

SENATE BILL NO. 1330

103RD GENERAL ASSEMBLY

INTRODUCED BY SENATOR BRATTIN.

5308S.011

KRISTINA MARTIN, Secretary

AN ACT

To repeal sections 115.013, 115.074, 115.078, 115.179, 115.181, 115.193, 115.221, and 115.642, RSMo, and to enact in lieu thereof ten new sections relating to elections, with penalty provisions and an effective date.

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

Section A. Sections 115.013, 115.074, 115.078, 115.179,
2 115.181, 115.193, 115.221, and 115.642, RSMo, are repealed and
3 ten new sections enacted in lieu thereof, to be known as
4 sections 115.013, 115.179, 115.181, 115.193, 115.220, 115.221,
5 115.642, 115.1500, 115.1505, and 115.1510, to read as follows:

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

- 3 (1) "Air-gap" or "air-gapped", a security measure in
4 which equipment is physically and technically isolated from
5 any network and is not directly connected to the internet
6 nor is it connected to any other system that is connected to
7 the internet. Data can only be passed to an air-gapped
8 device physically via a USB or other removable media;
- 9 (2) "Automatic tabulating equipment", the apparatus
10 necessary to examine and automatically count votes, and the
11 data processing machines which are used for counting votes
12 and tabulating results and which are air-gapped and not
13 physically able to be connected to a network;

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

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

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

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

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

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

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

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

39 (10) "Electronic voting system", a system of casting
40 votes by use of marking devices, and counting votes by use
41 of automatic air-gapped tabulating or air-gapped data
42 processing equipment, including computerized voting systems
43 that mark or tabulate ballots;

44 (11) "Established political party" for the state, a
45 political party which, at either of the last two general

46 elections, polled for its candidate for any statewide office
47 more than two percent of the entire vote cast for the
48 office. "Established political party" for any district or
49 political subdivision shall mean a political party which
50 polled more than two percent of the entire vote cast at
51 either of the last two elections in which the district or
52 political subdivision voted as a unit for the election of
53 officers or representatives to serve its area;

54 (12) "Federal office", the office of presidential
55 elector, United States senator, or representative in
56 Congress;

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

60 (14) "Major political party", the political party
61 whose candidates received the highest or second highest
62 number of votes at the last general election;

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

66 (16) "Municipal" or "municipality", a city, village,
67 or incorporated town of this state;

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

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

75 (19) "Political party", any established political
76 party and any new party;

77 (20) "Political subdivision", a county, city, town,
78 village, or township of a township organization county;

79 (21) "Polling place", the voting place designated for
80 all voters residing in one or more precincts for any
81 election;

82 (22) "Precincts", the geographical areas into which
83 the election authority divides its jurisdiction for the
84 purpose of conducting elections;

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

93 (24) "Question", any measure on the ballot which can
94 be voted "YES" or "NO";

95 (25) "Relative within the second degree by
96 consanguinity or affinity", a spouse, parent, child,
97 grandparent, brother, sister, grandchild, mother-in-law,
98 father-in-law, daughter-in-law, or son-in-law;

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

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

(28) "Voter activity", registering to vote, voting in an election, signing a petition to form a new political party, signing a petition for the nomination of an independent candidate for office, or signing an initiative petition;

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

115.179. [1.] The election authority shall [have] canvass the registration records of all precincts in its jurisdiction [canvassed] every two years [in accordance with subsection 3 of section 115.163 and that it]. Such canvass shall be completed no later than ninety days prior to the date of a primary or general election for federal office. [The election authority may utilize postal service contractors under the federal National Change of Address program to canvass the records.]

2. In each jurisdiction without a board of election commissioners, the county clerk shall have the registration records of all precincts in its jurisdiction canvassed every two years in accordance with subsection 3 of section 115.163 and that it be completed no later than ninety days prior to the date of a primary or general election for federal office.]

115.181. 1. In its discretion, the election authority may order all or any part of a canvass to be made using any one of the following methods, or any combination thereof:

(1) House-to-house, pursuant to sections 115.185 and 115.187;

(2) Through the United States Postal Service, [or by both methods] pursuant to section 115.189; or

8 (3) Through the utilization of postal service
9 contractors pursuant to the federal National Change of
10 Address program.

11 2. At the discretion of the election authority, [the]
12 a canvass may be made by including only those voters who did
13 not vote at the last general election and those voters who
14 registered since the last general election.

