

SECOND REGULAR SESSION

HOUSE BILL NO. 2851

101ST GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVE LOVASCO.

5642H.011

DANA RADEMAN MILLER, Chief Clerk

AN ACT

To amend chapter 115, RSMo, by adding thereto one new section relating to election tabulating software, with a delayed effective date.

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

Section A. Chapter 115, RSMo, is amended by adding thereto one new section, to be
2 known as section 115.1070, to read as follows:

115.1070. 1. As used in this section, the following terms mean:

2 **(1) "Corresponding source", for a work in object code form, all the source code**
3 **needed to generate; install; and, for an executable work, run the object code and to**
4 **modify the work, including scripts to control those activities. "Corresponding source"**
5 **does not include the work's system libraries, general-purpose tools, or generally**
6 **available free programs that are used unmodified in performing those activities but are**
7 **not part of the work. "Corresponding source" includes interface definition files**
8 **associated with source files for the work, the source code for shared libraries, and**
9 **dynamically linked subprograms that the work is specifically designed to require, such**
10 **as by intimate data communication or control flow between those subprograms and**
11 **other parts of the work;**

12 **(2) "Object code" any nonsource form of a work;**

13 **(3) "Source code", the preferred form of the work for making modifications to**
14 **it;**

15 **(4) "Standard interface", an interface that either is an official standard defined**
16 **by a recognized standards body, or, in the case of interfaces specified for a particular**

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.

17 programming language, one that is widely used among developers working in that
18 language;

19 (5) "System libraries", a catalog of an executable work, including anything,
20 other than the work as a whole, that is included in the normal form of packaging a
21 major component but is not part of that major component and serves only to enable use
22 of the work with that major component or to implement a standard interface for which
23 an implementation is available to the public in source code form. As used in this
24 subdivision, a "major component" is a major essential component including, but not
25 limited to, a kernel or window system of the specific operating system on which the
26 executable work runs, a compiler used to produce the work, or an object code
27 interpreter used to run it;

28 (6) "Tabulating software", the entire election computer program including, but
29 not limited to, any system software, utility software, or compilers that are used together
30 with application software to tabulate election results;

31 (7) "Work", any tabulating software or other program used by the state to
32 tabulate election results.

33 2. Notwithstanding any other provision of law or rule to the contrary, any
34 election authority who employs computer programs of any type in the casting or
35 tabulating of votes shall use tabulating software developed, owned, and maintained by a
36 business entity registered in the United States and owned by United States citizens. If
37 the business entity is publicly held, the board of directors and the majority stockholders
38 shall be United States citizens. The business entity shall not be a subsidiary of any
39 multinational firm and shall have its principal place of business located within the
40 United States.

41 3. Any software, or hardware containing software or firmware, used for election
42 tabulation purposes by this state or any of its political subdivisions shall have the full
43 corresponding source code of the software or firmware made publicly available by the
44 secretary of state at no cost upon request of any resident or citizen of this state. The full
45 corresponding source code provided shall exactly match the code necessary to recreate
46 any object code currently being used or deployed by the state or any of its political
47 subdivisions for election tabulation purposes. Additionally, the full corresponding
48 source code for any software or firmware used for election tabulation purposes in prior
49 elections shall be retained by the secretary of state and made available upon request for
50 a period of ten years after the certification of the results of the relevant election.

51 4. The corresponding source shall not be required to include anything that users
52 can regenerate automatically from other parts of the corresponding source.

53 5. The corresponding source for a work in source code form is that same work.

Section B. The enactment of Section A of this act shall become effective on August 1,
2 2024.

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