

FIRST REGULAR SESSION
HOUSE COMMITTEE SUBSTITUTE FOR
HOUSE BILL NO. 472
101ST GENERAL ASSEMBLY

1153H.03C

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

11 **(2) "Object code" any non-source form of a work;**

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

13 **(4) "Standard interface", an interface that either is an official standard defined by**
14 **a recognized standards body, or, in the case of interfaces specified for a particular**
15 **programming language, one that is widely used among developers working in that**
16 **language;**

17 **(5) "System libraries", a catalog of an executable work, including anything, other**
18 **than the work as a whole, that is included in the normal form of packaging a major**

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.

19 component but is not part of that major component and serves only to enable use of the
20 work with that major component or to implement a standard interface for which an
21 implementation is available to the public in source code form. As used in this subdivision,
22 a "major component" is a major essential component including, but not limited to, a kernel
23 or window system of the specific operating system on which the executable work runs, a
24 compiler used to produce the work, or an object code interpreter used to run it;

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

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

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

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

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

49 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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