

SENATE COMMITTEE SUBSTITUTE

FOR

SENATE BILL NO. 62

AN ACT

To repeal sections 115.013, 115.135, 115.151, 115.155, 115.158, 115.159, 115.160, 115.195, 115.221, and 115.642, RSMo, and to enact in lieu thereof ten 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A. Sections 115.013, 115.135, 115.151, 115.155, 115.158, 115.159, 115.160, 115.195, 115.221, and 115.642, RSMo, are repealed and ten new sections enacted in lieu thereof, to be known as sections 115.013, 115.135, 115.151, 115.155, 115.158, 115.159, 115.160, 115.195, 115.221, and 115.642, to read as follows:

115.013. As used in this chapter, unless the context clearly implies otherwise, the following terms mean:

(1) "Air-gap" or "air-gapped", a security measure in which equipment is physically and technically isolated from any network and is not directly connected to the internet nor is it connected to any other system that is connected to the internet. Data can only be passed to an air-gapped device physically via a USB or other removable media;

(2) "Automatic tabulating equipment", the apparatus necessary to examine and automatically count votes, and the data processing machines which are used for counting votes and tabulating results and which are air-gapped and not physically able to be connected to a network;

(3) "Ballot", the paper ballot, or ballot designed for use with an electronic voting system on which each voter may cast all votes to which he or she is entitled at an election;

(4) "Ballot label", the card, paper, booklet, page, or other material containing the names of all offices and candidates and statements of all questions to be voted on;

(5) "Counting location", a location selected by the election authority for the automatic processing or counting, or both, of ballots;

(6) "County", any county in this state or any city not within a county;

(7) "Documentary proof of United States citizenship", any of the following:

(a) A form of identification issued consistent with the requirements of the federal REAL ID Act of 2005 that indicates the applicant is a citizen of the United States;

(b) A valid United States passport;

(c) The applicant's official United States military identification card, together with a United States military record of service showing that the applicant's place of birth was in the United States;

(d) A valid government-issued photo identification card issued by the federal government or the state of Missouri showing that the applicant's place of birth was in the United States;

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

a. A certified birth certificate issued by a state, a unit of local government in a state, or a tribal government which:

(i) Was issued by the state, unit of local government, or tribal government in which the applicant was born;

(ii) Was filed with the office responsible for keeping vital records in the state;

(iii) Includes the full name, date of birth, and place of birth of the applicant;

(iv) Lists the full names of one or both of the parents of the applicant;

(v) Has the signature of an individual who is authorized to sign birth certificates on behalf of the state, unit of local government, or tribal government in which the applicant was born;

(vi) Includes the date that the certificate was filed with the office responsible for keeping vital records; and

(vii) Has the seal of the state, unit of local government, or tribal government that issued the birth certificate;

b. An extract from a United States hospital record of birth created at the time of the applicant's birth which indicates that the applicant's place of birth was in the United States;

c. A final adoption decree showing the applicant's name and that the applicant's place of birth was in the United States;

d. A consular report of birth abroad of a citizen of the United States or a certification of the applicant's report of birth of a United States citizen issued by the United States secretary of state;

e. A naturalization certificate or certificate of citizenship issued by the United States secretary of homeland security or any other document or method of proof of United States citizenship issued by the federal government pursuant to the federal Immigration and Nationality Act;

f. An american indian card issued by the federal department of homeland security with the classification "KIC";

(8) "Disqualified", a determination made by a court of competent jurisdiction, the Missouri ethics commission, an election authority or any other body authorized by law to make such a determination that a candidate is ineligible to hold office or not entitled to be voted on for office;

~~[(8)]~~ (9) "District", an area within the state or within a political subdivision of the state from which a person is elected to represent the area on a policy-making body with representatives of other areas in the state or political subdivision;

~~[(9)]~~ (10) "Electronic voting machine", any part of an air-gapped electronic voting system on which a voter is able to cast a ballot under this chapter;

~~[(10)]~~ (11) "Electronic voting system", a system of casting votes by use of marking devices, and counting votes by use of automatic air-gapped tabulating or air-gapped data processing equipment, including computerized voting systems that mark or tabulate ballots;

~~[(11)]~~ (12) "Established political party" for the state, a political party which, at either of the last two general elections, polled for its candidate for any statewide office more than two percent of the entire vote 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;

[(21)] (22) "Polling place", the voting place designated for all voters residing in one or more precincts for any election;

[(22)] (23) "Precincts", the geographical areas into which the election authority divides its jurisdiction for the purpose of conducting elections;

[(23)] (24) "Public office", any office established by constitution, statute or charter and any employment under the United States, the state of Missouri, or any political subdivision or special district thereof, but does not include any office in the Missouri state defense force or the National Guard or the office of notary public or city attorney in cities of the third classification or cities of the fourth classification;

[(24)] (25) "Question", any measure on the ballot which can be voted "YES" or "NO";

[(25)] (26) "Relative within the second degree by consanguinity or affinity", a spouse, parent, child, grandparent, brother, sister, grandchild, mother-in-law, father-in-law, daughter-in-law, or son-in-law;

[(26)] (27) "Special district", any school district, water district, fire protection district, hospital district, health center, nursing district, or other districts with taxing authority, or other district formed pursuant to the laws of Missouri to provide limited, specific services;

[(27)] (28) "Special election", elections called by any school district, water district, fire protection district, or other district formed pursuant to the laws of Missouri to provide limited, specific services; [and

(28)] (29) "Voting district", the one or more precincts within which all voters vote at a single polling place for any election.

