

FIRST REGULAR SESSION

# HOUSE BILL NO. 265

101ST GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVE MERIDETH.

0874H.011

DANA RADEMAN MILLER, Chief Clerk

## AN ACT

To amend chapter 116, RSMo, by adding thereto one new section relating to initiative and referendum petitions.

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

Section A. Chapter 116, RSMo, is amended by adding thereto one new section, to be known as section 116.055, to read as follows:

**116.055. 1. As used in this section, the following terms mean:**

(1) "Electronic signature", the submission of data by an eligible voter as prescribed under subsection 2 of this section;

(2) "Eligible voter", any person registered to vote in accordance with section 115.151;

(3) "Initiative and referendum petition", any document filed under the provisions of chapter 116;

(4) "Website", an electronic reporting system that is connected to the internet and maintained by the secretary of state.

2. The secretary of state shall administer and be responsible for the establishment, implementation, and maintenance of a website allowing for the submission of electronic signatures for every initiative and referendum petition, and any eligible voter may choose whether to submit his or her electronic signature for a petition or sign the petition manually. This section shall not be construed to require an eligible voter to use electronic signatures but shall be used as an alternative to manually signing a petition.

3. An eligible voter may sign a petition by use of an electronic signature. The secretary of state and each election commissioner or county clerk shall accept an electronic

EXPLANATION — Matter enclosed in bold-faced brackets [thus] in the above bill is not enacted and is intended to be omitted from the law. Matter in bold-face type in the above bill is proposed language.

18 signature meeting the requirements of this section and include the signature in the count  
19 of signatures necessary to validate the petition. No circulator signature or notarization  
20 shall be required for electronic signatures. The use of an electronic signature shall have  
21 the same force and effect as the use of a manual signature on a petition only if the  
22 electronic signature complies with the following requirements:

23 (1) The electronic signature is submitted by an eligible voter to a website  
24 established under subsection 2 of this section;

25 (2) A voter, at the time of submitting the electronic signature, also submits:

26 (a) His or her name, address, county of residence, and date of birth as shown on his  
27 or her voter registration record;

28 (b) His or her assent to the petition document; and

29 (c) A unique identifier that shall be provided to each registered voter by the  
30 secretary of state;

31 (3) The electronic signature is correlated with the voter as evidenced by a  
32 reasonable match with voter registration records and voting records that correspond to at  
33 least one item of state-qualified data;

34 (4) The electronic signature has not been repudiated as a result of the postcard  
35 mailed under subsection 4 of this section;

36 (5) The electronic signature has not been previously submitted and verified as a  
37 signature on the same petition; and

38 (6) The electronic signature conforms to reasonable rules and regulations adopted  
39 and promulgated by the secretary of state.

40 4. Upon receipt of an electronic signature, the secretary of state shall mail a  
41 postcard by United States mail to the voter at the address on his or her voter registration  
42 record notifying the voter that his or her signature has been received, identifying the  
43 petition to which the signature is attached, and notifying the voter that he or she has ten  
44 days to contact the office of the secretary of state to indicate that he or she did not submit  
45 the signature.

46 5. The secretary of state shall adopt and promulgate rules and regulations to carry  
47 out this section. The secretary of state shall seek the advice of public and private entities  
48 in developing the rules and regulations. The rules and regulations shall provide for a  
49 degree of security for the process of submitting electronic signatures and electronic  
50 signature verification reasonably related to the risks and consequences of fraud or misuse.  
51 The rules and regulations shall require, at a minimum, the maintenance of an audit trail  
52 of public internet protocol addresses identified with the session in which the electronic  
53 signature was submitted, the data submitted by the voter, the time and date of the

54 **submission, the state-qualified data used for verification, and the date the postcard**  
55 **required under subsection 4 of this section was mailed.**

56 **6. Any rule or portion of a rule, as that term is defined in section 536.010, that is**  
57 **created under the authority delegated in this section shall become effective only if it**  
58 **complies with and is subject to all of the provisions of chapter 536 and, if applicable,**  
59 **section 536.028. This section and chapter 536 are nonseverable, and if any of the powers**  
60 **vested with the general assembly pursuant to chapter 536 to review, to delay the effective**  
61 **date, or to disapprove and annul a rule are subsequently held unconstitutional, then the**  
62 **grant of rulemaking authority and any rule proposed or adopted after August 28, 2021,**  
63 **shall be invalid and void.**

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