

SENATE COMMITTEE SUBSTITUTE

FOR

SENATE BILL NO. 986

AN ACT

To repeal sections 115.013, 115.135, 115.151, 115.155, 115.157, 115.158, 115.159, 115.195, 115.221, 115.277, 115.430, 115.493, and 115.642, RSMo, and to enact in lieu thereof fourteen new sections relating to elections, with penalty provisions, a severability clause and a contingent effective date.

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

Section A. Sections 115.013, 115.135, 115.151, 115.155, 115.157, 115.158, 115.159, 115.195, 115.221, 115.277, 115.430, 115.493, and 115.642, RSMo, are repealed and fourteen new sections enacted in lieu thereof, to be known as sections 115.013, 115.135, 115.151, 115.155, 115.157, 115.158, 115.159, 115.195, 115.221, 115.277, 115.410, 115.430, 115.493, and 115.642, to read as follows:

115.013. As used in this chapter, unless the context clearly implies otherwise, the following terms mean:

(1) "Air-gap" or "air-gapped", a security measure in which equipment is physically and technically isolated from any network and is not directly connected to the internet nor is it connected to any other system that is connected to the internet. Data can only be passed to an air-gapped device physically via a USB or other removable media;

(2) "Automatic tabulating equipment", the apparatus necessary to examine and automatically count votes, and the data processing machines which are used for counting votes and tabulating results and which are air-gapped and not physically able to be connected to a network;

(3) "Ballot", the paper ballot, or ballot designed for use with an electronic voting system on which each voter may cast all votes to which he or she is entitled at an election;

(4) "Ballot label", the card, paper, booklet, page, or other material containing the names of all offices and candidates and statements of all questions to be voted on;

(5) "Counting location", a location selected by the election authority for the automatic processing or counting, or both, of ballots;

(6) "County", any county in this state or any city not within a county;

(7) "Documentary proof of citizenship", any of the following:

(a) The number of the applicant's current or expired driver's license or identification card issued by the department of revenue if the agency indicates on the driver's license or identification card, or within the department's database record for such individual, that the person has provided satisfactory proof of United States citizenship;

(b) A legible photocopy of the applicant's birth certificate issued by a United States state or territory, or the District of Columbia that verifies citizenship, provided that if a person has changed his or her name since birth, that person shall provide legal documentation of the name change in accordance with state law;

(c) A legible photocopy of pertinent pages of the applicant's United States passport identifying the applicant and the applicant's passport number or presentation to the election authority of the applicant's United States passport;

(d) The applicant's United States naturalization documents or the number of the certificate of

naturalization. If only the number of the certificate of naturalization is provided, the applicant shall not be classified as a verified voter until the number of the certificate of naturalization is verified with the United States Bureau of Citizenship and Immigration services by the election authority, pursuant to 8 U.S.C. Section 1373(c);

(e) For citizens born abroad, a certificate of report of birth or consular report of birth abroad issued by the United States Department of State;

(f) Other documents or methods of proof that are established pursuant to the federal Immigration Reform and Control Act of 1986 or the federal Immigration and Nationality Act; or

(g) The applicant's bureau of Indian affairs card number, tribal treaty card number, or tribal enrollment number.

(8) "Disqualified", a determination made by a court of competent jurisdiction, the Missouri ethics commission, an election authority or any other body authorized by law to make such a determination that a candidate is ineligible to hold office or not entitled to be voted on for office;

[(8)] (9) "District", an area within the state or within a political subdivision of the state from which a person is elected to represent the area on a policy-making body with representatives of other areas in the state or political subdivision;

[(9)] (10) "Electronic voting machine", any part of an air-gapped electronic voting system on which a voter is able to cast a ballot under this chapter;

[(10)] (11) "Electronic voting system", a system of casting votes by use of marking devices, and counting votes by use of automatic air-gapped tabulating or air-gapped data

processing equipment, including computerized voting systems that mark or tabulate ballots;

[(11)] (12) "Established political party" for the state, a political party which, at either of the last two general elections, polled for its candidate for any statewide office more than two percent of the entire vote cast for the office. "Established political party" for any district or political subdivision shall mean a political party which polled more than two percent of the entire vote cast at either of the last two elections in which the district or political subdivision voted as a unit for the election of officers or representatives to serve its area;

[(12)] (13) "Federal office", the office of presidential elector, United States senator, or representative in Congress;

(14) "Federal-only voter", a voter registered using the national mail voter registration form in this state, whose United States citizenship status has not been verified by the election authority, and who is only eligible to vote in elections for federal offices. A federal-only voter shall not include any verified voter;

[(13)] (15) "Independent", a candidate who is not a candidate of any political party and who is running for an office for which political party candidates may run;

[(14)] (16) "Major political party", the political party whose candidates received the highest or second highest number of votes at the last general election;

[(15)] (17) "Marking device", any device approved by the secretary of state under section 115.225 which will enable the votes to be counted by automatic tabulating equipment;

[(16)] (18) "Municipal" or "municipality", a city, village, or incorporated town of this state;

(19) "National mail voter registration form", the voter registration application form created and maintained by the United States Election Assistance Commission, pursuant to 52 U.S.C. Section 20508(a) (2);

[(17)] (20) "New party", any political group which has filed a valid petition and is entitled to place its list of candidates on the ballot at the next general or special election;

[(18)] (21) "Nonpartisan", a candidate who is not a candidate of any political party and who is running for an office for which party candidates may not run;

[(19)] (22) "Political party", any established political party and any new party;

[(20)] (23) "Political subdivision", a county, city, town, village, or township of a township organization county;

[(21)] (24) "Polling place", the voting place designated for all voters residing in one or more precincts for any election;

[(22)] (25) "Precincts", the geographical areas into which the election authority divides its jurisdiction for the purpose of conducting elections;

[(23)] (26) "Public office", any office established by constitution, statute or charter and any employment under the United States, the state of Missouri, or any political subdivision or special district thereof, but does not include any office in the Missouri state defense force or the National Guard or the office of notary public or city attorney in cities of the third classification or cities of the fourth classification;

[(24)] (27) "Question", any measure on the ballot which can be voted "YES" or "NO";

[(25)] (28) "Relative within the second degree by consanguinity or affinity", a spouse, parent, child,

grandparent, brother, sister, grandchild, mother-in-law, father-in-law, daughter-in-law, or son-in-law;

[(26)] (29) "Special district", any school district, water district, fire protection district, hospital district, health center, nursing district, or other districts with taxing authority, or other district formed pursuant to the laws of Missouri to provide limited, specific services;

[(27)] (30) "Special election", elections called by any school district, water district, fire protection district, or other district formed pursuant to the laws of Missouri to provide limited, specific services; [and]

(31) "Verified voter", a registered voter in this state whose United States citizenship has been verified by the election authority;

[(28)] (32) "Voting district", the one or more precincts within which all voters vote at a single polling place for any election.