115.135. 1. Any person who is qualified to vote, or who shall become qualified to vote on or before the day of election, shall be entitled to register in the jurisdiction within which he or she resides. In order to vote in any election for which registration is required, a person must be registered to vote in the state of Missouri no later than 5:00 p.m., or the normal closing time of any public building

where the registration is being held if such time is later than 5:00 p.m., on the fourth Wednesday prior to the election, unless the voter is an interstate former resident, a new resident, or a covered voter, as defined in section 115.275. Any person registering after such date shall be eligible to vote in subsequent elections.

2. A person applying to register with an election authority or a deputy registration official shall identify himself or herself by presenting [a copy of a birth certificate, a Native American tribal document, other proof of United States citizenship, a valid Missouri drivers license or other form of personal identification] documentary proof of United States citizenship at the time of registration. Nothing in this chapter shall require a person who appears on the list of registered voters or who seeks to transfer voter registration within this state from being required to provide an election authority documentary proof of United States citizenship, unless the person is stricken from the list of registered voters and the person thereafter seeks to register to vote.

3. Except as provided in federal law or federal elections and in section 115.277, no person shall be entitled to vote if the person has not registered to vote in the jurisdiction of his or her residence.

4. A covered voter as defined in section 115.275 who has been discharged from military service, has returned from a military deployment or activation, or has separated from employment outside the territorial limits of the United States after the deadline to register to vote, and who is otherwise qualified to register to vote, may register to vote in an election in person before the election authority until 5:00 p.m. on the Friday before such election. Such persons shall produce sufficient documentation showing

evidence of qualifying for late registration pursuant to this section.

115.151. 1. Each qualified applicant who appears before the election authority shall be deemed registered as of the time the applicant's completed, signed and sworn registration application is witnessed by the election authority or deputy registration official.

2. Each applicant who registers by mail shall be deemed to be registered as of the date the application is postmarked, if such application is accepted and not rejected by the election authority [and], the verification notice required pursuant to section 115.155 is not returned as undeliverable by the postal service, and documentary proof of United States citizenship is submitted to the election authority with the application.

3. Each applicant who registers at a voter registration agency or the division of motor vehicle and drivers licensing of the department of revenue shall be deemed to be registered as of the date the application is signed by the applicant, if such application is accepted and not rejected by the election authority and the verification notice required pursuant to section 115.155 is not returned 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.

_____	_____
Name	Township (or Ward)
_____	_____
Home Address	Precinct
_____	_____
City ZIP	Required Personal Identification Information
_____	_____
Date of Birth	Place of Birth (Optional)
_____	_____

Telephone Number
(Optional)

Mother's Maiden
Name (Optional)

Occupation
(Optional)

Last Place
Previously
Registered

Last four digits of
Social Security
Number
(Required for
registration unless
no Social Security
Number exists for
Applicant)

Under What Name

Remarks:

When

Political Party
Affiliation

(OPTIONAL: You shall be
unaffiliated unless you
designate an affiliation.)

I am a citizen of the United States and a resident of
the state of Missouri. I have not been adjudged
incapacitated by any court of law. If I have been
convicted of a felony or of a misdemeanor connected with
the right of suffrage, I have had the voting
disabilities resulting from such conviction removed
pursuant to law. I do solemnly swear that all statements
made on this card are true to the best of my knowledge
and belief.

I UNDERSTAND THAT IF I REGISTER TO VOTE KNOWING THAT I
AM NOT LEGALLY ENTITLED TO REGISTER, I AM COMMITTING A
CLASS ONE ELECTION OFFENSE AND MAY BE PUNISHED BY
IMPRISONMENT OF NOT MORE THAN FIVE YEARS OR BY A FINE OF
BETWEEN TWO THOUSAND FIVE HUNDRED DOLLARS AND TEN
THOUSAND DOLLARS OR BY BOTH SUCH IMPRISONMENT AND FINE.

Signature of Voter

Date

Signature of Election Official

2. All information required by the voter registration form in subsection 1 of this section shall be personally provided by the person seeking to register to vote.

3. The options for political party affiliation required by the application described in subsection 1 of this section shall include all established political parties and an option to be unaffiliated. If an applicant does not designate an affiliation, the election authority shall mark the applicant's form as unaffiliated.

