House _____ **Amendment NO.**____

Offered By

_____   _____

1 AMEND House Committee Substitute for House Bill No. 1016, Page 1, Section A, Line 3, by
2 inserting after said section and line the following:
3
4   "115.1070. 1. As used in this section, the following terms mean:
5   (1) "Corresponding source", for a work in object code form, all the source code needed to
6 generate; install; and, for an executable work, run the object code and to modify the work, including
7 scripts to control those activities. "Corresponding source" does not include the work's system
8 libraries, general-purpose tools, or generally available free programs that are used unmodified in
9 performing those activities but are not part of the work. "Corresponding source" includes interface
10 definition files associated with source files for the work, the source code for shared libraries, and
11 dynamically linked subprograms that the work is specifically designed to require, such as by
12 intimate data communication or control flow between those subprograms and other parts of the
13 work;
14   (2) "Object code" any non-source form of a work;
15   (3) "Source code", the preferred form of the work for making modifications to it;
16   (4) "Standard interface", an interface that either is an official standard defined by a
17 recognized standards body, or, in the case of interfaces specified for a particular programming
18 language, one that is widely used among developers working in that language;
19   (5) "System libraries", a catalog of an executable work, including anything, other than the
20 work as a whole, that is included in the normal form of packaging a major component but is not part
21 of that major component and serves only to enable use of the work with that major component or to
22 implement a standard interface for which an implementation is available to the public in source code
23 form. As used in this subdivision, a "major component" is a major essential component including,
24 but not limited to, a kernel or window system of the specific operating system on which the
25 executable work runs, a compiler used to produce the work, or an object code interpreter used to run
26 it;
27   (6) "Tabulating software", the entire election computer program including, but not limited
28 to, any system software, utility software, or compilers that are used together with application
29 software to tabulate election results;
30   (7) "Work", any tabulating software or other program used by the state to tabulate election
31 results.
32   2. Notwithstanding any other provision of law or rule to the contrary, any election authority
33 who employs computer programs of any type in the casting or tabulating of votes shall use
34 tabulating software developed, owned, and maintained by a business entity registered in the United
35 States and owned by United States citizens. If the business entity is publicly held, the board of
36 directors and the majority stockholders shall be United States citizens. The business entity shall not

Action Taken_____ Date _____

1 be a subsidiary of any multinational firm and shall have its principal place of business located
2 within the United States.
3   3. Any software, or hardware containing software or firmware, used for election tabulation
4 purposes by this state or any of its political subdivisions shall have the full corresponding source
5 code of the software or firmware made publicly available by the secretary of state at no cost upon
6 request of any resident or citizen of this state. The full corresponding source code provided shall
7 exactly match the code necessary to recreate any object code currently being used or deployed by
8 the state or any of its political subdivisions for election tabulation purposes. Additionally, the full
9 corresponding source code for any software or firmware used for election tabulation purposes in
10 prior elections shall be retained by the secretary of state and made available upon request for a
11 period of ten years after the certification of the results of the relevant election.
12   4. The corresponding source shall not be required to include anything that users can
13 regenerate automatically from other parts of the corresponding source.
14   5. The corresponding source for a work in source code form is that same work."; and
15
16 Further amend said bill, Page 3, Section 321.223, Line 24, by inserting after said section and line the
17 following:
18
19   "Section B. The enactment of section 115.1070 of Section A of this act shall become
20 effective on August 1, 2024."; and
21
22 Further amend said bill by amending the title, enacting clause, and intersectional references
23 accordingly.