115.135. 1. Any person who is qualified to vote, or who shall become qualified to vote on or before the day of election, shall be entitled to register in the jurisdiction within which he or she resides. In order to vote in any election for which registration is required, a person must be registered to vote in the state of Missouri no later than 5:00 p.m., or the normal closing time of any public building where the registration is being held if such time is later than 5:00 p.m., on the fourth Wednesday prior to the election, unless the voter is an interstate former resident, a new resident, or a covered voter, as defined in section 115.275. Any person registering after such date shall be eligible to vote in subsequent elections.

2. (1) A person applying to register with an election authority or a deputy registration official shall identify himself or herself by presenting a copy of a birth

certificate, a Native American tribal document, other proof of United States citizenship, a valid Missouri drivers license or other form of personal identification at the time of registration. Nothing in this chapter shall require a person who appears on the list of registered voters or who seeks to transfer voter registration within this state from being required to provide an election authority documentary proof of United States citizenship, unless the person is stricken from the list of registered voters and the person thereafter seeks to register to vote.

(2) When processing a voter registration application, the election authority shall use all available resources to verify the applicant is a citizen of the United States, including relevant information from the following:

(a) The department of revenue's electronic database;

(b) The United States Social Security Administration database;

(c) The United States Citizenship and Immigration Services Systematic Alien Verification for Entitlements Program;

(d) A national association for public health statistics and information systems electronic verification of vital events system, or similar state database; and

(e) Any other federal, state, or political subdivision database and any other database relating to voter registration to which the election authority has or is granted access.

(3) After processing a voter registration application, the election authority shall notify the applicant in writing pursuant to subdivision (2) of subsection 3 of section 115.155:

(a) If the application is pending or incomplete because he or she was not verified by virtue of lacking United States citizenship; or

(b) If, for applicants submitting the national mail voter registration form who could not be verified as a citizen of the United States, the applicant is registered to vote as a federal-only voter, in which case the process for submitting documentary proof of citizenship to the election authority to become classified as a verified voter shall be supplied to the applicant.

(4) To the extent allowed under applicable law, the secretary of state shall enter into agreements with the following entities, to allow election authorities to request and obtain records or information relating to an individual's citizenship status and the secretary of state shall have the discretion to enter agreements with other entities than those provided below to carry out the provisions of this section:

(a) The department of revenue;

(b) The United States Social Security Administration;

(c) The United States Citizenship and Immigration Services Systemic Alien Verification for Entitlements Program;

(d) A national association for public health statistics and information systems electronic verification of vital events system, or similar state database; or

(e) Any other federal, state, or political subdivision database and any other database relating to voter registration to which the election authority is granted access.

(5) (a) For all applicants other than those submitting a national mail voter registration form, if the election authority is able to verify that the applicant is a

citizen of the United States, the election authority shall register and classify the applicant as a verified voter.

(b) For applicants submitting the national mail voter registration form, if the election authority is unable to verify that the applicant is a citizen of the United States but the applicant otherwise satisfies all applicable legal requirements to register to vote in this state, the election authority shall register and classify the applicant as a federal-only voter.

(6) If the election authority verifies an applicant is not a citizen of the United States and determines the applicant knew they were not legally entitled to register to vote, the election authority shall reject the application and the election authority shall forward the applicant's information and any supporting documentation to the appropriate law enforcement agency and prosecuting attorney, circuit attorney, or attorney general, as applicable.

(7) The secretary of state shall promulgate regulations to implement the provisions and requirements of this subsection. Any rule or portion of a rule, as that term is defined in section 536.010, that is created under the authority delegated in this section shall become effective only if it complies with and is subject to all of the provisions of chapter 536 and, if applicable, section 536.028. This section and chapter 536 are nonseverable and if any of the powers vested with the general assembly pursuant to chapter 536 to review, to delay the effective date, or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after August 28, 2026, shall be invalid and void.

(8) If, at any time, any change occurs in federal law or policy such that a state is permitted to enforce or apply

a requirement of verification of citizenship or documentary proof of citizenship to individuals applying to register to vote using the national mail voter registration form, any provisions of this chapter that would otherwise permit an individual to register and vote in any election held in this state without providing documentary proof of citizenship shall immediately cease to be effective and the United States citizenship requirement, verification procedures, and penalties provided for in this section and section 115.631 shall immediately apply to every individual registered to vote or attempting to register to vote in this state.

(9) If a federal agency listed in this subsection ever terminates access to citizenship data by an election authority in this state, the attorney general shall seek redress in a court of competent jurisdiction.

3. Except as provided in federal law or federal elections and in section 115.277, no person shall be entitled to vote if the person has not registered to vote in the jurisdiction of his or her residence.

4. A covered voter as defined in section 115.275 who has been discharged from military service, has returned from a military deployment or activation, or has separated from employment outside the territorial limits of the United States after the deadline to register to vote, and who is otherwise qualified to register to vote, may register to vote in an election in person before the election authority until 5:00 p.m. on the Friday before such election. Such persons shall produce sufficient documentation showing evidence of qualifying for late registration pursuant to this section.

115.151. 1. Each qualified applicant who appears before the election authority shall be deemed registered as of the time the applicant's completed, signed and sworn

registration application is witnessed by the election authority or deputy registration official, and the applicant's United States citizenship is verified pursuant to subsection 2 of section 115.135.

2. Each applicant who registers by mail shall be deemed to be registered as of the date the application is postmarked, if such application is accepted and not rejected by the election authority [and], the verification notice required pursuant to section 115.155 is not returned as undeliverable by the postal service, and the applicant's United States citizenship is verified pursuant to subsection 2 of section 115.135.

3. Each applicant who registers at a voter registration agency or the division of motor vehicle and drivers licensing of the department of revenue shall be deemed to be registered as of the date the application is signed by the applicant, if such application is accepted and not rejected by the election authority [and], the verification notice required pursuant to section 115.155 is not returned as undeliverable by the postal service, and the applicant's United States citizenship is verified pursuant to subsection 2 of section 115.135. Voter registration agencies shall transmit voter registration application forms to the appropriate election authority not later than five business days after the form is completed by the applicant. The division of motor vehicle and drivers licensing of the department of revenue shall transmit voter registration application forms to the appropriate election authority not later than three business days after the form is completed by the applicant.

