

SECOND REGULAR SESSION

# SENATE BILL NO. 986

## 103RD GENERAL ASSEMBLY

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INTRODUCED BY SENATOR BROWN (26).

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5099S.02I

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KRISTINA MARTIN, Secretary

### AN ACT

To repeal sections 115.013, 115.135, 115.151, 115.155, 115.159, 115.160, 115.195, 115.221, and 115.642, RSMo, and to enact in lieu thereof nine new sections relating to elections, with penalty provisions.

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*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Section A. Sections 115.013, 115.135, 115.151, 115.155, 115.159, 115.160, 115.195, 115.221, and 115.642, RSMo, are repealed and nine new sections enacted in lieu thereof, to be known as sections 115.013, 115.135, 115.151, 115.155, 115.159, 115.160, 115.195, 115.221, and 115.642, to read as follows:

115.013. As used in this chapter, unless the context 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.**

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) "Documentary proof of United States citizenship",  
27 any of the following:

28 (a) A form of identification issued consistent with  
29 the requirements of the federal REAL ID Act of 2005 that  
30 indicates the applicant is a citizen of the United States;

31 (b) A valid United States passport;

32 (c) The applicant's official United States military  
33 identification card, together with a United States military  
34 record of service showing that the applicant's place of  
35 birth was in the United States;

36 (d) A valid government-issued photo identification  
37 card issued by the federal government or the state of  
38 Missouri showing that the applicant's place of birth was in  
39 the United States;

45       a. A certified birth certificate issued by a state, a  
46 unit of local government in a state, or a tribal government  
47 which:

48           (i) Was issued by the state, unit of local government,  
49 or tribal government in which the applicant was born;

50           (ii) Was filed with the office responsible for keeping  
51 vital records in the state;

52           (iii) Includes the full name, date of birth, and place  
53 of birth of the applicant;

54           (iv) Lists the full name of one or both of the parents  
55 of the applicant;

56           (v) Has the signature of an individual who is  
57 authorized to sign birth certificates on behalf of the  
58 state, unit of local government, or tribal government in  
59 which the applicant was born;

60           (vi) Includes the date that the certificate was filed  
61 with the office responsible for keeping vital records; and

62           (vii) Has the seal of the state, unit of local  
63 government, or tribal government that issued the birth  
64 certificate;

65       b. An extract from a United States hospital record of  
66 birth created at the time of the applicant's birth which  
67 indicates that the applicant's place of birth was in the  
68 United States;

69       c. A final adoption decree showing the applicant's  
70 name and that the applicant's place of birth was in the  
71 United States;

72       d. A consular report of birth abroad of a citizen of  
73 the United States or a certification of the applicant's  
74 report of birth of a United States citizen issued by the  
75 United States secretary of state;

76       e. A naturalization certificate or certificate of  
77 citizenship issued by the United States Secretary of  
78 Homeland Security or any other document or method of proof  
79 of United States citizenship issued by the federal  
80 government pursuant to the federal Immigration and  
81 Nationality Act;

82       f. An American Indian card issued by the federal  
83 Department of Homeland Security with the classification  
84 "KIC";

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

90       [(8)] (9) "District", an area within the state or  
91 within a political subdivision of the state from which a  
92 person is elected to represent the area on a policy-making  
93 body with representatives of other areas in the state or  
94 political subdivision;

95       [(9)] (10) "Electronic voting machine", any part of an  
96 air-gapped electronic voting system on which a voter is able  
97 to cast a ballot under this chapter;

98       [(10)] (11) "Electronic voting system", a system of  
99 casting votes by use of marking devices, and counting votes  
100 by use of automatic air-gapped tabulating or air-gapped data  
101 processing equipment, including computerized voting systems  
102 that mark or tabulate ballots;

103       [(11)] (12) "Established political party" for the  
104 state, a political party which, at either of the last two  
105 general elections, polled for its candidate for any  
106 statewide office more than two percent of the entire vote  
107 cast for the office. "Established political party" for any