115.193. 1. Upon completion of a canvass as provided
2 for in this chapter, the election authority shall remove a
3 registered voter's name [shall not be removed] from the list
4 of registered voters on the precinct register on the ground
5 that the voter has changed residence [unless] if:

6 (1) The voter confirms in writing that the voter has
7 changed residence to a place outside the election
8 authority's jurisdiction in which the voter is registered; or

9 (2) The voter fails to respond to a notice described
10 in subsection 3 of this section and has not [voted in an
11 election] engaged in voter activity during the period
12 beginning on the date of the notice and ending on the day
13 after the date of the second general election that occurs
14 after the date of the notice.

15 2. The notice referred to in subsection 1, subdivision
16 (2) of this section shall contain a postage prepaid and
17 preaddressed return card, sent by forwardable mail, on which
18 the voter may state the voter's current address.

19 3. The notice shall also contain the following
20 statements:

21 "(1) Any voter who has not changed his or her
22 residence, or has changed residence but remained in the same
23 election authority's jurisdiction, shall return the card not
24 later than the fourth Wednesday prior to the next election.
25 If the card is not returned by this date, oral or written

26 affirmation of the voter's address may be required at the
27 polling place before the voter will be permitted to vote in
28 an election during the period beginning on the date of the
29 notice and ending on the day after the date of the second
30 general election that occurs after the date of the notice.
31 Any voter who does not **[vote in an election]** **engage in voter**
32 **activity** during that period, will have his or her name
33 removed from the list of eligible voters;

34 (2) For additional information on registering to vote,
35 contact the election authority located in the county of your
36 current residence. If you reside in the City of St. Louis,
37 contact the St. Louis City election board."

38 4. If the election authority believes that the name of
39 any voter was improperly removed from the **[registration**
40 **records]** **list of registered voters on the precinct register,**
41 it may, by telephone or in writing on election day,
42 authorize election judges to permit the voter to vote. The
43 voter may be required to execute an affidavit of
44 qualification on a form prescribed by the election authority
45 before being permitted to vote.

46 5. An election authority may designate any voter as an
47 inactive voter if the election authority receives from the
48 United States Postal Service notification that the voter no
49 longer resides at the address last known to the election
50 authority and no forwarding address is available, or the
51 voter fails to respond to the notice authorized in
52 subdivision (2) of subsection 1 of this section within
53 thirty days after the election authority sends such notice.
54 Such voter may be designated as an inactive voter only until:

55 (1) The voter returns such notice to the election
56 authority;

(2) The voter provides the election authority with his or her new address pursuant to the provisions of this chapter;

(3) The voter provides a written affirmation that the voter has not changed residence; or

(4) The election authority receives sufficient information to remove the voter from the list of registered voters pursuant to this section or section 115.165, or return the voter to the active list of registered voters in the jurisdiction.

6. An election authority may exclude inactive voters to determine only:

(1) The number of ballots to be printed pursuant to section 115.247;

(2) The proportional costs of elections; or

(3) Mailing information to registered voters.

115.220. 1. State agencies shall provide to the secretary of state, on a schedule to be determined by the secretary of state, any information and data that the secretary of state considers necessary to maintain the statewide voter registration database established according to section 115.158, except where prohibited by federal law or federal regulation. The secretary of state shall ensure that any information or data provided to the secretary of state that is confidential in the possession of the entity providing the data remains confidential while in the possession of the secretary of state.

2. The secretary of state shall enter into agreements to share information or data that is in the possession of the secretary of state with other states or groups of states, as the secretary of state considers necessary, to maintain the statewide voter registration database. Except

17 as otherwise provided in this section, the secretary of
18 state shall ensure that any information or data provided to
19 the secretary of state that is confidential remains
20 confidential while in the possession of the secretary of
21 state.

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

31 4. Upon receipt of the lists described in subsection 3
32 of this section, the secretary of state shall transmit the
33 names of such persons whose names appear on the list of
34 electors to the appropriate election authority who shall
35 remove all such names from the voter registration list and
36 shall mail a notice of such action and the reason therefor
37 to the last known address of such persons by first-class
38 mail.

115.221. [Notwithstanding any other provisions of law
2 to the contrary,]

3 1. Each election authority may [have] inspect the
4 voting records [inspected and may] of all precincts in its
5 jurisdiction.