4. Notwithstanding any provision of this section to the contrary, if the election authority is unable to verify that the applicant is a citizen of the United States but the

applicant otherwise satisfies all applicable legal requirements to register to vote in this state and the election authority registers and classifies the applicant as a federal-only voter, the applicant shall be deemed registered as of the time of such action by the election authority. The election authority shall register federal-only voters in a manner that designates each voter by precinct as federal-only.

115.155. 1. The election authority shall provide for the registration of each voter. Each application shall be in substantially the following form:

APPLICATION FOR REGISTRATION

Are you a citizen of the United States?

YES

NO

Will you be 18 years of age on or before election day?

YES

NO

IF YOU CHECKED "NO" IN RESPONSE TO EITHER OF THESE QUESTIONS, DO NOT COMPLETE THIS FORM. [IF YOU ARE SUBMITTING THIS FORM BY MAIL AND ARE REGISTERING FOR THE FIRST TIME, PLEASE SUBMIT A COPY OF A CURRENT, VALID PHOTO IDENTIFICATION. IF YOU DO NOT SUBMIT SUCH INFORMATION, YOU WILL BE REQUIRED TO PRESENT ADDITIONAL IDENTIFICATION UPON VOTING FOR THE FIRST TIME SUCH AS A BIRTH CERTIFICATE, A NATIVE AMERICAN TRIBAL DOCUMENT, OTHER PROOF OF UNITED STATES CITIZENSHIP, A VALID MISSOURI DRIVER'S LICENSE OR OTHER FORM OF PERSONAL IDENTIFICATION].

Township (or Ward)

Name

Precinct

Home Address

Required Personal
Identification
Information

City ZIP

Date of Birth

Place of Birth
(Optional)

Telephone Number
(Optional)

Mother's Maiden Name
(Optional)

Occupation (Optional)

Last Place Previously
Registered

Last four digits of
Social Security Number
(Required for
registration unless no
Social Security Number
exists for Applicant)

Under What Name

When

Identification Number
Printed on
Identification Issued
by the State, If
Applicable

Remarks:

Political Party Affiliation (OPTIONAL: You shall be unaffiliated unless you designate an affiliation.)

I am a citizen of the United States and a resident of the state of Missouri. I have not been adjudged incapacitated by any court of law. If I have been convicted of a felony or of a misdemeanor connected with the right of suffrage, I have had the voting disabilities resulting from such conviction removed pursuant to law. I do solemnly swear that all statements made on this card are true to the best of my knowledge and belief. I understand that if I fail to provide the identification number from my state-issued form of identification, or if I do not possess a state-issued form of identification, then I must provide the election authority with another form of documentary proof of citizenship or I will not be considered a verified voter. I UNDERSTAND THAT IF I REGISTER TO VOTE KNOWING THAT I AM NOT LEGALLY ENTITLED TO REGISTER, I AM COMMITTING A CLASS ONE ELECTION OFFENSE AND MAY BE PUNISHED BY IMPRISONMENT OF NOT MORE THAN FIVE YEARS OR BY A FINE OF BETWEEN TWO THOUSAND FIVE HUNDRED DOLLARS AND TEN THOUSAND DOLLARS OR BY BOTH SUCH IMPRISONMENT AND FINE.

By signing this application, I affirm that:

- All of the information provided in this application is, to the best of my knowledge, accurate;
- The documentary proof of citizenship that I have provided in connection with this application is, to the best of my knowledge, sufficient for the election authority to verify my United States citizenship; and
- I will provide such additional documentation or information to the election authority that is necessary for the election authority to verify my United States citizenship, in the event that the documentation or information already provided is deemed insufficient.

Signature of Voter

Date

Signature of Election
Official

2. The options for political party affiliation required by the application described in subsection 1 of this section shall include all established political parties and an option to be unaffiliated. If an applicant does not designate an affiliation, the election authority shall mark the applicant's form as unaffiliated.

3. (1) After supplying all information necessary for the registration records, each applicant who appears in person before the election authority shall swear or affirm the statements on the registration application by signing his or her full name, witnessed by the signature of the election authority or such authority's deputy registration official. Each applicant who applies to register by mail pursuant to section 115.159, or pursuant to section 115.160 or 115.162, shall attest to the statements on the application by his or her signature.

(2) The election authority shall notify the applicant within ten business days of receipt of the registration form if the election authority was not able to verify the citizenship of the applicant. The notice shall include the information specified in subdivision (3) of subsection 2 of section 115.135 and shall state that the registration cannot be completed until documentary proof of United States

citizenship is supplied. If the documentary proof of United States citizenship is supplied before 7:00 p.m. on election day, that person is deemed to have been registered on the date the registration was first received.

4. Upon receipt by mail of a completed and signed voter registration application, a voter registration application forwarded by the division of motor vehicle and drivers licensing of the department of revenue pursuant to section 115.160, or a voter registration agency pursuant to section 115.162, the election authority shall, if satisfied that the applicant is entitled to register, transfer all data necessary for the registration records from the application to its registration system. Within seven business days after receiving the application, the election authority shall send the applicant a verification notice. If such notice is returned as undeliverable by the postal service within the time established by the election authority, the election authority shall not place the applicant's name on the voter registration file.

5. If, upon receipt by mail of a voter registration application or a voter registration application forwarded pursuant to section 115.160 or 115.162, the election authority determines that the applicant is not entitled to register, such authority shall, within seven business days after receiving the application, so notify the applicant by mail and state the reason such authority has determined the applicant is not qualified. The applicant may file a complaint with the elections division of the secretary of state's office under and pursuant to section 115.219. If an applicant for voter registration fails to answer the question on the application concerning United States citizenship, the election authority shall notify the applicant of the failure and provide the applicant with an

opportunity to complete the form in a timely manner to allow for the completion of the registration form before the next election.

6. The secretary of state shall prescribe specifications for voter registration documents so that they are uniform throughout the state of Missouri and comply with the National Voter Registration Act of 1993, including the reporting requirements, and so that registrations, name changes and transfers of registrations within the state may take place as allowed by law.