108 district or political subdivision shall mean a political  
109 party which polled more than two percent of the entire vote  
110 cast at either of the last two elections in which the  
111 district or political subdivision voted as a unit for the  
112 election of officers or representatives to serve its area;

113 **[(12)] (13)** "Federal office", the office of  
114 presidential elector, United States senator, or  
115 representative in Congress;

116 **[(13)] (14)** "Independent", a candidate who is not a  
117 candidate of any political party and who is running for an  
118 office for which political party candidates may run;

119 **[(14)] (15)** "Major political party", the political  
120 party whose candidates received the highest or second  
121 highest number of votes at the last general election;

122 **[(15)] (16)** "Marking device", any device approved by  
123 the secretary of state under section 115.225 which will  
124 enable the votes to be counted by automatic tabulating  
125 equipment;

126 **[(16)] (17)** "Municipal" or "municipality", a city,  
127 village, or incorporated town of this state;

128 **[(17)] (18)** "New party", any political group which has  
129 filed a valid petition and is entitled to place its list of  
130 candidates on the ballot at the next general or special  
131 election;

132 **[(18)] (19)** "Nonpartisan", a candidate who is not a  
133 candidate of any political party and who is running for an  
134 office for which party candidates may not run;

135 **[(19)] (20)** "Political party", any established  
136 political party and any new party;

137 **[(20)] (21)** "Political subdivision", a county, city,  
138 town, village, or township of a township organization county;

139       **[(21)] (22)** "Polling place", the voting place  
140        designated for all voters residing in one or more precincts  
141        for any election;

142        **[(22)] (23)** "Precincts", the geographical areas into  
143        which the election authority divides its jurisdiction for  
144        the purpose of conducting elections;

145        **[(23)] (24)** "Public office", any office established by  
146        constitution, statute or charter and any employment under  
147        the United States, the state of Missouri, or any political  
148        subdivision or special district thereof, but does not  
149        include any office in the Missouri state defense force or  
150        the National Guard or the office of notary public or city  
151        attorney in cities of the third classification or cities of  
152        the fourth classification;

153        **[(24)] (25)** "Question", any measure on the ballot  
154        which can be voted "YES" or "NO";

155        **[(25)] (26)** "Relative within the second degree by  
156        consanguinity or affinity", a spouse, parent, child,  
157        grandparent, brother, sister, grandchild, mother-in-law,  
158        father-in-law, daughter-in-law, or son-in-law;

159        **[(26)] (27)** "Special district", any school district,  
160        water district, fire protection district, hospital district,  
161        health center, nursing district, or other districts with  
162        taxing authority, or other district formed pursuant to the  
163        laws of Missouri to provide limited, specific services;

164        **[(27)] (28)** "Special election", elections called by  
165        any school district, water district, fire protection  
166        district, or other district formed pursuant to the laws of  
167        Missouri to provide limited, specific services; **[and]**

168        **(28)] (29)** "Voting district", the one or more  
169        precincts within which all voters vote at a single polling  
170        place for any election.

115.135. 1. Any person who is qualified to vote, or  
2 who shall become qualified to vote on or before the day of  
3 election, shall be entitled to register in the jurisdiction  
4 within which he or she resides. In order to vote in any  
5 election for which registration is required, a person must  
6 be registered to vote in the state of Missouri no later than  
7 5:00 p.m., or the normal closing time of any public building  
8 where the registration is being held if such time is later  
9 than 5:00 p.m., on the fourth Wednesday prior to the  
10 election, unless the voter is an interstate former resident,  
11 a new resident, or a covered voter, as defined in section  
12 115.275. Any person registering after such date shall be  
13 eligible to vote in subsequent elections.

14 2. A person applying to register with an election  
15 authority or a deputy registration official shall identify  
16 himself or herself by presenting [a copy of a birth  
17 certificate, a Native American tribal document, other proof  
18 of United States citizenship, a valid Missouri drivers  
19 license or other form of personal identification]  
20 **documentary proof of United States citizenship** at the time  
21 of registration. **Nothing in this chapter shall require a**  
22 **person who appears on the list of registered voters or who**  
23 **seeks to transfer voter registration within this state from**  
24 **being required to provide an election authority documentary**  
25 **proof of United States citizenship, unless the person is**  
26 **stricken from the list of registered voters and the person**  
27 **thereafter seeks to register to vote.**

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

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

115.151. 1. Each qualified applicant who appears  
2 before the election authority shall be deemed registered as  
3 of the time the applicant's completed, signed and sworn  
4 registration application is witnessed by the election  
5 authority or deputy registration official.