6 2. (1) Each election authority shall investigate the
7 qualifications of any person who has not [voted] engaged in
8 voter activity or has transferred his or her registration
9 within the [four] two preceding calendar years.

10 (2) If an election authority determines that a
11 registered voter has not engaged in voter activity within
12 the two preceding calendar years, the election authority
13 shall include such registered voter in any canvass conducted
14 pursuant to section 115.181.

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.

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

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.]

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, the secretary of state or his or her authorized representatives may aid any prosecuting attorney or circuit attorney 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] (1) **For the purposes of this section, the office** 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.]

Notwithstanding any other provision of law to the contrary, investigators conducting an investigation into an alleged 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;

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

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

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

(a) The source of the alleged violation;

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

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

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

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

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

115.1500. 1. As used in this section, the term "communications" means federal directive or guidance communicated to the state of Missouri through telephonic or electronic means, through the mail, or through in-person contact pertaining to elections, including the times, places, and manner for carrying out elections in Missouri, received on or after the effective date of this section, by any state agency or person, group, or entity charged by the state to administer any official election occurring within the state. This includes, but is not limited to, any guidance issued by the United States Department of Justice

12 or any other federal executive agency related to new or
13 existing voting or election laws or procedures.

14 2. Any state agency, whether that agency is involved
15 in elections or not, or any person, group, or entity charged
16 by the state to administer any official election occurring
17 within the state, who receives or responds to a
18 communication from the United States Department of Justice
19 or any other federal executive branch agency related to new
20 or existing voting or election laws, shall provide notice to
21 the governor and general assembly of this communication
22 within five business days.

23 3. The notice requirement in subsection 2 of this
24 section shall be presumed to have been met based on the
25 postmarked date on each letter sent to the governor and
26 general assembly, through certified mail, outlining the
27 communication the agency, person, group, or entity received
28 from or responded to the United States Department of Justice
29 or any other federal executive agency.

115.1505. 1. As used in this section, the term "new
2 federal election guidance" means any federal directive or
3 guidance pertaining to elections including the times,
4 places, and manner for carrying out elections in Missouri
5 received on or after the effective date of this section, by
6 a person, group, or entity charged by the state to
7 administer any official election occurring within Missouri.
8 This includes, but is not limited to, any guidance issued by
9 the United States Department of Justice or any other federal
10 executive agency related to new or existing voting or
11 election laws.

12 2. Any person, group, or entity charged by the state
13 of Missouri to administer any official election occurring
14 within the state who intends to implement any new federal

election guidance pending approval from the general assembly pursuant to this section, shall provide notice to the general assembly of its intent to do so at least thirty days before implementing the guidance.

3. All new federal election guidance shall be approved by concurrent resolution approved by a majority of each house of the general assembly before it is implemented by any person, group, or entity charged by the state to administer any official election occurring within the state.

4. It shall be presumed for purposes of compliance with this section that the general assembly has approved the implementation of the new federal election guidance if the general assembly fails to vote on a concurrent resolution described in subsection 3 of this section within thirty days from when notice is provided to the general assembly pursuant to subsection 2 of this section.

5. A violation of this section shall result in a fine in the amount of five thousand dollars to be levied every thirty days until the implemented guidance is formally withdrawn.

115.1510. 1. As used in this section, the term "new federal election funds" shall mean any federal funds received on or after the effective date of this section, by a person, group, or entity charged by the state of Missouri to administer any official election occurring within the state.

2. Any person, group, or entity charged by the state to administer any official election occurring within Missouri who intends to accept or disperse federal election funds pending approval from the general assembly pursuant to this section, shall provide notice to the general assembly of its intent to do so at least thirty days before accepting

13 the funds. If funds have already been accepted, then notice
14 shall be provided to the general assembly thirty days before
15 the funds are dispersed.

16 3. All new federal election funds shall be approved by
17 concurrent resolution approved by a majority of each house
18 of the general assembly before they may be accepted or
19 dispersed by a person, group, or entity charged by the state
20 to administer any official election occurring within the
21 state.

22 4. It shall be presumed for purposes of compliance
23 with this section that the general assembly has approved the
24 acceptance and dispersal of new federal election funds if
25 the general assembly fails to vote on a concurrent
26 resolution described in subsection 3 of this section within
27 thirty days from when notice is provided to the general
28 assembly in accordance with subsection 2 of this section.

