

SENATE BILL NO. 1473

102ND GENERAL ASSEMBLY

INTRODUCED BY SENATOR CARTER.

5839S.02I

KRISTINA MARTIN, Secretary

AN ACT

To repeal sections 115.013 and 115.493, RSMo, and to enact in lieu thereof three new sections relating to elections, with an effective date.

Be it enacted by the General Assembly of the State of Missouri, as follows:

Section A. Sections 115.013 and 115.493, RSMo, are
2 repealed and three new sections enacted in lieu thereof, to be
3 known as sections 115.013, 115.493, and 115.500, to read as
4 follows:

115.013. As used in this chapter, unless the context
2 clearly implies otherwise, the following terms mean:

- 3 (1) "Air-gap" or "air-gapped", a security measure in
4 which equipment is physically and technically isolated from
5 any network and is not directly connected to the internet
6 nor is it connected to any other system that is connected to
7 the internet. Data can only be passed to an air-gapped
8 device physically via a USB or other removable media;
- 9 (2) "Automatic tabulating equipment", the apparatus
10 necessary to examine and automatically count votes, and the
11 data processing machines which are used for counting votes
12 and tabulating results and which are air-gapped and not
13 physically able to be connected to a network;
- 14 (3) "Ballot", the paper ballot, or ballot designed
15 for use with an electronic voting system on which each voter
16 may cast all votes to which he or she is entitled at an
17 election;

EXPLANATION-Matter enclosed in bold-faced brackets [thus] in this bill is not enacted and is intended to be omitted in the law.

18 (4) "Ballot label", the card, paper, booklet, page, or
19 other material containing the names of all offices and
20 candidates and statements of all questions to be voted on;

21 (5) **"Cast vote record", an electronic record of each**
22 **cast ballot produced by the election authority's automatic**
23 **tabulating equipment or electronic voting system;**

24 (6) "Counting location", a location selected by the
25 election authority for the automatic processing or counting,
26 or both, of ballots;

27 [(6)] (7) "County", any county in this state or any
28 city not within a county;

29 [(7)] (8) "Disqualified", a determination made by a
30 court of competent jurisdiction, the Missouri ethics
31 commission, an election authority or any other body
32 authorized by law to make such a determination that a
33 candidate is ineligible to hold office or not entitled to be
34 voted on for office;

35 [(8)] (9) "District", an area within the state or
36 within a political subdivision of the state from which a
37 person is elected to represent the area on a policy-making
38 body with representatives of other areas in the state or
39 political subdivision;

40 [(9)] (10) "Electronic voting machine", any part of an
41 air-gapped electronic voting system on which a voter is able
42 to cast a ballot under this chapter;

43 [(10)] (11) "Electronic voting system", a system of
44 casting votes by use of marking devices, and counting votes
45 by use of automatic air-gapped tabulating or air-gapped data
46 processing equipment, including computerized voting systems
47 that mark or tabulate ballots;

48 [(11)] (12) "Established political party" for the
49 state, a political party which, at either of the last two

50 general elections, polled for its candidate for any
51 statewide office more than two percent of the entire vote
52 cast for the office. "Established political party" for any
53 district or political subdivision shall mean a political
54 party which polled more than two percent of the entire vote
55 cast at either of the last two elections in which the
56 district or political subdivision voted as a unit for the
57 election of officers or representatives to serve its area;

58 [(12)] (13) "Federal office", the office of
59 presidential elector, United States senator, or
60 representative in Congress;

61 [(13)] (14) "Independent", a candidate who is not a
62 candidate of any political party and who is running for an
63 office for which political party candidates may run;

64 [(14)] (15) "Major political party", the political
65 party whose candidates received the highest or second
66 highest number of votes at the last general election;

67 [(15)] (16) "Marking device", any device approved by
68 the secretary of state under section 115.225 which will
69 enable the votes to be counted by automatic tabulating
70 equipment;

71 [(16)] (17) "Municipal" or "municipality", a city,
72 village, or incorporated town of this state;

73 [(17)] (18) "New party", any political group which has
74 filed a valid petition and is entitled to place its list of
75 candidates on the ballot at the next general or special
76 election;

77 [(18)] (19) "Nonpartisan", a candidate who is not a
78 candidate of any political party and who is running for an
79 office for which party candidates may not run;

80 [(19)] (20) "Political party", any established
81 political party and any new party;

82 [(20)] (21) "Political subdivision", a county, city,
83 town, village, or township of a township organization county;

84 [(21)] (22) "Polling place", the voting place
85 designated for all voters residing in one or more precincts
86 for any election;

87 [(22)] (23) "Precincts", the geographical areas into
88 which the election authority divides its jurisdiction for
89 the purpose of conducting elections;

90 [(23)] (24) "Public office", any office established by
91 constitution, statute or charter and any employment under
92 the United States, the state of Missouri, or any political
93 subdivision or special district thereof, but does not
94 include any office in the Missouri state defense force or
95 the National Guard or the office of notary public or city
96 attorney in cities of the third classification or cities of
97 the fourth classification;