6       2. Each applicant who registers by mail shall be  
7 deemed to be registered as of the date the application is  
8 postmarked, if such application is accepted and not rejected  
9 by the election authority **[and]**, the verification notice  
10 required pursuant to section 115.155 is not returned as  
11 undeliverable by the postal service, **and documentary proof**  
12 **of United States citizenship is submitted to the election**  
13 **authority with the application.**

14       3. Each applicant who registers at a voter  
15 registration agency or the division of motor vehicle and  
16 drivers licensing of the department of revenue shall be  
17 deemed to be registered as of the date the application is  
18 signed by the applicant, if such application is accepted and  
19 not rejected by the election authority and the verification  
20 notice required pursuant to section 115.155 is not returned  
21 as undeliverable by the postal service. Voter registration

22 agencies shall transmit voter registration application forms  
23 to the appropriate election authority not later than five  
24 business days after the form is completed by the applicant.  
25 The division of motor vehicle and drivers licensing of the  
26 department of revenue shall transmit voter registration  
27 application forms to the appropriate election authority not  
28 later than three business days after the form is completed  
29 by the applicant.

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

4 APPLICATION FOR REGISTRATION

5 Are you a citizen of the United States?

6  YES  NO

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

8  YES  NO

9 IF YOU CHECKED "NO" IN RESPONSE TO EITHER OF THESE  
10 QUESTIONS, DO NOT COMPLETE THIS FORM.

11 IF YOU ARE SUBMITTING THIS FORM BY MAIL AND ARE  
12 REGISTERING FOR THE FIRST TIME, PLEASE SUBMIT [A COPY  
13 OF A CURRENT, VALID PHOTO IDENTIFICATION. IF YOU DO  
14 NOT SUBMIT SUCH INFORMATION, YOU WILL BE REQUIRED TO  
15 PRESENT ADDITIONAL IDENTIFICATION UPON VOTING FOR THE  
16 FIRST TIME SUCH AS A BIRTH CERTIFICATE, A NATIVE  
17 AMERICAN TRIBAL DOCUMENT, OTHER PROOF OF UNITED STATES  
18 CITIZENSHIP, A VALID MISSOURI DRIVER'S LICENSE OR  
19 OTHER FORM OF PERSONAL IDENTIFICATION] DOCUMENTARY  
20 PROOF OF UNITED STATES CITIZENSHIP.

22		Township (or Ward)
23	_____	_____
24	Name	Precinct
25	_____	_____
26	Home Address	Required Personal Identification Information
27		
28		
29	_____	
30	City ZIP	
31	_____	_____
32	Date of Birth	Place of Birth
33		(Optional)
34	_____	_____
35	Telephone Number	Mother's Maiden
36	(Optional)	Name (Optional)
37	_____	_____
38	Occupation	Last Place Previously
39	(Optional)	
40		Registered
41	_____	_____
42	Last four digits of	Under What Name
43	Social Security	
44	Number	
45	(Required for	
46	registration unless	
47	no Social Security	

48 Number exists for  
49 Applicant)

50 Remarks:

51 When

52 Political Party  
53 Affiliation

54 (OPTIONAL: You shall be  
55 unaffiliated unless you  
56 designate an affiliation.)

57 I am a citizen of the United States and a resident of  
58 the state of Missouri. I have not been adjudged  
59 incapacitated by any court of law. If I have been  
60 convicted of a felony or of a misdemeanor connected  
61 with the right of suffrage, I have had the voting  
62 disabilities resulting from such conviction removed  
63 pursuant to law. I do solemnly swear that all  
64 statements made on this card are true to the best of  
65 my knowledge and belief.

