

HOUSE BILL NO. 1833

102ND GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVE MCMULLEN.

3433H.011

DANA RADEMAN MILLER, Chief Clerk

AN ACT

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

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

Section A. Section 115.642, RSMo, is repealed and one new section enacted in lieu thereof, to be known as section 115.642, to read as follows:

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

(1) Responding to notifications and complaints alleging a violation of this chapter;

(2) Reviewing notices and reports of alleged violations of this chapter and conducting investigations as deemed necessary;

(3) Initiating independent inquiries and conducting investigations into alleged violations of this chapter; and

(4) Overseeing a voter fraud hotline.

2. **The office shall review complaints and conduct investigations into alleged violations of this chapter or any rule adopted under this chapter.** Within thirty days of receiving a complaint, the ~~secretary of state~~ **office** shall notify the person filing the complaint whether or not the ~~secretary~~ **office** has dismissed the complaint or will commence

EXPLANATION — Matter enclosed in bold-faced brackets ~~thus~~ in the above bill is not enacted and is intended to be omitted from the law. Matter in **bold-face** type in the above bill is proposed language.

18 an investigation. The ~~[secretary of state]~~ **office** shall dismiss frivolous complaints. For
19 purposes of this subsection, "frivolous complaint" shall mean an allegation clearly lacking
20 any basis in fact or law. ~~[Any person who makes a frivolous complaint pursuant to this~~
21 ~~section shall be liable for actual and compensatory damages to the alleged violator for holding~~
22 ~~the alleged violator before the public in a false light. If reasonable grounds appear that the~~
23 ~~alleged offense was committed, the secretary of state may issue a probable cause statement.~~
24 ~~If the secretary of state issues a probable cause statement, he or she may refer the offense to~~
25 ~~the appropriate prosecuting attorney.]~~

26 3. ~~[Notwithstanding the provisions of section 27.060, 56.060, or 56.430 to the~~
27 ~~contrary, when requested by the prosecuting attorney or circuit attorney, the secretary of state~~
28 ~~or his or her authorized representatives may aid any prosecuting attorney or circuit attorney in~~
29 ~~the commencement and prosecution of election offenses as provided in sections 115.629 to~~
30 ~~115.646.~~

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

33 ~~(2) (a) The secretary of state or an authorized representative of the secretary of state.]~~
34 **(1) For the purposes of this section, the office** shall have the power to require the
35 production of books, papers, correspondence, memoranda, contracts, agreements, and other
36 records by subpoena or otherwise when necessary to conduct an investigation under this
37 section. ~~[Such powers shall be exercised only at the specific written direction of the secretary~~
38 ~~of state or his or her chief deputy.]~~ **Notwithstanding any other provision of law to the**
39 **contrary, investigators conducting an investigation into an alleged violation of this**
40 **chapter shall not be restricted from entering a polling place or the office of the election**
41 **authority under investigation.**

42 ~~[(b)]~~ **(2)** If any person refuses to comply with a subpoena issued under **subdivision**
43 **(1)** of this subsection, the secretary of state may seek to enforce the subpoena before a court
44 of competent jurisdiction to require the production of books, papers, correspondence,
45 memoranda, contracts, agreements, and other records. The court may issue an order requiring
46 the person to produce records relating to the matter under investigation or in question. Any
47 person who fails to comply with the order may be held in contempt of court.

48 ~~[(e) The provisions of this subdivision shall expire on August 28, 2025.]~~

49 **4. If, during the course of an investigation, the office determines that there may**
50 **be a violation of any criminal law or a provision of this chapter, the findings of the**
51 **investigation shall be submitted to the attorney general and the prosecuting authority**
52 **with jurisdiction for further investigation or prosecution. This section shall not limit the**
53 **jurisdiction of any other office or agency of the state to investigate violations of this**
54 **chapter or any rule adopted under this chapter.**

55 **5. (1) Before January fifteenth of each year, the office shall submit a report to**
56 **the governor, the speaker of the house of representatives, the president pro tempore of**
57 **the senate, and the house of representatives and senate committees with jurisdiction**
58 **over elections that details each investigation of alleged violations of this chapter**
59 **conducted during the previous calendar year. The report shall include the following:**

60 **(a) The total number of complaints received;**
61 **(b) The number of independent investigations initiated or dismissed; and**
62 **(c) The number of complaints referred to another agency for further**
63 **investigation or prosecution.**

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

66 **(a) The source of the alleged violation;**
67 **(b) The law or rule allegedly violated and the nature of the alleged violation;**
68 **(c) The county in which the alleged violation occurred;**
69 **(d) Whether the alleged violation was dismissed or referred to another agency**
70 **for further investigation or prosecution and if so, to which agency; and**
71 **(e) The current status of the investigation or resulting criminal case.**

72 **6. The attorney general shall have statewide investigative authority and shall**
73 **have concurrent authority with the appropriate local prosecuting authority over all**
74 **violations of the provisions of sections 115.629 to 115.646.**

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