

HB 511 -- ELECTIONS

CO-SPONSORS: Deeken, May, Cooper (120), Seigfreid, Jetton, Wagner, Dempsey

COMMITTEE ACTION: Voted "do pass" by the Committee on Elections by a vote of 12 to 0.

This bill revises the election laws, predominately to facilitate compliance with the federal Help America Vote Act of 2002 (HAVA). In its main provisions, the bill:

- (1) Requires the Governor to appoint election commissioners who are not of the same political party as the Governor from a list submitted by the state committee of that party and authorizes the Governor to appoint additional nonvoting representatives to the boards of election commissioners (Section 115.027, RSMo);
- (2) Specifies that federal funds may be used also for loan programs to the local election authorities and authorizes the Secretary of State to allow, rather than require, local election authorities to match the federal funds (Sections 115.074, 115.076, 115.098, and 115.801);
- (3) Establishes a fund within the state treasury for grants to be used for election administration improvements and establishes a revolving loan fund to be used for improving the administration of elections through loans. The bill also clarifies that the money deposited in the Elections Administration Improvements Fund may be transferred to the loan fund (Section 115.078);
- (4) Establishes a statewide pool for election judges and requires election authorities, before appointing judges from another jurisdiction, to obtain written consent from the election authority of the jurisdiction where the prospective judges are registered to vote. In addition, employees of the state and boards are allowed to serve as election judges (Section 115.085);
- (5) Clarifies that challengers and watchers must be registered voters from the jurisdiction of the election authority for which the challenger or watcher is designated (Sections 115.105 and 115.107);
- (6) Prohibits a court from ordering an issue or candidate placed on the ballot less than six weeks prior to an election, except as otherwise authorized by law (Section 115.125);
- (7) Includes technical changes from last year's bill (Sections 115.133, 115.135, and 115.277);

- (8) Adds information to the registration form as required by Section 303(b)(4) of HAVA (Section 115.155);
- (9) Requires election authorities to forward to the Secretary of State registration and other information in a manner that complies with HAVA (Section 115.157);
- (10) Establishes the Missouri Voter Registration System to comply with Section 303 of HAVA. The bill also includes voter registration verification provisions required by Section 303 of HAVA, clarifies the meaning of "commercial purposes," and specifies that local election authorities must forward data in accordance with the requirements of HAVA (Section 115.158);
- (11) Adds provisions concerning identification requirements and fail-safe voting for mail-in registrants as required by Section 303 of HAVA (Section 115.159);
- (12) Specifies when an election authority may send a voter identification card to a post office box (Section 115.163);
- (13) Defines "overseas voter" (Section 115.275);
- (14) Makes changes relating to uniformed and overseas citizens as required by Sections 703, 704, 705, and 707 of HAVA (Section 115.279);
- (15) Allows election authorities to deliver absentee ballots not earlier than 10 weeks before an election. Current law allows the ballots to be delivered not earlier than six weeks (Section 115.284);
- (16) Clarifies language regarding confined voters, requires a team to deliver absentee ballots to confined voters, and changes the color of a stamp on the ballot envelope (Section 115.287);
- (17) Specifies that a special write-in absentee ballot may be requested for special or primary federal elections in addition to general elections (Section 115.292);
- (18) Adds language concerning voter education provisions as required by Section 302(b) of HAVA (Section 115.417);
- (19) Clarifies that a provisional ballot cast at the wrong polling place will not be counted as authorized by Section 302(a)(4) of HAVA; requires the Secretary of State to ensure that a toll-free access system for provisional voters is established; and addresses the handling of ballots for voters who vote after the polls close, which is required by Section 302(c) of HAVA (Section 115.430);

(20) Changes the month for the presidential primary from March to February (Section 115.761);

(21) Adds new language intended to facilitate fair ballot language on statewide measures (Section 116.025); and

(22) Designates the Secretary of State as the chief election official responsible for the administration and coordination of state responsibilities under HAVA; authorizes the Secretary of State to appoint commission members, develop and submit plans, set voting systems standards and compliance deadlines, and any other activities reasonably necessary to comply with HAVA; requires the Secretary of State to establish state-based administrative complaint procedures to remedy grievances under HAVA; and authorizes the Secretary of State to promulgate rules to effectuate the provisions of this section (Section 1).

FISCAL NOTE: Estimated Net Cost to General Revenue Fund of \$37,009 in FY 2004, \$40,811 in FY 2005, and \$41,833 in FY 2006. Estimated Net Cost to Highway Fund of \$16,800 in FY 2004, \$0 in FY 2005, and \$0 in FY 2006.

PROPOSERS: Supporters say that it is necessary to enact changes mandated by the federal Help America Vote Act of 2002.

Testifying for the bill were Representative Deeken; Office of the Secretary of State; Missouri Association of County Clerks and Election Authorities; Mary Berry, DeKalb County Clerk; and Associated Students of the University of Missouri.

OPPOSERS: There was no opposition voiced to the committee.

Julie Jinkens McNitt, Legislative Analyst