66 I UNDERSTAND THAT IF I REGISTER TO VOTE KNOWING THAT I  
67 AM NOT LEGALLY ENTITLED TO REGISTER, I AM COMMITTING A  
68 CLASS ONE ELECTION OFFENSE AND MAY BE PUNISHED BY  
69 IMPRISONMENT OF NOT MORE THAN FIVE YEARS OR BY A FINE  
70 OF BETWEEN TWO THOUSAND FIVE HUNDRED DOLLARS AND TEN  
71 THOUSAND DOLLARS OR BY BOTH SUCH IMPRISONMENT AND  
72 FINE.

73

74                   Signature of Voter                   Date

75

77        2. All information required by the voter registration  
78 form in subsection 1 of this section shall be personally  
79 provided by the person seeking to register to vote.

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

86        [3.] 4. (1) After supplying all information necessary  
87 for the registration records, each applicant who appears in  
88 person before the election authority shall swear or affirm  
89 the statements on the registration application by signing  
90 his or her full name, witnessed by the signature of the  
91 election authority or such authority's deputy registration  
92 official. Each applicant who applies to register by mail  
93 pursuant to section 115.159, or pursuant to section 115.160  
94 or 115.162, shall attest to the statements on the  
95 application by his or her signature.

96        (2) Any application for registration shall be  
97 accompanied by documentary proof of United States  
98 citizenship. The election authority shall reject any  
99 application for registration that is not accompanied by  
100 documentary proof of United States citizenship. The  
101 election authority shall notify the applicant within ten  
102 business days of receipt of the registration form if the  
103 application was not accompanied by documentary proof of  
104 United States citizenship. The notice shall state that the  
105 registration cannot be completed until documentary proof of  
106 United States citizenship is supplied. If the documentary  
107 proof of United States citizenship is supplied before 7:00

108 **p.m. on election day, that person is deemed to have been**  
109 **registered on the date the registration was first received.**

110 [4.] 5. Upon receipt by mail of a completed and signed  
111 voter registration application, a voter registration  
112 application forwarded by the division of motor vehicle and  
113 drivers licensing of the department of revenue pursuant to  
114 section 115.160, or a voter registration agency pursuant to  
115 section 115.162, the election authority shall, if satisfied  
116 that the applicant is entitled to register, transfer all  
117 data necessary for the registration records from the  
118 application to its registration system. Within seven  
119 business days after receiving the application, the election  
120 authority shall send the applicant a verification notice.  
121 If such notice is returned as undeliverable by the postal  
122 service within the time established by the election  
123 authority, the election authority shall not place the  
124 applicant's name on the voter registration file.

125 [5.] 6. If, upon receipt by mail of a voter  
126 registration application or a voter registration application  
127 forwarded pursuant to section 115.160 or 115.162, the  
128 election authority determines that the applicant is not  
129 entitled to register, such authority shall, within seven  
130 business days after receiving the application, so notify the  
131 applicant by mail and state the reason such authority has  
132 determined the applicant is not qualified. The applicant  
133 may file a complaint with the elections division of the  
134 secretary of state's office under and pursuant to section  
135 115.219. If an applicant for voter registration fails to  
136 answer the question on the application concerning United  
137 States citizenship, the election authority shall notify the  
138 applicant of the failure and provide the applicant with an  
139 opportunity to complete the form in a timely manner to allow

140 for the completion of the registration form before the next  
141 election.

142 [6.] 7. The secretary of state shall prescribe  
143 specifications for voter registration documents so that they  
144 are uniform throughout the state of Missouri and comply with  
145 the National Voter Registration Act of 1993, including the  
146 reporting requirements, and so that registrations, name  
147 changes and transfers of registrations within the state may  
148 take place as allowed by law.

149 [7.] 8. All voter registration applications shall be  
150 preserved in the office of the election authority.

115.159. [1.] Any person who is qualified to register  
2 in Missouri shall, upon application **and submission to the**  
3 **election authority of documentary proof of United States**  
4 **citizenship**, be entitled to register by mail. Upon request,  
5 application forms shall be furnished by the election  
6 authority or the secretary of state.