7. All voter registration applications shall be preserved in the office of the election authority.

115.157. 1. The election authority may place all information on any registration cards in computerized form in accordance with section 115.158. No election authority or secretary of state shall furnish to any member of the public electronic media or printout showing any registration information, except as provided in this section. Except as provided in subsection 2 of this section, the election authority or secretary of state shall make available electronic media or printouts showing only unique voter identification numbers, voters' names, year of birth, addresses, townships or wards, and precincts. Electronic data shall be maintained in at least the following separate fields:

- (1) Voter identification number;
- (2) Verified voter;
- (3) Federal-only voter;
- (4) First name;
- [(3)] (5) Middle initial;
- [(4)] (6) Last name;
- [(5)] (7) Suffix;
- [(6)] (8) Street number;

- [(7)] (9) Street direction;
- [(8)] (10) Street name;
- [(9)] (11) Street suffix;
- [(10)] (12) Apartment number;
- [(11)] (13) City;
- [(12)] (14) State;
- [(13)] (15) Zip code;
- [(14)] (16) Township;
- [(15)] (17) Ward;
- [(16)] (18) Precinct;
- [(17)] (19) Senatorial district;
- [(18)] (20) Representative district;
- [(19)] (21) Congressional district; and
- [(20)] (22) Political party affiliation.

2. All election authorities shall enter voter history in their computerized registration systems and shall, not more than three months after the election, forward such data to the Missouri voter registration system established in section 115.158. In addition, election authorities shall forward registration and other data in a manner prescribed by the secretary of state to comply with the Help America Vote Act of 2002.

3. Except as provided in subsection 6 of this section, the election authority shall furnish, for a fee, electronic media or a printout showing only the names, year of birth, addresses, and political party affiliations of voters, or any part thereof, within the jurisdiction of the election authority who voted in any specific election, including primary elections, by township, ward or precinct, provided that nothing in this chapter shall require such voter information to be released to the public over the internet and shall not be used for commercial purposes.

4. Except as provided in subsection 6 of this section, upon a request by a candidate, a duly authorized representative of a campaign committee, or a political party committee, the secretary of state shall furnish, for a fee determined by the secretary of state and in compliance with section 610.026, media in an electronic format or, if so requested, in a printed format, showing the names, addresses, and voter identification numbers of voters within the jurisdiction of a specific election authority who applied for an absentee ballot under section 115.279 for any specific election involving a ballot measure or an office for which the declaration of candidacy is required to be filed with the secretary of state pursuant to section 115.353, including primary elections, by township, ward, or precinct. Nothing in this section shall require such voter information to be released to the public over the internet. For purposes of this section, the terms "candidate", "campaign committee", and "political party committee" shall have the same meaning given to such terms in section 130.011.

5. The amount of fees charged for information provided in this section shall be established pursuant to chapter 610. All revenues collected by the secretary of state pursuant to this section shall be deposited in the state treasury and credited to the secretary of state's technology trust fund account established pursuant to section 28.160. In even-numbered years, each election authority shall, upon request, supply the voter registration list for its jurisdiction to all candidates and party committees for a charge established pursuant to chapter 610. Except as provided in subsection 6 of this section, all election authorities shall make the information described in this section available pursuant to chapter 610. Any election

authority who fails to comply with the requirements of this section shall be subject to the provisions of chapter 610.

6. Any person working as an undercover officer of a local, state or federal law enforcement agency, persons in witness protection programs, and victims of domestic violence and abuse who have received orders of protection pursuant to chapter 455 shall be entitled to apply to the circuit court having jurisdiction in his or her county of residence to have the residential address on his or her voter registration records closed to the public if the release of such information could endanger the safety of the person. Any person working as an undercover agent or in a witness protection program shall also submit a statement from the chief executive officer of the agency under whose direction he or she is serving. The petition to close the residential address shall be incorporated into any petition for protective order provided by circuit clerks pursuant to chapter 455. If satisfied that the person filing the petition meets the qualifications of this subsection, the circuit court shall issue an order to the election authority to keep the residential address of the voter a closed record and the address may be used only for the purposes of administering elections pursuant to this chapter. The election authority may require the voter who has a closed residential address record to verify that his or her residential address has not changed or to file a change of address and to affirm that the reasons contained in the original petition are still accurate prior to receiving a ballot. A change of address within an election authority's jurisdiction shall not require that the voter file a new petition. Any voter who no longer qualifies pursuant to this subsection to have his or her residential address as a closed record shall notify the circuit court. Upon such

notification, the circuit court shall void the order closing the residential address and so notify the election authority.

115.158. 1. The secretary of state shall implement a centralized, interactive computerized statewide voter registration list. This computerized list shall be known as the "Missouri Voter Registration System". The system shall be implemented by January 1, 2004, unless a waiver is obtained pursuant to the Help America Vote Act of 2002. If a waiver is obtained, the system shall be implemented by January 1, 2006. The system shall be maintained and administered by the secretary of state and contain the name and registration information of every legally registered voter in Missouri. In addition, the system shall:

(1) Assign a unique identifier to each legally registered voter in Missouri;

(2) Serve as the single system for storing and managing the official list of registered voters throughout Missouri;

(3) Be coordinated with other agency databases in Missouri;

(4) Allow any election official in Missouri, including local election authorities, immediate electronic access to the information contained in the system;

(5) Allow all voter registration information obtained by any local election official in Missouri to be electronically entered into the system on an expedited basis at the time the information is provided to the local official. The secretary of state, as the chief state election official, shall provide such support as may be required so that local election officials are able to enter the registration information; and

(6) Serve as the official voter registration list for the conduct of all elections in Missouri.

2. The secretary of state and local election authorities shall perform system maintenance on a regular basis, which shall include:

(1) Removing names in accordance with the provisions and procedures of the National Voter Registration Act of 1993 and coordinating system maintenance activities with state agency records on death and felony status;

(2) Requiring the name of each registered voter to appear in the system;

(3) Removing only voters who are not registered or who are not eligible to vote; and

(4) Eliminating duplicate names from the system.

3. The secretary of state shall provide adequate technological security measures to prevent the unauthorized access to the system established pursuant to this section.

4. The secretary of state shall develop procedures to ensure that voter registration records within the system are accurate and updated regularly. At a minimum, the procedures shall include:

(1) A system of file maintenance that makes a reasonable effort to remove registrants who are ineligible to vote. Consistent with the National Voter Registration Act of 1993, registrants who have not responded to a notice and who have not voted in two consecutive general elections for federal office shall be removed from the official list of eligible voters, except that no registrant may be removed solely by reason of a failure to vote; and

(2) Safeguards to ensure that eligible voters are not removed in error.

5. Voter registration information shall be verified in accordance with the Help America Vote Act of 2002.

(1) Except as provided in subdivision (2) of this subsection, an application for voter registration may not be accepted or processed unless the application includes:

(a) In the case of an applicant who has been issued a current and valid driver's license, the applicant's driver's license number; or

(b) In the case of any other applicant, other than an applicant to whom subdivision (2) applies, the last four digits of the applicant's Social Security number.

