

# SENATE BILL NO. 235

102ND GENERAL ASSEMBLY

INTRODUCED BY SENATOR HOSKINS.

1180S.01I

KRISTINA MARTIN, Secretary

## AN ACT

To amend chapter 115, RSMo, by adding thereto four new sections relating to elections, with penalty provisions.

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

Section A. Chapter 115, RSMo, is amended by adding thereto  
2 four new sections, to be known as sections 115.1200, 115.1500,  
3 115.1505, and 115.1510, to read as follows:

115.1200. 1. This section shall be known as the  
2 "Missouri Elections Sovereignty Act".

3 2. The general assembly finds that regulations placed  
4 by Congress on the times, places, and manner of holding  
5 elections for representatives and the times and manner of  
6 holding elections for senators are limited only to those  
7 respective offices and do not extend to state and local  
8 elections.

9 3. The general assembly of the state of Missouri  
10 reserves authority to regulate both voter qualifications and  
11 the time, place, and manner for state and local elections to  
12 the maximum extent authorized by the Constitution of the  
13 United States.

14 4. The state of Missouri shall comply with and  
15 implement federal laws governing the time, place, and manner  
16 of United States representative elections and federal laws  
17 governing the time and manner of United States senate  
18 elections to the extent necessary to preserve the federal

19 system of government and comply with the Constitution of the  
20 United States, but shall reserve the right to protect,  
21 preserve, and defend the integrity of state and local  
22 elections through lawful regulation of voter qualifications  
23 for such state and local elections.

24 5. Any differences in the regulations for time, place,  
25 and manner of holding elections for federal representatives,  
26 the time and manner for the senate elections, and state and  
27 local elections, shall result in separate election  
28 procedures to ensure the sovereignty of the state of  
29 Missouri to conduct elections in the manner in which the  
30 general assembly shall deem necessary.

115.1500. 1. As used in this section, the term  
2 "communications" means federal directive or guidance  
3 communicated to the state of Missouri through telephonic or  
4 electronic means, through the mail, or through in-person  
5 contact pertaining to elections, including the times,  
6 places, and manner for carrying out elections in Missouri,  
7 received on or after the effective date of this section, by  
8 any state agency or person, group, or entity charged by the  
9 state to administer any official election occurring within  
10 the state. This includes, but is not limited to, any  
11 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 post-  
25 marked date on each letter sent to the governor and general  
26 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.

30 4. This section shall expire on February 1, 2025.

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

19 3. All new federal election guidance shall be approved  
20 by concurrent resolution approved by a majority of both  
21 houses of the general assembly before it is implemented by

22 any person, group, or entity charged by the state to  
23 administer any official election occurring within the state.

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

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

35 6. This section shall expire on February 1, 2025.

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

7 2. Any person, group, or entity charged by the state  
8 to administer any official election occurring within  
9 Missouri who intends to accept or disperse federal election  
10 funds pending approval from the general assembly pursuant to  
11 this section, shall provide notice to the general assembly  
12 of its intent to do so at least thirty days before accepting  
13 the funds. If funds have already been accepted, then notice  
14 must 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 both houses  
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.

33 6. This section shall expire on February 1, 2025.

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