

SECOND REGULAR SESSION

SENATE BILL NO. 986

103RD GENERAL ASSEMBLY

INTRODUCED BY SENATOR BROWN (26).

5099S.02I

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.

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,
2 115.159, 115.160, 115.195, 115.221, and 115.642, RSMo, are
3 repealed and nine new sections enacted in lieu thereof, to be
4 known as sections 115.013, 115.135, 115.151, 115.155, 115.159,
5 115.160, 115.195, 115.221, and 115.642, 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) **"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;**

40 (e) **A valid government-issued photo identification**
41 **card issued by the federal government or the state of**
42 **Missouri other than that described in paragraphs (a) to (d)**
43 **of this subdivision, but only if presented together with one**
44 **or more of the following:**

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

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;

[(13)] (14) "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)] (15) "Major political party", the political party whose candidates received the highest or second highest number of votes at the last general election;

[(15)] (16) "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)] (17) "Municipal" or "municipality", a city, village, or incorporated town of this state;

[(17)] (18) "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)] (19) "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)] (20) "Political party", any established political party and any new party;

[(20)] (21) "Political subdivision", a county, city, 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

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.

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] **DOCUMENTARY PROOF OF UNITED STATES CITIZENSHIP.**

| | | |
|----|---------------------|-----------------------|
| 22 | | Township (or Ward) |
| 23 | _____ | _____ |
| 24 | Name | Precinct |
| 25 | _____ | _____ |
| 26 | Home Address | Required Personal |
| 27 | | Identification |
| 28 | | Information |
| 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 _____

76 Signature of Election Official

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

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

[4.] 5. 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.] 6. 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.] 7. 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.] 8. All voter registration applications shall be preserved in the office of the election authority.

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

[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

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

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

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

7. Any person registering to vote when applying for or renewing a Missouri driver's license shall submit with the 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 transaction with the division of motor vehicle and driver licensing of the department of revenue, provides a document that establishes noncitizenship shall not be offered the opportunity to register to vote as part of the transaction.

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

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.

✓