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

11 (1) Voted, in person, after presentation of a proper  
12 form of identification set out in section 115.427, for the  
13 first time following registration; or  
14 (2) Provided a copy of identification set out in  
15 section 115.427 to the election authority.

16 This subsection shall not apply to those persons identified  
17 in section 115.283 who are exempted from obtaining a notary  
18 seal or signature on their absentee ballots. An individual  
19 who has registered to vote by mail but who does not meet the  
20 requirements of this subsection may cast a provisional

21 ballot by mail. Such ballot shall not be counted pursuant  
22 to this chapter, and the individual shall be notified of the  
23 reason for not counting the ballot.

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

26           (1) Who registers to vote by mail pursuant to Section  
27 6 of the National Voter Registration Act of 1993 and submits  
28 a copy of a current and valid photo identification as part  
29 of such registration;

30           (2) Who registers to vote by mail pursuant to Section  
31 6 of the National Voter Registration Act of 1993 and:

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

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

40           (3) Who is:

41              (a) A covered voter defined in section 115.902;

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

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

115.160. 1. All Missouri driver's license applicants  
2 shall receive a voter registration application form as a  
3 simultaneous part of the application for a driver's license,  
4 renewal of driver's license, change of address, duplicate  
5 request and a nondriver's license.

6        2. If a single application form is used, the voter  
7 registration application portion of any application  
8 described in subsection 1 of this section may not require  
9 any information that duplicates information required in the  
10 driver's license portion of the form, except a second  
11 signature or other information required by law.

12        3. After conferring with the secretary of state as the  
13 chief state election official responsible for overseeing of  
14 the voter registration process, the director of revenue  
15 shall adopt rules and regulations pertaining to the format  
16 of the voter registration application used by the  
17 department. The director of revenue shall utilize  
18 electronic voter registration application forms and provide  
19 for secure electronic transfer of voter registration  
20 information to election authorities. The secretary of state  
21 and the director of revenue shall ensure the confidentiality  
22 and integrity of the voter registration data collected,  
23 maintained, received, or transmitted under this section.

24        4. No information relating to the failure of an  
25 applicant for a driver's license or nondriver's license to  
26 sign a voter registration application may be used for any  
27 purpose other than voter registration.

28        5. Any voter registration application received  
29 pursuant to the provisions of this section shall be  
30 forwarded, in a secure and electronic manner, to the  
31 election authority located within that county or any city  
32 not within a county, or if there is more than one election  
33 authority within the county, then to the election authority  
34 located nearest to the location where the driver's license  
35 application was received. Voter registration information,  
36 including an electronic image of the signature of the  
37 applicant, shall be transmitted in a format compatible with

38 the Missouri voter registration system established in  
39 section 115.158 which allows for review by the election  
40 authority and does not require the election authority to  
41 manually reenter the information, provided that the election  
42 authority shall print out a paper copy of the information  
43 and retain such information in the manner required by  
44 section 115.145. The election authority receiving the  
45 application forms shall review the applications and forward,  
46 in a secure and electronic manner, any applications  
47 pertaining to a different election authority to that  
48 election authority.

49 6. A completed voter registration application accepted  
50 in the driver's licensing process shall be transmitted to  
51 the election authority described in subsection 5 of this  
52 section not later than three business days after the form is  
53 completed by the applicant.

54 7. Any person registering to vote when applying for or  
55 renewing a Missouri driver's license shall submit with the  
56 application form **[a copy of a birth certificate, a Native**  
**American tribal document, or other proof of United States**  
**citizenship, a valid Missouri driver's license, or other**  
**form of personal identification] documentary proof of United**  
**States citizenship.** Any person who, at the time of a  
61 transaction with the division of motor vehicle and driver  
62 licensing of the department of revenue, provides a document  
63 that establishes noncitizenship shall not be offered the  
64 opportunity to register to vote as part of the transaction.