(2) If an applicant for voter registration has not been issued a current and valid driver's license or a Social Security number, the applicant shall be assigned a number which will serve to identify the applicant for voter registration purposes. The number assigned under this subdivision shall be used as the unique identifying number within the system.

(3) The secretary of state and the director of the department of revenue shall enter into an agreement to match information in the database of the voter registration system, which shall include information pertaining to the citizenship status of those within the department of revenue's database, with information in the database of the motor vehicle system to enable the secretary to verify the accuracy of information provided on applications for voter registration.

(4) The director of the department of revenue shall enter into an agreement with the commissioner of Social Security and comply with the Help America Vote Act of 2002.

6. In addition to using the system for voter registration, the election authorities and secretary of state may use the system for the collection and dissemination of election results and other pertinent information. Any information contained in any state or

local voter registration system, limited to the master voter registration list or any other list generated from the information, subject to chapter 610, shall not be used for commercial purposes; provided, however, that the information may be used for elections, for candidates, or for ballot measures, furnished at a reasonable fee. Violation of this section shall be a class B misdemeanor. For purposes of this section, "commercial purposes" means the use of a public record for the purpose of sale or resale or for the purpose of producing a document containing all or part of the copy, printout, or photograph for sale or the obtaining of names and addresses from public records for the purpose of solicitation or the sale of names and addresses to another for the purpose of solicitation or for any purpose in which the purchaser can reasonably anticipate the receipt of monetary gain from the direct or indirect use of the public record.

7. The secretary of state shall establish an advisory committee to assist in the establishment and maintenance of the Missouri voter registration system.

8. The secretary of state may promulgate rules to execute this section. No rule or portion of a rule promulgated pursuant to the authority of this section shall become effective unless it has been promulgated pursuant to chapter 536.

9. Election authorities and any agency required under the National Voter Registration Act of 1993 to accept voter registration applications shall forward registration and other data in a manner prescribed by the secretary of state to assist with administering and maintaining the Missouri voter registration system in accordance with the Help America Vote Act of 2002.

115.159. [1.] Any person who is qualified to register in Missouri shall, upon application, be entitled to register by mail. Upon request, application forms shall be furnished by the election authority or the secretary of state, provided the requirements of subsection 2 of section 115.135 are complied with.

[2. Notwithstanding any provision of law to the contrary, the election authority shall not deliver any absentee ballot to any person who registers to vote by mail until after such person has:

(1) Voted, in person, after presentation of a proper form of identification set out in section 115.427, for the first time following registration; or

(2) Provided a copy of identification set out in section 115.427 to the election authority.

This subsection shall not apply to those persons identified in section 115.283 who are exempted from obtaining a notary seal or signature on their absentee ballots. An individual who has registered to vote by mail but who does not meet the requirements of this subsection may cast a provisional ballot by mail. Such ballot shall not be counted pursuant to this chapter, and the individual shall be notified of the reason for not counting the ballot.

3. Subsection 2 of this section shall not apply in the case of a person:

(1) Who registers to vote by mail pursuant to Section 6 of the National Voter Registration Act of 1993 and submits a copy of a current and valid photo identification as part of such registration;

(2) Who registers to vote by mail pursuant to Section 6 of the National Voter Registration Act of 1993 and:

(a) Submits with such registration either a driver's license number, or at least the last four digits of the individual's Social Security number; and

(b) With respect to whom the secretary of state matches the information submitted pursuant to paragraph (a) of this subdivision with an existing state identification record bearing the same number, name, and date of birth as provided in such registration;

(3) Who is:

(a) A covered voter defined in section 115.902;

(b) Provided the right to vote otherwise than in person pursuant to Section 3(b)(2)(B)(ii) of the Voting Accessibility for the Elderly and Handicapped Act; or

(c) Entitled to vote otherwise than in person pursuant to any other federal law.]

115.195. 1. At least once each month, the state or local registrar of vital statistics shall provide to the election authority a list of the name and address, if known, of each person over eighteen years of age in its jurisdiction whose death has been reported to him or her and provide a copy of the list of any death reported in the state to the secretary of state. The secretary of state shall notify the election authority of the jurisdiction in which the deceased resided of the information received pursuant to this subsection.

2. At least once each month, the clerk of the circuit court of each county and city not within a county shall provide to the election authority a list of the name and address, if known, of each person over eighteen years of age in the court's jurisdiction who has been convicted of any felony, or of a misdemeanor connected with the right of suffrage. A copy of the list shall also be submitted to the secretary of state. The secretary of state shall notify the

election authority of the jurisdiction in which an offender resides of the information received pursuant to this subsection.

3. At least once each month, the clerk of the probate division of the circuit court of each county and city not within a county shall provide to the election authority a list of the name and address, if known, of each person over eighteen years of age in the court's jurisdiction who has been adjudged incapacitated and has not been restored to capacity. A copy of the list shall also be submitted to the secretary of state. The secretary of state shall notify the election authority of the jurisdiction in which such person resides of the information received pursuant to this subsection.

4. The clerk of each circuit court shall, on or before the tenth day of each month, prepare and transmit to the secretary of state, in a format prescribed by the secretary of state, a complete list of all persons, including addresses, ages, and other identifying information as specified by the secretary of state, who identify themselves as not being citizens of the United States during their qualification to serve as a juror during the preceding calendar month in that county.

5. All state and local registrars and all clerks of probate divisions of the circuit courts and circuit courts shall provide the information specified in this section, without charge, to the election authority or the secretary of state.

115.221. Notwithstanding any other provisions of law to the contrary, each election authority may have the voting records inspected and may investigate the qualifications of any person who has not voted or transferred his registration within the four preceding calendar years. If the election

authority determines that a person who is not eligible to vote registered to vote or voted in an election, the election authority shall execute and deliver to the attorney general, the secretary of state, and the prosecuting or circuit attorney having jurisdiction in the territory covered by the election an affidavit stating the relevant facts.

115.277. 1. A registered voter of this state may cast an absentee ballot in person at a location designated by the election authority for all candidates and issues for which such voter is eligible to vote at the polling place if such voter expects to be prevented from going to the polls to vote on election day due to one of the reasons listed in subsection 3 of this section. A registered voter casting a ballot under the provisions of this subsection shall provide a form of personal photo identification that is consistent with subsection 1 of section 115.427. Beginning on the second Tuesday prior to an election, a reason listed under subsection 3 of this section shall not be required, provided that, the provisions of section 1.140 to the contrary notwithstanding, this sentence and section 115.427 shall be nonseverable, and if any provision of section 115.427 is for any reason held to be invalid, such decision shall invalidate this sentence.

