FIRST REGULAR SESSION

SENATE BILL NO. 235

102ND GENERAL ASSEMBLY

INTRODUCED BY SENATOR HOSKINS.

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 four new sections, to be known as sections 115.1200, 115.1500, 115.1505, and 115.1510, to read as follows:

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

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

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

4. The state of Missouri shall comply with and implement federal laws governing the time, place, and manner of United States representative elections and federal laws governing the time and manner of United States senate elections to the extent necessary to preserve the federal
system of government and comply with the Constitution of the
United States, but shall reserve the right to protect,
preserve, and defend the integrity of state and local
elections through lawful regulation of voter qualifications
for such state and local elections.

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

115.1500. 1. As used in this section, the term
"communications" means federal directive or guidance
communicated to the state of Missouri through telephonic or
electronic means, through the mail, or through in-person
contact pertaining to elections, including the times,
places, and manner for carrying out elections in Missouri,
received on or after the effective date of this section, by
any state agency or person, group, or entity charged by the
state to administer any official election occurring within
the state. This includes, but is not limited to, any
guidance issued by the United States Department of Justice
or any other federal executive agency related to new or
existing voting or election laws or procedures.

2. Any state agency, whether that agency is involved
in elections or not, or any person, group, or entity charged
by the state to administer any official election occurring
within the state, who receives or responds to a
communication from the United States Department of Justice
or any other federal executive branch agency related to new
or existing voting or election laws, shall provide notice to
the governor and general assembly of this communication within five business days.

3. The notice requirement in subsection 2 of this section shall be presumed to have been met based on the post-marked date on each letter sent to the governor and general assembly, through certified mail, outlining the communication the agency, person, group, or entity received from or responded to the United States Department of Justice or any other federal executive agency.

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

115.1505. 1. As used in this section, the term "new federal election guidance" means any federal directive or guidance pertaining to elections including the times, places, and manner for carrying out elections in Missouri received on or after the effective date of this section, by a person, group, or entity charged by the state to administer any official election occurring within Missouri. This includes, but is not limited to, any guidance issued by the United States Department of Justice or any other federal executive agency related to new or existing voting or election laws.

2. Any person, group, or entity charged by the state of Missouri to administer any official election occurring within the state who intends to implement any new federal election guidance pending approval from the general assembly pursuant to this section, shall provide notice to the general assembly of its intent to do so at least thirty days before implementing the guidance.

3. All new federal election guidance shall be approved by concurrent resolution approved by a majority of both houses of the general assembly before it is implemented by
any person, group, or entity charged by the state to
administer any official election occurring within the state.

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

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

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

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

2. Any person, group, or entity charged by the state
to administer any official election occurring within
Missouri who intends to accept or disperse federal election
funds pending approval from the general assembly pursuant to
this section, shall provide notice to the general assembly
of its intent to do so at least thirty days before accepting
the funds. If funds have already been accepted, then notice
must be provided to the general assembly thirty days before
the funds are dispersed.

3. All new federal election funds shall be approved by
concurrent resolution approved by a majority of both houses
of the general assembly before they may be accepted or
dispersed by a person, group, or entity charged by the state
to administer any official election occurring within the
state.

4. It shall be presumed for purposes of compliance
with this section that the general assembly has approved the
acceptance and dispersal of new federal election funds if
the general assembly fails to vote on a concurrent
resolution described in subsection 3 of this section within
thirty days from when notice is provided to the general
assembly in accordance with subsection 2 of this section.

5. A violation of this section shall result in a fine
in the amount of the new federal election funds accepted or
dispersed in violation of this section plus an additional
one thousand dollars.

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