98 [(24)] (25) "Question", any measure on the ballot
99 which can be voted "YES" or "NO";

100 [(25)] (26) "Relative within the second degree by
101 consanguinity or affinity", a spouse, parent, child,
102 grandparent, brother, sister, grandchild, mother-in-law,
103 father-in-law, daughter-in-law, or son-in-law;

104 [(26)] (27) "Special district", any school district,
105 water district, fire protection district, hospital district,
106 health center, nursing district, or other districts with
107 taxing authority, or other district formed pursuant to the
108 laws of Missouri to provide limited, specific services;

109 [(27)] (28) "Special election", elections called by
110 any school district, water district, fire protection
111 district, or other district formed pursuant to the laws of
112 Missouri to provide limited, specific services; and

113 [(28)] (29) "Voting district", the one or more
114 precincts within which all voters vote at a single polling
115 place for any election.

 115.493. The election authority shall keep all voted
2 ballots, ballot cards, processed ballot materials in
3 electronic form, **available cast vote records**, and write-in
4 forms, and all applications, statements, certificates,
5 affidavits and computer programs relating to each election
6 for twenty-two months after the date of the election.
7 During the time that voted ballots, ballot cards, processed
8 ballot materials in electronic form and write-in forms are
9 kept by the election authority, it shall not open or inspect
10 them or allow anyone else to do so, except upon order of a
11 legislative body trying an election contest, a court or a
12 grand jury. **If the automatic tabulating equipment or**
13 **electronic voting system used by the election authority can**
14 **produce cast vote records, cast vote records shall be**
15 **considered public records and the election authority shall**
16 **redact information from the cast vote records that could**
17 **compromise the secrecy of any ballot or the identity of any**
18 **voter prior to any release of the records. The cost of any**
19 **such redaction shall conform to the requirements of chapter**
20 **610.** After twenty-two months, the ballots, ballot cards,
21 processed ballot materials in electronic form, write-in
22 forms, applications, statements, certificates, affidavits
23 and computer programs relating to each election may be
24 destroyed. If an election contest, grand jury investigation
25 or civil or criminal case relating to the election is
26 pending at the time, however, the materials shall not be
27 destroyed until the contest, investigation or case is
28 finally determined.

115.500. 1. Prior to the certification of each
2 election, the verification board shall randomly select not
3 less than five percent of all election precincts through the
4 use of a random drawing, but not less than one precinct, in
5 order to conduct a manual hand-count audit of selected
6 contested races and ballot issues in the selected precincts.

7 2. Random selection of the precincts and the manual
8 hand-count audit shall be open to any member of the public,
9 and the election authority shall notify the public of the
10 time and place of the selection and audit no later than
11 forty-eight hours prior to the beginning of the selection
12 process by posting a notice in a prominent place, which is
13 easily accessible to the public and clearly designated for
14 that purpose, at the principal office of the election
15 authority.

16 3. The manual hand-count audit of the randomly
17 selected precincts shall be conducted in the following
18 manner:

19 (1) For the selected precincts, the verification board
20 shall unseal the appropriate ballot containers and manually
21 hand-count certain randomly selected contested races and
22 ballot issues;

23 (2) The verification board shall select one randomly
24 selected contested race and ballot issue from each of the
25 following categories, in the selected precincts, where
26 applicable:

27 (a) Presidential and Vice-Presidential electors,
28 United States senate candidates, and state-wide candidates;

29 (b) State-wide ballot issues;

30 (c) United States representative candidates and state
31 general assembly candidates;

32 (d) Partisan circuit and associate circuit judge
33 candidates and all nonpartisan judicial retention candidates;

34 (3) The verification board shall select one randomly
35 selected contested race and ballot issue from each of the
36 political subdivisions and special districts, including the
37 county, in the selected precincts; and

38 (4) The verification board shall select all races in
39 which the margin of victory between the two top candidates
40 is equal to or less than one-half of one percent of the
41 number of votes cast for the office or issue.

42 4. If the results of the manual hand-count audit of
43 the selected races and ballot issues differ by more than one-
44 half of one percent from the results of the electronically
45 tabulated vote results, the verification board shall
46 immediately investigate the causes of any discrepancy and
47 resolve any discrepancies prior to the date of certification
48 set forth in section 115.507.

49 5. Upon completion of the manual hand-count audit, the
50 verification board shall reseal the ballots and other
51 support materials in the appropriate containers. The
52 results of the manual recount shall be reported on
53 certificates provided by the secretary of state. One copy
54 shall be filed with the secretary of state within four weeks
55 of the election date and one copy shall be filed with the
56 public records of the election.

57 6. For the purpose of this section, the election
58 authority may consider polling places containing more than
59 one precinct to be counted as a single precinct.

Section B. Section A of this act shall become
2 effective on January 1, 2025.

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