29 5. A violation of this section shall result in a fine
30 in the amount of the new federal election funds accepted or
31 dispersed in violation of this section plus an additional
32 one thousand dollars.

[115.074. 1. Subject to appropriation
2 from federal funds, the secretary of state shall
3 administer a grant, loan, or other aid program
4 for the purposes of providing funds to election
5 authorities to upgrade or improve the voting
6 process or equipment. Such funding may be in
7 the form of matching grants. The secretary of
8 state when awarding grants shall give priority
9 to jurisdictions which have the highest number
10 of residents according to the most recent
11 federal census, with an income below the federal
12 poverty level as established by the federal
13 department of health and human services or its
14 successor agency. The secretary of state may
15 promulgate rules to effectuate the provisions of
16 this section.

17 2. Any rule or portion of a rule, as that
18 term is defined in section 536.010, that is
19 created under the authority delegated in this
20 section shall become effective only if it
21 complies with and is subject to all of the
22 provisions of chapter 536 and, if applicable,
23 section 536.028. This section and chapter 536
24 are nonseverable and if any of the powers vested
25 with the general assembly pursuant to chapter
26 536 to review, to delay the effective date or to
27 disapprove and annul a rule are subsequently
28 held unconstitutional, then the grant of
29 rulemaking authority and any rule proposed or
30 adopted after August 28, 2002, shall be invalid
31 and void.]

 [115.078. 1. There is hereby created in
2 the state treasury the "Election Administration
3 Improvements Fund", which shall consist of
4 appropriations from the general assembly, any
5 gifts, contributions, grants, or bequests
6 received from federal, private, or other sources
7 for the purpose of improving the administration
8 of elections within Missouri, including making
9 payments of election costs as required under
10 sections 115.065 and 115.077. The state
11 treasurer shall be custodian of the fund and
12 shall make disbursements from the fund in
13 accordance with sections 30.170 and 30.180.
14 Money in the fund shall be used exclusively for
15 election administration improvements as directed
16 by the secretary of state, and to meet the
17 state's obligations under sections 115.065 and
18 115.077. No moneys obtained through the
19 provisions of this section shall be made a part
20 of the general operating budget of an election
21 authority, or used to supplant other federal,
22 state, or local funds expended for elections.
23 The secretary of state may transfer moneys from
24 the fund to the election improvements revolving
25 loan fund as the secretary deems necessary to
26 facilitate compliance with the Help America Vote
27 Act of 2002. Notwithstanding section 33.080 to
28 the contrary, any moneys remaining in the fund

29 at the end of any biennium shall not revert to
30 the credit of the general revenue fund. All
31 yield, interest, income, increment, or gain
32 received from time deposit of moneys in the
33 state treasury to the credit of the fund shall
34 be credited to the fund. Notwithstanding any
35 provision of law to the contrary, no amount of
36 moneys in the fund shall be transferred from the
37 fund or charged for purposes of the
38 administration of central services for the state
39 of Missouri.

40 2. There is hereby created in the state
41 treasury the "Election Improvements Revolving
42 Loan Fund", which shall consist of all moneys
43 appropriated to it by the general assembly, all
44 repayment of moneys from eligible lenders and
45 any moneys deposited or transferred to the fund
46 for the purpose of improving the administration
47 of elections through loans. The state treasurer
48 shall be custodian of the fund and shall make
49 disbursements from the fund in accordance with
50 sections 30.170 and 30.180. Money in the fund
51 shall be used solely for improving the
52 administration of elections through loans.
53 Notwithstanding section 33.080 to the contrary,
54 any moneys remaining in the fund shall not
55 revert to the credit of the general revenue
56 fund. All yield, interest, income, increment,
57 or gain received from time deposit of moneys in
58 the state treasury to the credit of the fund
59 shall be credited to the fund. Notwithstanding
60 any provision of law to the contrary, no amount
61 of moneys in the fund shall be transferred from
62 the fund or charged for purposes of the
63 administration of central services for the state
64 of Missouri. The secretary of state is
65 authorized to administer the fund in accordance
66 with this section and the Help America Vote Act
67 of 2002, and to promulgate rules to execute this
68 section. No rule or portion of a rule
69 promulgated pursuant to the authority of this
70 section shall become effective unless it has
71 been promulgated pursuant to chapter 536.]

Section B. Section A of this act shall become
2 effective January 1, 2027.

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