HS HCS HB 738 -- ELECTIONS

COMMITTEE OF ORIGIN: Standing Committee on Elections and Elected
Officials

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,
RSMo);

(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. Procedures for selecting election
judges from lists submitted by political party committees is
specified. (Section 115.081; 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. Candidates for watcher need not reside or
be a registered voter within the jurisdiction they serve (Section
115.107);

(8) 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. 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);

(9) 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);

(10) 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);

(11) Beginning January 1, 2022, the bill requires the use of a paper ballot 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);

(12) 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. References to Space Force are included for purposes of voting processes and electronic ballot information authorized for the armed forces (Sections 115.257 and 115.275 and 115.427);

(13) 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. Absentee ballots not voted in person may continue to be used with an excuse for a six week period prior to the election. Notarization requirements are also specified in the bill and affidavit forms are modified. The casting of in person absentee ballots with photographic identification is authorized only if courts uphold the constitutionality of photographic identification requirements as specified in the bill (Sections 115.277 and 115.279, 115.283);

(14) 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);

(15) 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);

(16) 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);

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

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

(19) Imposes a labeling requirement for political subdivision and special district ballot measures beginning with "Proposition A" and so on consecutively to "Proposition Z" and continuing with double letters in alphabetical order if necessary. If a measure is labeled, but not voted upon at the next election, then it retains its letter designation until it has been voted on. Certain ballots involving multiple jurisdictions will be labeled using numbers in a similar fashion. This practice is identical to the current law on statewide ballot measure labeling;

(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 removable media devices or other methods of data transfer from automatic tabulating machines prior to reporting any information on votes (Section 2).