REPORT OF THE
SENATE INTERIM COMMITTEE
ON
ELECTIONS

Prepared by:
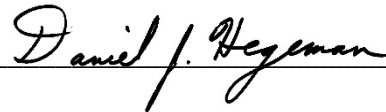Missouri Senate, Division of Research

December 30, 2021

The Honorable Dave Schatz
State Capitol, Room 326
Jefferson City, Missouri 65101

Dear Mr. President,

The Senate Interim Committee on Elections, acting pursuant to Senate Rule 31, gathered information from a variety of sources in order to best determine how to reform the current state of the law pertaining to elections. The Committee heard testimony from elected officials, citizens, and interest groups. Summaries of the reforms advocated by each witness are included in this report. The undersigned members of the Committee are pleased to submit the attached report and recommendations.

Sandy Crawford, Chairman
District 28

Dan Hegeman, Vice Chairman
District 12

Mike Cierpiot
District 8

Karla May
District 4

Bob Onder
District 2

Barbara Washington
District 9

Introduction

Pursuant to Rule 31, President Pro Tem Dave Schatz established the Senate Interim Committee on Elections on May 25, 2021. The Committee was charged with studying and making recommendations regarding election integrity. The Committee was tasked with issuing a final report to the President Pro Tem with its findings and any recommendations for legislative action by December 31, 2021, as deemed necessary by a majority of the Committee members.

On September 14, 2021, the Committee convened in the Senate Lounge for the purpose of focusing on voter identification requirements and initiative petition reforms. The committee heard testimony from nine witnesses who advocated for various reforms in election law and initiative petition law.

September 14, 2021 Testimony

Madeline Malisa - Foundation for Government Accountability

Testified in favor of the following policy proposals:

1) Require a 60% supermajority of the total number of voters in the last gubernatorial election for the passage of initiative petitions. She stated that Arkansas and South Dakota passed similar legislation that would go to the voters during the 2022 election cycle. Florida previously enacted this reform in 2006.

2) Require signatures from 10% of the legal voters in the last gubernatorial election in each congressional district before a initiative petition proposing a constitutional amendment can be placed on the ballot and 5% of the legal voters in the last gubernatorial election in each congressional district before an initiative petition proposing a law can be placed on the ballot.

3) Prevent sending pre-filled absentee ballot applications in an effort to prevent "ballot harvesting." She stated Florida, Georgia, Iowa, New Hampshire, Kentucky, Mississippi, Oklahoma, and Tennessee have passed similar laws.

4) Requiring a number from a form of government identification or some form of identification number, such as the last 4 digits of the voter's Social Security number, to be used on the absentee ballot envelope, arguing that it is a more secure verification method. She stated that Arkansas, Ohio, and Wisconsin have all passed similar legislation.

5) Prohibit election authorities from accepting funds from private organizations. She stated that Arizona, Arkansas, Florida, Idaho, Kansas, Texas, North Carolina, and Tennessee have all passed similar legislation.

Robert Oakes - Citizen, Gladstone, Missouri

Testified in favor of requiring the use of photo identification for voting.

Nancy Johnson - Citizen, Hermitage, Missouri and county central committee member from Hickory County

Testified in favor of the following proposals:

1) Prohibit the vocabulary and concepts used in ballot measure language from exceeding the intellectual and reading capabilities of the average voter.

2) Require the determination of the appropriate language level to include, but not be limited to, accepted readability methods.

3) Only allow Missouri citizens to propose or advance ballot measures.

4) Require citizens advancing a ballot measure to state on the petition that his or her party affiliation is currently the majority party or a minority party, as represented by the current make-up of the General Assembly.

5) If an existing law from another state is being used as a model, that information must be included as part of the public process in the collection of signatures.

6) Require all persons who circulate petitions to be trained and certified by the office of the Secretary of State.

7) Require all petitions to be discussed and debated at public meetings announced by 3 public notices. Meetings should be educational in nature and may include viewpoints from both proponents and opponents. Signatures should be gathered at the meetings.

8) Require petitioners and petitions to be registered with and accepted at offices of the county clerks and handled in the same manner as ballots.

9) Require petitions to be circulated in each county of the state, with the number of signatures necessary per county to be determined by a percentage of registered voters or population in the county.

10) Require the Missouri Ethics Commission to make public the source of all funding of ballot measures.

11) Place limits on the amount of funds contributed to advancing ballot measures that come from non-Missouri residents.

12) Prohibit any ballot measure approved by the voters that would enact a statute from going into effect until three legislative sessions after the measure was approved.

13) Prohibit any ballot measure approved by the voters that would enact a constitutional amendment from going into effect until five legislative sessions after the measure was approved.

Denise Lieberman - Director, General Counsel - Missouri Voter Protection Coalition

Testified against a "strict" voter identification law. Testified in support of no-excuse absentee voting.

