

SECOND REGULAR SESSION

SENATE BILL NO. 786

98TH GENERAL ASSEMBLY

INTRODUCED BY SENATOR KRAUS.

Pre-filed December 7, 2015, and ordered printed.

ADRIANE D. CROUSE, Secretary.

4093S.03I

AN ACT

To amend chapter 115, RSMo, by adding thereto one new section relating to the prosecution of election offenses.

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

Section A. Chapter 115, RSMo, is amended by adding thereto one new section, 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 115.641 and stating the facts of the alleged offense. Upon the filing of such complaint, the secretary of state may investigate the alleged offense. 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 attorney general or the appropriate prosecuting attorney.

2. Notwithstanding the provisions of sections 27.060, 56.060, or 56.430 to the contrary, the attorney general, the secretary of state, and the prosecuting attorneys shall each have the authority to investigate, commence, and prosecute election offenses as provided in sections 115.629 to 115.641. Prosecuting attorneys shall only have authority to commence and prosecute election offenses which have occurred within the jurisdiction for which the prosecuting attorney serves.

3. If one of the officers listed in subsection 1 of this section has commenced the prosecution of an election offense, the other officer may provide assistance to the prosecuting officer but shall not commence a separate prosecution.

4. In the event that the attorney general or appropriate

22 prosecuting attorney fails to commence and prosecute an election
23 offense after the issuance of a probable cause statement by the
24 secretary of state under this section, the secretary of state may
25 commence and prosecute such election offense for which the probable
26 cause statement was issued.

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