, group, or party shall solicit a voter into obtaining an absentee ballot application. Furthermore, absentee ballot applications shall not have any information pre-filled prior to being provided to a voter. This provision does not prohibit any election authority from assisting voters. (Section 115.279.2)

ABSENTEE BALLOTS - WHEN DEEMED CAST

The act stipulates that absentee ballots that are received by an LEA in person are deemed cast when received prior to election day and absentee ballots that are received through a common carrier are deemed cast when received prior to the closing of polls. Furthermore, absentee ballots received by the LEA through a common carrier such as the United States Postal Service are required to be received prior to the time fixed by law for the closing of polls on election day. The LEA shall hand mark or stamp each absentee envelope as it is received, indicating the date and time the absentee ballot was received (Section 115.286)

WITNESS AND RETURN OF MASS ABSENTEE BALLOTS

Under current law, in charter counties and the cities of St. Louis and Kansas City, if the LEA receives ten or more applications for absentee ballots from the same address it may appoint a team to deliver and witness the voting and return of absentee ballots by voters residing at that address. This act expands this provision to all LEAs and furthermore requires, rather than permits, a team to be appointed to deliver and witness the voting and return of the ballots. (Section 115.287)

MAIL-IN BALLOTS

(Section 115.302)

The act repeals current law authorizing mail-in ballots, which expired December 31, 2020, and expressly prohibits the use of mail-in ballots.

VOTER IDENTIFICATION

(Section 115.427)

The act modifies provisions governing forms of identification required to vote. Under current law, any person seeking to vote in a public election must provide a certain form of identification, provided that any person lacking such identification can vote without such a form of identification through the execution of a statement under the penalty of perjury averring, among other things, that the person is who they say they are. This act repeals the provision allowing persons to vote through execution of the statement under penalty of perjury. The act additionally creates new provisions governing the use of provisional ballots in the case of persons who do not possess the proper form of identification in order to vote.

The act repeals the following:

- A provision requiring the SOS to provide advance notice of the identification requirements for voting in elections;
- A provision requiring all costs associated with the implementation of the voter identification law to be reimbursed from the general revenue by an appropriation for that purpose; and
- A provision preventing the voter identification provisions from being enforced unless a sufficient appropriation of state funds is made to implement the law.

RETURNING BALLOTS

(Section 115.435)

The act provides that once a ballot has been completed by the voter and he or she successfully submits the ballot into the ballot box, the ballot is deemed cast.

This provision is identical to a provision in HB 1065 (2021).

PRESIDENTIAL PREFERENCE PRIMARY ELECTION

(Sections 115.755 through 115.785)

The act repeals the presidential preference primary election.

SOS SYSTEM - ACCEPTANCE OF VOTER REGISTRATION APPLICATIONS ELECTRONICALLY

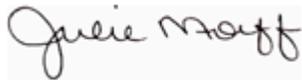
(Section 115.960.2)

Current law requires the SOS to maintain a system for accepting voter registration applications electronically. This act makes maintenance of such a system permissive.

This legislation is not federally mandated, would not duplicate any other program and would not require additional capital improvements or rental space.

SOURCES OF INFORMATION

Attorney General's Office
Department of Corrections
Department of Revenue
Missouri Highway Patrol
Office of the Secretary of State
Office of the State Public Defender
Missouri Office of Prosecution Services
Office of the State Courts Administrator
Platte County Board of Elections
Jackson County Board of Elections
St. Charles Election Authority
St. Louis County Board of Elections
Kansas City Board of Elections



Julie Morff
Director
April 21, 2022



Ross Strobe
Assistant Director
April 21, 2022