

HCS SCS SB 630 -- ELECTIONS

SPONSOR: Wallingford (Dugger)

COMMITTEE ACTION: Voted "Do Pass" by the Committee on Elections by a vote of 6 to 2.

This bill changes the laws regarding elections. In its main provisions, the bill:

(1) Changes the time limitation to 160 days for a second vote on the annexation of an unincorporated area by certain charter cities, towns, and villages not in first classification counties. Currently, if a majority of voters in the municipality and the territory to be annexed fail to approve an annexation, a second vote that requires a two-thirds majority in both the municipality and the area to be annexed must be held within 120 days of the first vote (Section 71.015, RSMo);

(2) Allows a city that has changed from two-year to four-year terms in office for members of the city council to establish by ordinance a system for holding elections for one-half of the city council every other year. Terms will be for four years except during the transition period which must be for three years (Section 77.030);

(3) Allows a city with a board of aldermen having four-year terms to establish, by ordinance, a system for holding elections for one-half of the board every other year (Section 79.050);

(4) Authorizes the City of North Kansas City or Liberty to impose, upon voter approval, a sales tax of up to .5% to fund public safety improvements including equipment; city employee salaries and benefits; and facilities for fire, police, and emergency medical providers (Section 94.902);

(5) Repeals the provision prohibiting a Missouri Youth Election Participant who assists an election authority from being compensated or remunerated for the time served or costs incurred in the performance of his or her duties (Section 115.104);

(6) Repeals obsolete provisions regarding election procedures for previous years (Section 115.121);

(7) Changes the presidential primary date from the first Tuesday after the first Monday in February to the second Tuesday after the first Monday in March of each presidential election year (Sections 115.123 and 115.755);

(8) Allows any municipality with 1,000 or fewer inhabitants to submit to the voters a question to adopt provisions making use of the nonpartisan election procedures that allow a candidate to assume office without an election if the position is uncontested. The notice requirements are specified in the bill. If the question is approved, the municipality must conduct nonpartisan elections under these provisions for all nonpartisan elections remaining in the year in which the proposal was adopted and for six years immediately following the approval. At the end of the six-year period, the municipality must be prohibited from conducting nonpartisan elections unless the question is again adopted by the majority of the qualified voters (Section 115.124);

(9) Allows each election authority to have the voting records inspected and to investigate the qualifications of any person who has not voted or transferred his registration within the four preceding years. Currently, each authority must perform these actions at least once each year (Section 115.221);

(10) Updates the description of voting machines to specify the current use of electronic voting methods and repeals obsolete provisions regarding ballot cards, ballot sealing, ballot counting, and ballot marking practices (Sections 115.231, 115.251, 115.253, 115.257, 115.301 - 115.346, 115.417, 115.420, and 115.443 - 115.503);

(11) Updates the description of ballot styles and uses to accommodate current methods of electronic voting while retaining authorization for the use of separate paper ballots for presidential primaries and write-in votes and polling places in general (Sections 115.237 and 115.255);

(12) Allows an election authority to utilize an electronic voting machine to process the absentee ballot of a voter who has voted in person and waives the requirement that the ballot be placed in a sealed envelope. The bill also repeals provisions regarding the rejection of an absentee ballot based on the death of the voter prior to election day (Sections 115.257 and 115.293);

(13) Adds municipal taxes to the types of taxes that cannot be delinquent in order for a person to be a qualified candidate for office. Currently, a candidate who does not pay his or her municipal taxes is barred from running for office under Section 115.346. This change makes these provisions consistent. A person is also prohibited from being appointed to a public office if he or she is delinquent in the payment of any state income taxes, personal or real property taxes, or county and municipal taxes or user fees (Sections 115.342 and 115.346);

(14) Allows a candidate's representative to draw for placement on the ballot at a primary election (Section 115.395);

(15) Changes provisions to accommodate the current use of electronic poll books (Section 115.431);

(16) Revises the membership of the county political party committees in Jackson County. Currently, the committee's membership is comprised of two members from each ward, six members from the second and third most populous townships outside of the city, and four members from the other townships outside the city. The election authority is required to divide the portion of Kansas City located within Jackson county into wards. The bill specifies that the members of the county committee must be elected from the districts of each state representative that are in any way contained in the county within six months after each legislative reapportionment. Two men and two women must be elected from each committee district wholly contained in the county, two men and two women must be elected from a district that is predominantly contained in the county, and one man and one woman must be elected from a district that is partially but not predominantly contained in the county (Section 115.607);

(17) 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. The bill:

(a) 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;

(b) 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;

(c) 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;

(d) 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;

(e) 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;

(f) 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 is not returned as undeliverable by the postal service;

(g) 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;

(h) 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

(i) 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 (Section 115.960);

(18) Requires a candidate for elective county office in Jackson County to file specified reports with the Missouri Ethics Commission. Currently, a candidate may file the reports with the election authority or the commission (Section 130.026);

(19) Allows seven-director school districts that have changed to urban school districts by reason of federal decennial census results to retain three-year terms instead of changing to six-year terms by majority vote of the school board. A district that has changed its classification and currently has six-year terms of office may also, by majority vote of the board, decide to return to annual elections for three-year terms in office for directors. Procedures for returning to annual three-year terms in office elections are specified in the bill (Section 162.481); and

(20) Establishes a recall petition process for a member of an emergency services board. The number of qualified signatures required in order to recall a board member must be equal to 25% of the persons voting in the most recent gubernatorial election in the district. Time limits and other restrictions and regulations on the recall process are specified in the bill (Section 190.336).

PROPONENTS: Supporters say that the bill allows overseas voters and those with physical disabilities to use an agent to secure a spot on the ballot. A similar bill has been truly agreed and finally passed and signed by the Governor, but there is one additional technical change.

Testifying for the bill were Senator Wellingford; Missouri Secretary of State; Missouri Association of County Clerks and Election Authorities; and Dewey Riehn, Missouri Veterans of Foreign Wars.

OPPONENTS: There was no opposition voiced to the committee.