2. Except as provided in subsections 4, 5, and 6 of this section, a registered voter of this state may cast an absentee ballot not in person at a location designated by the election authority for all candidates and issues for which such voter would be eligible to vote at the polling place if such voter expects to be prevented from going to the polls to vote on election day due to one of the reasons listed in subsection 3 of this section. An absentee ballot that is not requested and completed in person at the office

of the election authority with a form of personal photo identification that is consistent with subsection 1 of section 115.427 shall have the statement on the ballot envelope notarized as required under section 115.283, except that absentee ballots requested under subdivisions (2) and (5) of subsection 3 of this section shall not require notarization. This subsection shall apply only in the case of absentee ballots that are not cast in person.

3. A voter may request an absentee ballot for any of the following reasons:

(1) Absence on election day from the jurisdiction of the election authority in which such voter is registered to vote;

(2) Incapacity or confinement due to illness or physical disability on election day, including a person who is primarily responsible for the physical care of a person who is incapacitated or confined due to illness or disability and resides at the same address;

(3) Religious belief or practice;

(4) Employment as:

(a) An election authority, as a member of an election authority, or by an election authority at a location other than such voter's polling place;

(b) A first responder;

(c) A health care worker; or

(d) A member of law enforcement;

(5) Incarceration, provided all qualifications for voting are retained;

(6) Certified participation in the address confidentiality program established under sections 589.660 to 589.681 because of safety concerns.

4. Any covered voter who is eligible to register and vote in this state may vote in any election for federal

office, statewide office, state legislative office, or statewide ballot initiatives by submitting a federal postcard application to apply to vote by absentee ballot or by submitting a federal postcard application at the [polling place] office of the election authority on election day even though the person is not registered. A federal postcard application submitted by a covered voter pursuant to this subsection shall also serve as a voter registration application under section 115.908 and the election authority shall, if satisfied that the applicant is entitled to register, place the voter's name on the voter registration file. Each covered voter may vote by absentee ballot or, upon submitting an affidavit that the person is qualified to vote in the election, may vote at the person's polling place.

5. Any interstate former resident may vote by absentee ballot for presidential and vice presidential electors.

6. Any new resident may vote by absentee ballot for presidential and vice presidential electors after registering to vote in such resident's new jurisdiction of residence.

115.410. 1. Federal-only voters may vote by physical appearance at the office of the election authority on election day or by absentee ballot pursuant to sections 115.275 to 115.304. Federal-only voters shall follow the same procedures and rules when marking and casting their ballots that are otherwise applicable to in-person voting at their respective polling place, except as otherwise provided in subsection 3 of this section.

2. A federal-only voter is only qualified to vote in an election for a federal office. Votes cast in elections that are not for a federal office shall not be counted unless the federal-only voter provides documentary proof of

citizenship to the election authority within the time limit provided in subsection 3 of this section.

3. (1) Ballots cast by a federal-only voter shall be treated in the same manner as provisional ballots are treated pursuant to section 115.430.

(2) At any time before 7:00 p.m. on election day, a federal-only voter shall have the opportunity to provide the election authority with documentary proof of citizenship. If a federal-only voter is thereafter verified as a United States citizen, all votes cast on that voter's ballot shall be counted and the election authority shall update the voter's registration record as a verified voter.

(3) Not later than fourteen days following the close of polls, the election authority shall send written notice to each federal-only voter who submitted a ballot in that election informing the voter of the disposition of his or her ballot and any updates to his or her voter registration record.

4. The secretary of state shall design, prepare, and distribute a standardized written notice form that shall be provided to each federal-only voter who appears to vote. This notice shall inform the voter of the following:

(1) The election authority was unable to verify the voter is a citizen of the United States;

(2) The voter is qualified to vote only in an election for a federal office;

(3) If the voter wishes for his or her full ballot to be counted, he or she shall provide documentary proof of citizenship to the election authority by 7:00 p.m. on election day;

(4) If the voter takes no action, or if his or her documentary proof of citizenship cannot be verified, only

votes cast in an election for a federal office shall be counted.

115.430. 1. This section shall apply to primary and general elections where candidates for federal or statewide offices are nominated or elected and any election where statewide issue or issues are submitted to the voters.

2. (1) A voter claiming to be properly registered in the jurisdiction of the election authority and eligible to vote in an election, but whose eligibility at that precinct cannot be immediately established upon examination of the precinct register, shall be entitled to vote a provisional ballot after providing a form of personal identification required pursuant to section 115.427 or upon executing an affidavit under section 115.427, or may vote at a central polling place as established in section 115.115 where the voter may vote his or her appropriate ballot for his or her precinct of residence upon verification of eligibility or vote a provisional ballot if eligibility cannot be determined. The provisional ballot provided to a voter under this section shall be the ballot provided to a resident of the voter's precinct determined by reference to the affidavit provided for in this section. If the voter declares that the voter is eligible to vote and the election authority determines that the voter is eligible to vote at another polling place, the voter shall be directed to the correct polling place or a central polling place as established by the election authority pursuant to subsection 5 of section 115.115. If the voter refuses to go to the correct polling place or a central polling place, the voter shall be permitted to vote a provisional ballot at the incorrect polling place, but such ballot shall not be counted if the voter was not eligible to vote at that polling place.

(2) The following steps shall be taken to establish a voter's eligibility to vote at a polling place:

(a) The election judge shall examine the precinct register as provided in section 115.425. If the voter is registered and eligible to vote at the polling place, the voter shall receive a regular ballot;

(b) If the voter's eligibility cannot be immediately established by examining the precinct register, the election judge shall contact the election authority. If the election authority cannot immediately establish that the voter is registered and eligible to vote at the polling place upon examination of the Missouri voter registration system, or if the election judge is unable to make contact with the election authority immediately, the voter shall be notified that the voter is entitled to a provisional ballot.

(3) The voter shall have the duty to appear and vote at the correct polling place. If an election judge determines that the voter is not eligible to vote at the polling place at which a voter presents himself or herself, and if the voter appears to be eligible to vote at another polling place, the voter shall be informed that he or she may cast a provisional ballot at the current polling place or may travel to the correct polling place or a central polling place, as established by the election authority under subsection 5 of section 115.115, where the voter may cast a regular ballot or provisional ballot if the voter's eligibility still cannot be determined. Provisional ballots cast at a polling place shall be counted only if the voter was eligible to vote at such polling place as provided in subsection 5 of this section.