John Ashcroft - Secretary of State

Testified in favor of requiring photo identification in order to vote.

David Stevens - Citizen, Warrensburg, Missouri

Testified in favor of the following proposals as an effort to "secure our elections from cyberattack":

1) Require the printing of "counterfeit-proof" paper ballots at each precinct with randomized serial numbers and unique identifiers for each precinct.
2) Limit the number of ballots printed in each precinct to approximately 120% of the expected voters based upon hardcopy poll books.
3) Give each voter a receipt that contains a unique ballot serial number after they cast a ballot at the polls.
4) Reconcile to the ballot for each election.
5) Use "dumb-vote scanners" that are approved by the Department of Defense and have been made in the United States. Stipulate that the scanners cannot have any modem, chip, Ethernet, wireless connection, or USB ports. Further stipulate that the scanners have only two capabilities: the ability to scan ballots and the ability to burn images onto a CD. Once the election has been completed, the precinct would only have paper ballots and a CD with images of the ballots burned onto it.
6) Require each election authority to use laptops that are approved by the Department of Defense and have been made in the United States for the purpose of reading the CDs with images of ballots. Stipulate that the laptop shall only have one capability: to read the CD with ballot images on it. Once the election has been completed, each precinct would send its CD with ballot images burned onto it to the election authority with a stipulated chain of custody procedure.
7) Once a precinct has accounted for all ballots based on serial numbers, data would be secured in an electronic block chain. At this point, each voter would be able to view an image of his or her individual ballot on the website of the election authority or the Secretary of State.
8) Each election authority would be responsible for burning a CD with images of all ballots from the county on it and physically transporting it using a chain of custody procedure, to the office of the Secretary of State.
9) The ballots and electronic block chain data should be separate, independently verifiable information that can easily be audited by election authorities and the Secretary of State.

10) Form an "Election Integrity Center of Excellence" at a Missouri university to safeguard the vote of every Missouri voter. This Center would be responsible for providing oversight on behalf of the General Assembly, have the authority to conduct random inspections, conduct penetration testing, and advise lawmakers on how to improve election integrity and security.

Mo Del Villar - American Civil Liberties Union, Missouri

Testified against legislation that would make it harder to vote as well as strict voter identification laws, specifically testifying against limiting voter identification to government-issued photo identification. She additionally testified in written testimony against increasing the number of signatures required to place an initiative petition on the ballot.

John Koblowski – Citizen, St. Charles County

Testified in favor of more rigorous examination of election data.

Shane Schoeller - Greene County Clerk

Testified for informational purposes regarding the election process, stating that there is a ten week process that goes into each election with many legal safeguards that ensure the integrity of each election. He further testified in favor of the use of paper ballots and risk-limiting audits following each election. He additionally stated that electronic polling data should be adequately scrutinized by election officials to ensure that it matches up with voter registration data.

Recommendations

After considering the testimony of various witnesses and the depth and complexity of the issues involved, the committee has determined that the matter of election integrity needs continued discussion.

The committee heard testimony which highlighted current concerns about the election process as well as suggested solutions. The committee recognizes that issues surrounding election integrity are integral to the conduct of fair elections. While, many ideas were presented to the committee, the committee believes that an endorsement of any particular option would be premature and such decisions should be fully vetted through the legislative process.

The Committee recommends members of the General Assembly continue to engage with state and local election authorities to determine the best course of action to safeguard elections and formulate legislation to implement any needed statutory changes.

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December 30, 2021

Honorable Senator Sandy Crawford
Chairwoman of the Interim Committee on Elections
201 W Capitol Ave., Rm. 323
Jefferson City, Missouri 65101

Dear Senator Crawford:

I am signing this report because I believe it is a fair and accurate summary of the testimony before the Missouri Senate Interim Committee on Elections. I would like, however, to register my disagreement with one sentence near the end of the report. It reads as follows: "While, many ideas were presented to the committee, the committee believes that an endorsement of any particular option would be premature and such decisions should be fully vetted through the legislative process." While specific legislation will of course need to be vetted through the legislative process, I believe that a number of election integrity issues are of urgent necessity and therefore ought to be endorsed by the Committee. These include, but are not limited to"

- Photo voter ID, as required in 46 of 47 European countries, and as endorsed by Missouri voters
- Paper ballots
- Banning private organizations from tipping the scales by subsidizing their preferred election authorities for what amount to get-out-the-vote efforts (a.k.a. "Zuckerbucks.")
- Banning ballot harvesting.
- Banning ballot drop boxes.
- Retaining requirements for absentee voting before Election Day, and strengthening the requirement of a reason for said voting.

I look forward to working with my colleagues in the Senate and the House to be sure that voters know their votes are not being cancelled out by vote fraud by passing strong election integrity legislation this session.

Respectfully submitted,

Senator Robert F. (Bob) Onder