

## HCS SS SB 812 -- ELECTIONS

SPONSOR: Eigel (Davidson)

COMMITTEE ACTION: Voted "Do Pass with HCS" by the Special Committee on Government Oversight by a vote of 6 to 4. Voted "Do Pass" by the Standing Committee on Rules- Administrative Oversight by a vote of 10 to 3.

The following is a summary of the House Committee Substitute for SB 812.

### VOTER REGISTRATION (Sections 115.022 and 115.205, RSMo)

This bill prohibits the state and its political subdivisions from receiving or expending private money for preparing, administering, or conducting an election or registering voters.

It also prohibits payment for soliciting voter registration applications and requires registration with the Secretary of State's Office (SOS) for soliciting more than 10 voter registration applications as specified in the bill.

### ACTIVITIES OF ELECTION OFFICIALS (Section 115.111)

The bill creates new provisions establishing certain rights of poll watchers and election challengers. Specifically, election authorities are required to clearly designate observation areas for challengers and watchers to readily observe all public aspects of the voting process. Furthermore, election authorities are required to provide all challengers and watchers uniform and non-discriminatory access to observe all stages of the voting process, as described in the bill. Watchers and challengers are required to wear a badge that contains his or her name and the political party or campaign committee, in the case of a ballot measure, with which they are affiliated. Additionally, watchers and challengers are entitled to challenge any ballot in the same manner as qualifications to vote are challenged under current law. Any violation of these provisions on the part of an election authority is a class four election offense.

### ELECTRONIC TRANSFER OF VOTER REGISTRATION (Sections 115.151, 115.160, and 115.960)

This bill requires the use of electronic voter registration application forms by the Director of the Department 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 bill. Election authorities are required to accept and process such records. 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.  
The bill requires voter registration application forms to be transmitted to the appropriate election authority not later than three, rather than five, business days after the form is completed by the applicant.

Any person who, at the time of a transaction with the Division of Motor Vehicle and Drivers Licensing within the Department of Revenue, provides a document that establishes non-citizenship shall not be offered the opportunity to register to vote as part of the transaction.

The bill repeals a provision that requires the SOS to maintain a system for accepting voter registration applications electronically.

#### MAIL-IN BALLOTS AND ABSENTEE VOTING (Sections 115.275 to 115.302 and Section 115.902)

Expired provisions are repealed relating to the use of mail-in ballots for the 2020 general election and absentee voting during the 2020 general election for voters who have contracted COVID-19 or who are at risk of contracting or transmitting COVID-19. The bill 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.

#### BALLOT SUMMARIES FOR CONSTITUTIONAL AMENDMENTS (Section 116.160)

As specified in this bill, if the General Assembly adopts a joint resolution proposing a Constitutional amendment or statutory measure to be referred to the people that includes an official summary statement, the statement shall appear on the ballot, and no court shall have the authority to rewrite or edit the summary statement or ballot language.

#### VOTER IDENTIFICATION (Section 115.427)

This bill also 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.

#### MISSOURI ELECTIONS SOVEREIGNTY ACT (Section 115.1200)

This bill establishes the "Missouri Elections Sovereignty Act", which differentiates the distinction between federal and state elections and reserves the power of the General Assembly over those aspects of both state and federal elections granted to the states under the federal Constitution as specified in the bill.

#### BALLOT MEASURES (Sections 115.225, 115.237, 116.225, 1,2, and 3)

This bill imposes a labeling requirement for political subdivision and special district ballot measures using sets of letters from the alphabet and double letters if needed as specified in the bill. 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 by the people. This practice is similar to the current law on statewide ballot measure labeling.

The bill requires the use of paper ballots and phases out the use of certain direct-record electronic touchscreen vote counting machines. Ballot marking devices and designated assistance for certain voters remains authorized under current law.

The bill also prohibits mandatory language using terms such as "must" or "shall" involving voting for multiple candidates so that voters are informed of the option to vote or not vote as they please. "Drop boxes" are prohibited and are defined in the bill as unattended depositories for ballots except for United States postal mail boxes.

Any ballot measure seeking approval to add, change, or modify a tax on real property shall express the effect of the proposed change within the ballot language in terms of the change in real dollars owed.

#### TRANSPARENCY AND OVERSIGHT OVER ELECTIONS (Sections 115.1600 to 115.1610)

Any state agency, whether that agency is involved in elections or not, or any person, group, or entity charged by the state to administer any official election occurring within the state, who receives or sends a communication from or to the US Department of Justice or any other federal executive branch agency, related to new or existing voting or election laws, shall provide notice to the governor and state legislature of this communication within five business days.

Any person, group, or entity charged by the state of Missouri to administer any official election occurring within the state who intends to implement any new federal election guidance pending approval from the state legislature in compliance with this section

shall provide notice to the state legislature of its intent to do so before implementing the guidance.

Any person, group, or entity charged by the state to administer any official election occurring within Missouri who intends to accept or disburse federal election funds pending approval from the state legislature in compliance with this section, must provide notice to the state legislature of its intent to do so before accepting the funds. If funds have already been accepted, then approval must be provided by the state legislature before the funds may be disbursed.

#### LEGISLATIVE INTERVENTION ACT (Section 4)

This bill establishes the "Legislative Intervention Act". In any civil action in a state or federal court, no public official, including any attorney representing or acting on behalf of a public official, has any authority to compromise or settle the action, consent to any condition, or agree to any order in connection therewith if the compromise, settlement, condition, or order nullifies, suspends, enjoins, alters, or conflicts with any provision of law.

When a party to an action in state or federal court challenges the constitutionality of a statute, facially or as applied, challenges a statute as violating or preempted by federal law, or otherwise challenges the construction or validity of a statute, as part of a claim or affirmative defense, that party must provide a copy of the pleading to the Speaker of the House of Representatives and the President Pro Tem of the Senate within 14 days of filing the pleading with the court.

The Speaker of the House of Representatives or the President Pro Tem may intervene at any time in an action on behalf of its respective chamber or jointly on behalf of the entire General Assembly. No other members may intervene in an action.

The participation of the Speaker of the House of Representatives or the President Pro Tem of the Senate in any state or federal action, as a party or otherwise, does not constitute a waiver of the legislative immunity or legislative privilege of any member, officer, or staff of the General Assembly.

The following is a summary of the public testimony from the committee hearing. The testimony was based on the introduced version of the bill.

**PROPONENTS:** Supporters say that the bill places explicit authority to developing ballot language for constitutional amendments with

the legislature and prevents the judiciary from changing such language. The bill also cleans up the code by repealing expired language.

Testifying for the bill were Senator Eigel; Opportunity Solutions Project; and the Secure Elections Project.

OPPONENTS: Those who oppose the bill submitted written testimony.

Testifying against the bill were Arnie Dienoff; Susan Gibson; and Mariel Lutz, Missouri Coalition for the Environment.

OTHERS: Others testifying on the bill say the language currently is not clear as to whether the Secretary of State should provide voter registration for citizens.

Testifying on the bill was Missouri Association of County Clerks & Election Authorities.

Written testimony has been submitted for this bill. The full written testimony can be found under Testimony on the bill page on the House website.