(4) For a voter requesting an absentee ballot in person, such voter shall be entitled to cast a provisional ballot when the voter's eligibility cannot be immediately

established upon examination of the precinct registers or the Missouri voter registration system.

(5) Prior to accepting any provisional ballot at the polling place, the election judges shall determine that the information provided on the provisional ballot envelope by the provisional voter is consistent with the identification provided by such person under section 115.427.

3. (1) No person shall be entitled to receive a provisional ballot until such person has completed a provisional ballot affidavit on the provisional ballot envelope.

(2) The secretary of state shall produce appropriate sizes of provisional ballot envelopes and distribute them to each election authority according to their tabulating system. All provisional ballot envelopes shall be printed on a distinguishable color of paper that is different from the color of the regular ballot. The provisional ballot envelope shall be in the form required by subsection 4 of this section. All provisional ballots shall be marked with a conspicuous stamp or other distinguishing mark that makes them readily distinguishable from the regular ballots.

(3) Once voted, the provisional ballot shall be placed and sealed in a provisional ballot envelope.

4. The provisional ballot in its envelope shall be deposited in the ballot box. The provisional ballot envelope shall be completed by the voter for use in determining eligibility. The provisional ballot envelope specified in this section shall contain a voter's certificate which shall be in substantially the following form:

STATE OF _____

COUNTY OF _____

I do solemnly swear (or affirm) that my name is _____; that my date of birth is _____; that the last four digits of my Social Security Number are _____; that I am registered to vote in _____ County or City (if a City not within a County), Missouri; that I am a qualified voter of said County (or City not within a County); that I am eligible to vote at this polling place; and that I have not voted in this election.

I understand that if the above-provided information is not correct and the election authority determines that I am not registered and eligible to vote, my vote will not be counted. I further understand that knowingly providing false information is a violation of law and subjects me to possible criminal prosecution.

Check here if federal-only voter

(Signature of
Voter)

(Current Address)

Subscribed and affirmed before me this _____ day of
_____, 20_____

(Signature of Election Official)

The voter may provide additional information to further assist the election authority in determining eligibility, including the place and date the voter registered to vote, if known.

5. (1) Prior to counting any provisional ballot, the election authority shall determine if the voter is registered and eligible to vote and if the vote was properly cast. The eligibility of provisional votes shall be determined according to the requirements for a voter to cast a ballot in the election as set forth in sections 115.133 and 115.135. A provisional voter ballot shall not be eligible to be counted until the election authority has determined that:

(a) The voter cast such provisional ballot at a polling place established for the voter or the central polling place established by the election authority under subsection 5 of section 115.115;

(b) The individual who cast the provisional ballot is an individual registered to vote in the respective election at the polling place where the ballot was cast;

(c) The voter did not otherwise vote in the same election by regular ballot, absentee ballot, or otherwise; and

(d) The information on the provisional ballot envelope is found to be correct, complete, and accurate.

(2) When the ballot boxes are delivered to the election authority from the polling places, the receiving teams shall separate the provisional ballots from the rest of the ballots and place the sealed provisional ballot envelopes in a separate container. Teams of election authority employees or teams of election judges with each team consisting of one member of each major political party shall photocopy each provisional ballot envelope, such photocopy to be used by the election authority to determine provisional voter eligibility. The sealed provisional ballot envelopes shall be placed by the team in a sealed container and shall remain therein until tabulation.

(3) To determine whether a provisional ballot is valid and entitled to be counted, the election authority shall examine its records and verify that the provisional voter is properly registered and eligible to vote in the election. If the provisional voter has provided information regarding the registration agency where the provisional voter registered to vote, the election authority shall make an inquiry of the registration agency to determine whether the provisional voter is properly registered and eligible to vote in the election.

(4) If the election authority determines that the provisional voter is registered and eligible to vote in the election, the election authority shall provide documentation verifying the voter's eligibility. Such documentation shall be noted on the copy of the provisional ballot envelope and shall contain substantially the following information:

- (a) The name of the provisional voter;
- (b) The name of the reviewer;
- (c) The date and time; and
- (d) A description of evidence found that supports the voter's eligibility.

(5) The local election authority shall record on a provisional ballot acceptance/rejection list the provisional ballot identification number and a notation marking it as accepted.

(6) If the election authority determines that the provisional voter is not registered or eligible to vote in the election, the election authority shall provide documentation verifying the voter's ineligibility. Such documentation shall be noted on the copy of the provisional ballot envelope and shall contain substantially the following information:

- (a) The name of the provisional voter;

- (b) The name of the reviewer;
- (c) The date and time;
- (d) A description of why the voter is ineligible.

(7) The local election authority shall record on a provisional ballot acceptance/rejection list the provisional ballot identification number and notation marking it as rejected.

(8) If rejected, a photocopy of the envelope shall be made and used by the election authority as a mail-in voter registration. The actual provisional ballot envelope shall be kept as ballot material, and the copy of the envelope shall be used by the election authority for registration record keeping.

6. All provisional ballots cast by voters whose eligibility has been verified as provided in this section shall be counted in accordance with the rules governing ballot tabulation. Provisional ballots shall not be counted until all provisional ballots are determined either eligible or ineligible and all provisional ballots must be processed before the election is certified. The provisional ballot shall be counted only if the election authority determines that the voter is registered and eligible to vote. Provisional ballots voted in the wrong polling place shall not be counted. If the voter is not registered but is qualified to register for future elections, the affidavit shall be considered a mail-in application to register to vote pursuant to this chapter.

7. (1) After the election authority completes its review of the provisional voter's eligibility under subsection 5 of this section, the election authority shall deliver the provisional ballots and copies of the provisional ballot envelopes that include eligibility information to bipartisan counting teams, which may be the

board of verification, for review and tabulation. The election authority shall maintain a record of such delivery. The record shall include the number of ballots delivered to each team and shall include a signed receipt from two judges, one from each major political party. The election authority shall provide each team with a ballot box and material necessary for tabulation.

(2) If the person named on the provisional ballot affidavit is found to have been properly qualified and registered to cast a ballot in the election and the provisional ballot otherwise qualifies to be counted under the provisions of this section, the envelope shall be opened, and the ballot shall be placed in a ballot box to be counted.

(3) If the person named on the provisional ballot affidavit is found not to have been properly qualified and registered to cast a ballot in the election or if the election authority is unable to determine such person's right to vote, the envelope containing the provisional ballot shall not be opened, and the person's vote shall not be counted. The members of the team shall follow the procedures set forth in subsection 5 of this section for rejected provisional ballots.

