

# SENATE BILL NO. 724

102ND GENERAL ASSEMBLY

INTRODUCED BY SENATOR HOSKINS.

4188S.01H

KRISTINA MARTIN, Secretary

## AN ACT

To repeal section 115.642, RSMo, and to enact in lieu thereof one new section relating to election crimes, with an effective date.

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

Section A. Section 115.642, RSMo, is repealed and one new  
2 section enacted in lieu thereof, to be known as section 115.642,  
3 to read as follows:

115.642. 1. [Any person may file a complaint with the  
2 secretary of state stating the name of any person who has  
3 violated any of the provisions of sections 115.629 to  
4 115.646 and stating the facts of the alleged offense, sworn  
5 to, under penalty of perjury.] **There is hereby created the**  
6 **"Office of Election Crimes and Security" within the office**  
7 **of the secretary of state. The secretary of state shall**  
8 **employ a director and investigators within the office,**  
9 **subject to appropriation. The office shall have the**  
10 **following duties:**

- 11 (1) **Responding to notifications and complaints**  
12 **alleging a violation of this chapter;**
- 13 (2) **Reviewing notices and reports of alleged**  
14 **violations of this chapter and conducting investigations as**  
15 **deemed necessary;**
- 16 (3) **Initiating independent inquiries and conducting**  
17 **investigations into alleged violations of this chapter; and**
- 18 (4) **Overseeing a voter fraud hotline.**

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

19           2. **The office shall review complaints and conduct**  
20 **investigations into alleged violations of this chapter or**  
21 **any rule adopted under this chapter.** Within thirty days of  
22 receiving a complaint, the [secretary of state] **office** shall  
23 notify the person filing the complaint whether or not the  
24 [secretary] **office** has dismissed the complaint or will  
25 commence an investigation. The [secretary of state] **office**  
26 shall dismiss frivolous complaints. For purposes of this  
27 subsection, "frivolous complaint" shall mean an allegation  
28 clearly lacking any basis in fact or law. [Any person who  
29 makes a frivolous complaint pursuant to this section shall  
30 be liable for actual and compensatory damages to the alleged  
31 violator for holding the alleged violator before the public  
32 in a false light. If reasonable grounds appear that the  
33 alleged offense was committed, the secretary of state may  
34 issue a probable cause statement. If the secretary of state  
35 issues a probable cause statement, he or she may refer the  
36 offense to the appropriate prosecuting attorney.]

37           3. [Notwithstanding the provisions of section 27.060,  
38 56.060, or 56.430 to the contrary, when requested by the  
39 prosecuting attorney or circuit attorney, the secretary of  
40 state or his or her authorized representatives may aid any  
41 prosecuting attorney or circuit attorney in the commencement  
42 and prosecution of election offenses as provided in sections  
43 115.629 to 115.646.]

44           4. (1) The secretary of state may investigate any  
45 suspected violation of any of the provisions of sections  
46 115.629 to 115.646.

47           (2) (a) The secretary of state or an authorized  
48 representative of the secretary of state ] (1) **For the**  
49 **purposes of this section, the office** shall have the power to  
50 require the production of books, papers, correspondence,

51 memoranda, contracts, agreements, and other records by  
52 subpoena or otherwise when necessary to conduct an  
53 investigation under this section. [Such powers shall be  
54 exercised only at the specific written direction of the  
55 secretary of state or his or her chief deputy.]

56 **Notwithstanding any other provision of law to the contrary,**  
57 **investigators conducting an investigation into an alleged**  
58 **violation of this chapter shall not be restricted from**  
59 **entering a polling place or the office of the election**  
60 **authority under investigation.**

61 [(b)] (2) If any person refuses to comply with a  
62 subpoena issued under **subdivision (1) of** this subsection,  
63 the secretary of state may seek to enforce the subpoena  
64 before a court of competent jurisdiction to require the  
65 production of books, papers, correspondence, memoranda,  
66 contracts, agreements, and other records. The court may  
67 issue an order requiring the person to produce records  
68 relating to the matter under investigation or in question.  
69 Any person who fails to comply with the order may be held in  
70 contempt of court.

71 [(c) The provisions of this subdivision shall expire  
72 on August 28, 2025.]

73 **4. If, during the course of an investigation, the**  
74 **office determines that there may be a violation of any**  
75 **criminal law or a provision of this chapter, the findings of**  
76 **the investigation shall be submitted to the attorney general**  
77 **and the prosecuting or circuit attorney with jurisdiction**  
78 **for further investigation or prosecution. This section**  
79 **shall not limit the jurisdiction of any other office or**  
80 **agency of the state to investigate violations of this**  
81 **chapter or any rule adopted under this chapter.**

82           5. (1) Before January fifteenth of each year, the  
83 office shall submit a report to the governor, the speaker of  
84 the house of representatives, the president pro tempore of  
85 the senate, and the house of representatives and senate  
86 committees with jurisdiction over elections that details  
87 each investigation of alleged violations of this chapter  
88 conducted during the previous calendar year. The report  
89 shall include the following:

90           (a) The total number of complaints received;

91           (b) The number of independent investigations initiated  
92 or dismissed; and

93           (c) The number of complaints referred to another  
94 agency for further investigation or prosecution.

95           (2) For each complaint or investigation listed in  
96 subdivision (1) of this subsection, the report shall detail:

97           (a) The source of the alleged violation;

98           (b) The law or rule allegedly violated and the nature  
99 of the alleged violation;

100           (c) The county in which the alleged violation occurred;

101           (d) Whether the alleged violation was dismissed or  
102 referred to another agency for further investigation or  
103 prosecution and if so, to which agency; and

104           (e) The current status of the investigation or  
105 resulting criminal case.

106           6. The attorney general shall have statewide  
107 investigative authority and shall have concurrent authority  
108 with the appropriate prosecuting or circuit attorney over  
109 all violations of the provisions of sections 115.629 to  
110 115.646.

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

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