115.195. 1. At least once each month, the state or  
2 local registrar of vital statistics shall provide to the  
3 election authority a list of the name and address, if known,  
4 of each person over eighteen years of age in its  
5 jurisdiction whose death has been reported to him or her and

6 provide a copy of the list of any death reported in the  
7 state to the secretary of state. The secretary of state  
8 shall notify the election authority of the jurisdiction in  
9 which the deceased resided of the information received  
10 pursuant to this subsection.

11       2. At least once each month, the clerk of the circuit  
12 court of each county and city not within a county shall  
13 provide to the election authority a list of the name and  
14 address, if known, of each person over eighteen years of age  
15 in the court's jurisdiction who has been convicted of any  
16 felony, or of a misdemeanor connected with the right of  
17 suffrage. A copy of the list shall also be submitted to the  
18 secretary of state. The secretary of state shall notify the  
19 election authority of the jurisdiction in which an offender  
20 resides of the information received pursuant to this  
21 subsection.

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

33       4. **The clerk of each circuit court shall, on or before  
34 the tenth day of each month, prepare and transmit to the  
35 secretary of state, in a format prescribed by the secretary  
36 of state, a complete list of all persons, including  
37 addresses, ages, and other identifying information as**

38 **specified by the secretary of state, who identify themselves**  
39 **as not being citizens of the United States during their**  
40 **qualification to serve as a juror during the preceding**  
41 **calendar month in that county.**

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

115.221. Notwithstanding any other provisions of law  
2 to the contrary, each election authority may have the voting  
3 records inspected and may investigate the qualifications of  
4 any person who has not voted or transferred his registration  
5 within the four preceding calendar years. **If the election**  
6 **authority determines that a person who is not eligible to**  
7 **vote registered to vote or voted in an election, the**  
8 **election authority shall execute and deliver to the attorney**  
9 **general, the secretary of state, and the prosecuting or**  
10 **circuit attorney having jurisdiction in the territory**  
11 **covered by the election an affidavit stating the relevant**  
12 **facts.**

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.

6 2. Within thirty days of receiving a complaint, the  
7 secretary of state shall notify the person filing the  
8 complaint whether or not the secretary has dismissed the  
9 complaint or will commence an investigation. The secretary  
10 of state shall dismiss frivolous complaints. For purposes  
11 of this subsection, "frivolous complaint" shall mean an

12 allegation clearly lacking any basis in fact or law. Any  
13 person who makes a frivolous complaint pursuant to this  
14 section shall be liable for actual and compensatory damages  
15 to the alleged violator for holding the alleged violator  
16 before the public in a false light. If reasonable grounds  
17 appear that the alleged offense was committed, the secretary  
18 of state may issue a probable cause statement. If the  
19 secretary of state issues a probable cause statement, he or  
20 she may refer the offense to the appropriate prosecuting  
21 attorney **or attorney general**.

22 3. Notwithstanding the provisions of section 27.060,  
23 56.060, or 56.430 to the contrary, when requested by the  
24 prosecuting attorney or circuit attorney **or attorney**  
25 **general**, the secretary of state or his or her authorized  
26 representatives may aid any prosecuting attorney or circuit  
27 attorney **or attorney general** in the commencement and  
28 prosecution of election offenses as provided in sections  
29 115.629 to 115.646.

30 4. (1) The secretary of state may investigate any  
31 suspected violation of any of the provisions of sections  
32 115.629 to 115.646.

33 (2) (a) The secretary of state or an authorized  
34 representative of the secretary of state shall have the  
35 power to require the production of books, papers,  
36 correspondence, memoranda, contracts, agreements, and other  
37 records by subpoena or otherwise when necessary to conduct  
38 an investigation under this section. Such powers shall be  
39 exercised only at the specific written direction of the  
40 secretary of state or his or her chief deputy.

41 (b) If any person refuses to comply with a subpoena  
42 issued under this subsection, the secretary of state may  
43 seek to enforce the subpoena before a court of competent

44 jurisdiction to require the production of books, papers,  
45 correspondence, memoranda, contracts, agreements, and other  
46 records. The court may issue an order requiring the person  
47 to produce records relating to the matter under  
48 investigation or in question. Any person who fails to  
49 comply with the order may be held in contempt of court.

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

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