(4) The votes shall be tallied and the returns made as provided in sections 115.447 to 115.525 for paper ballots. After the vote on all ballots assigned to a team have been counted, the ballots, ballot envelopes, and copies of ballot envelopes with the eligibility information provided by the election authority shall be enclosed in sealed containers marked "Voted provisional ballots and ballot envelopes from the election held _____, 20____". All rejected provisional ballots, ballot envelopes, and copies of ballot envelopes with the eligibility information provided by the

election authority shall be enclosed in sealed containers marked "Rejected provisional ballots and ballot envelopes from the election held _____, 20_____". On the outside of each voted ballot and rejected ballot container, each member of the team shall write their name and all such containers shall be returned to the election authority. Upon receipt of the returns and ballots, the election authority shall tabulate the provisional votes.

8. Challengers and watchers, as provided by sections 115.105 and 115.107, may be present during all times that the bipartisan counting teams are reviewing or counting the provisional ballots, the provisional ballot envelopes, or copies of the provisional ballot envelopes that include eligibility information provided by the election authority. Challengers and watchers shall be permitted to observe the determination of the eligibility of all provisional ballots. The election authority shall notify the county chair of each major political party of the time and location when bipartisan counting teams will be reviewing or counting the provisional ballots, the provisional ballot envelopes, or the copies of the provisional ballot envelopes that include the eligibility information provided by the election authority.

9. The certificate of ballot cards shall:

(1) Reflect the number of provisional envelopes delivered; and

(2) Reflect the number of sealed provisional envelopes with voted ballots deposited in the ballot box.

10. In counties where the voting system does not utilize a paper ballot, the election authority shall provide the appropriate provisional ballots to each polling place.

11. The secretary of state may promulgate rules for purposes of ensuring the uniform application of this

section. No rule or portion of a rule promulgated pursuant to the authority of this section shall become effective unless it has been promulgated pursuant to chapter 536.

12. The secretary of state shall design and provide to the election authorities the envelopes and forms necessary to carry out the provisions of this section.

13. Pursuant to the Help America Vote Act of 2002, the secretary of state shall ensure a free access system is established, such as a toll-free number or an internet website, that any individual who casts a provisional ballot may access to discover whether the vote of that individual was counted, and, if the vote was not counted, the reason that the vote was not counted. At the time an individual casts a provisional ballot, the election authority shall give the voter written information that states that any individual who casts a provisional ballot will be able to ascertain under such free access system whether the vote was counted, and if the vote was not counted, the reason that the vote was not counted.

14. In accordance with the Help America Vote Act of 2002, any individual who votes in an election as a result of a court order or any other order extending the time established for closing the polls in section 115.407 may vote only by using a provisional ballot, and such provisional ballot shall be separated and held apart from other provisional ballots cast by those not affected by the order. Such ballots shall not be counted until such time as the ballots are determined to be valid. No state court shall have jurisdiction to extend the polling hours established by law, including section 115.407.

115.493. 1. The election authority shall keep all voted ballots, ballot cards, processed ballot materials in electronic form and write-in forms, and all applications,

statements, certificates, affidavits and computer programs relating to each election for twenty-two months after the date of the election. During the time that voted ballots, ballot cards, processed ballot materials in electronic form and write-in forms are kept by the election authority, it shall not open or inspect them or allow anyone else to do so, except upon order of a legislative body trying an election contest, a court or a grand jury. After twenty-two months, the ballots, ballot cards, processed ballot materials in electronic form, write-in forms, applications, statements, certificates, affidavits and computer programs relating to each election may be destroyed. If an election contest, grand jury investigation or civil or criminal case relating to the election is pending at the time, however, the materials shall not be destroyed until the contest, investigation or case is finally determined.

2. All records, documents, and correspondence relating to the verification of citizenship by an election authority, and any changes made to voter registration records resulting therefrom, shall be considered voter registration records and shall be retained in accordance with the Missouri record retention schedule for voter registration records.

3. Any records or documents pertaining to the verification of a voter's citizenship status shall be included in that voter's corresponding voter registration record for the duration of that voter's status as a registered voter in this state. Such records and documents shall be stored and maintained in accordance with all applicable provisions of federal and state law regarding the protection of private or personally identifiable information.

115.642. 1. Any person may file a complaint with the secretary of state stating the name of any person who has violated any of the provisions of sections 115.629 to

115.646 and stating the facts of the alleged offense, sworn to, under penalty of perjury.

2. Within thirty days of receiving a complaint, the secretary of state shall notify the person filing the complaint whether or not the secretary has dismissed the complaint or will commence an investigation. The secretary of state shall dismiss frivolous complaints. For purposes of this subsection, "frivolous complaint" shall mean an allegation clearly lacking any basis in fact or law. Any person who makes a frivolous complaint pursuant to this section shall be liable for actual and compensatory damages to the alleged violator for holding the alleged violator before the public in a false light. If reasonable grounds appear that the alleged offense was committed, the secretary of state may issue a probable cause statement. If the secretary of state issues a probable cause statement, he or she may refer the offense to the appropriate prosecuting attorney or attorney general.

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

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

(2) (a) The secretary of state or an authorized representative of the secretary of state shall have the power to require the production of books, papers, correspondence, memoranda, contracts, agreements, and other

records by subpoena or otherwise when necessary to conduct an investigation under this section. Such powers shall be exercised only at the specific written direction of the secretary of state or his or her chief deputy.

(b) If any person refuses to comply with a subpoena issued under this subsection, the secretary of state may seek to enforce the subpoena before a court of competent jurisdiction to require the production of books, papers, correspondence, memoranda, contracts, agreements, and other records. The court may issue an order requiring the person to produce records relating to the matter under investigation or in question. Any person who fails to comply with the order may be held in contempt of court.

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

Section B. In the event that any section, provision, clause, phrase, or word of this act or the application thereof is declared invalid under the Constitution of the United States or the Constitution of the State of Missouri, it is the intent of the general assembly that the remaining sections of this act remain in force and effect as far as they are capable of being carried into execution as intended by the general assembly. The general assembly hereby declares that it would have passed each section, provision, clause, phrase, or word thereof, irrespective of the fact that any one or more sections, provisions, clauses, phrases, or words of this act or the application of this act would be declared unenforceable, unconstitutional, or invalid.

Section C. Section A of this act shall not go into effect until the secretary of state notifies the revisor of statutes that citizenship verification data is able to be utilized through the Missouri centralized voter registration database.