[3.] 4. (1) After supplying all information necessary for the registration records, each applicant who appears in person before the election authority shall swear or affirm the statements on the registration application by signing his or her full name, witnessed by the signature of the election authority or such authority's deputy registration official. Each applicant who applies to register by mail pursuant to section 115.159, or pursuant to section 115.160 or 115.162, shall attest to the statements on the application by his or her signature.

(2) Any application for registration shall be accompanied by documentary proof of United States citizenship. The election authority shall reject any application for registration that is not accompanied by documentary proof of United States citizenship. The election authority shall notify the applicant within ten business days of receipt of the registration form if the application was not accompanied by documentary proof of United States citizenship. The notice shall state that the

registration cannot be completed until documentary proof of United States citizenship is supplied. If the documentary 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.

115.158. 1. The secretary of state shall implement a centralized, interactive computerized statewide voter registration list. This computerized list shall be known as the "Missouri Voter Registration System". The system shall be implemented by January 1, 2004, unless a waiver is obtained pursuant to the Help America Vote Act of 2002. If a waiver is obtained, the system shall be implemented by January 1, 2006. The system shall be maintained and administered by the secretary of state and contain the name and registration information of every legally registered voter in Missouri. In addition, the system shall:

(1) Assign a unique identifier to each legally registered voter in Missouri;

(2) Serve as the single system for storing and managing the official list of registered voters throughout Missouri;

(3) Be coordinated with other agency databases in Missouri;

(4) Allow any election official in Missouri, including local election authorities, immediate electronic access to the information contained in the system;

(5) Allow all voter registration information obtained by any local election official in Missouri to be electronically entered into the system on an expedited basis at the time the information is provided to the local official. The secretary of state, as the chief state election official, shall provide such support as may be required so that local election officials are able to enter the registration information; and

(6) Serve as the official voter registration list for the conduct of all elections in Missouri.

2. The secretary of state and local election authorities shall perform system maintenance on a **[regular]** quarterly basis, which shall include:

(1) Removing names in accordance with the provisions and procedures of the National Voter Registration Act of 1993 and coordinating system maintenance activities with state agency records on death and felony status;

(2) Requiring the name of each registered voter to appear in the system;

(3) Removing only voters who are not registered or who are not eligible to vote; and

(4) Eliminating duplicate names from the system.

3. The secretary of state shall provide adequate technological security measures to prevent the unauthorized access to the system established pursuant to this section.

4. The secretary of state shall develop procedures to ensure that voter registration records within the system are accurate and updated **[regularly]** quarterly. At a minimum, the procedures shall include:

(1) A system of file maintenance that makes a reasonable effort to remove registrants who are ineligible to vote. Consistent with the National Voter Registration Act of 1993, registrants who have not responded to a notice and who have not voted in two consecutive general elections for federal office shall be removed from the official list of eligible voters, except that no registrant may be removed solely by reason of a failure to vote; and

(2) Safeguards to ensure that eligible voters are not removed in error.

5. Voter registration information shall be verified in accordance with the Help America Vote Act of 2002.

(1) Except as provided in subdivision (2) of this subsection, an application for voter registration may not be accepted or processed unless the application includes:

(a) In the case of an applicant who has been issued a current and valid driver's license, the applicant's driver's license number; or

(b) In the case of any other applicant, other than an applicant to whom subdivision (2) applies, the last four digits of the applicant's Social Security number.

(2) If an applicant for voter registration has not been issued a current and valid driver's license or a Social Security number, the applicant shall be assigned a number which will serve to identify the applicant for voter registration purposes. The number assigned under this subdivision shall be used as the unique identifying number within the system.

(3) The secretary of state and the director of the department of revenue shall enter into an agreement to match information in the database of the voter registration system with information in the database of the motor vehicle system

to enable the secretary to verify the accuracy of information provided on applications for voter registration.

(4) The director of the department of revenue shall enter into an agreement with the commissioner of Social Security and comply with the Help America Vote Act of 2002.

6. In addition to using the system for voter registration, the election authorities and secretary of state may use the system for the collection and dissemination of election results and other pertinent information. Any information contained in any state or local voter registration system, limited to the master voter registration list or any other list generated from the information, subject to chapter 610, shall not be used for commercial purposes; provided, however, that the information may be used for elections, for candidates, or for ballot measures, furnished at a reasonable fee. Violation of this section shall be a class B misdemeanor. For purposes of this section, "commercial purposes" means the use of a public record for the purpose of sale or resale or for the purpose of producing a document containing all or part of the copy, printout, or photograph for sale or the obtaining of names and addresses from public records for the purpose of solicitation or the sale of names and addresses to another for the purpose of solicitation or for any purpose in which the purchaser can reasonably anticipate the receipt of monetary gain from the direct or indirect use of the public record.

7. The secretary of state shall establish an advisory committee to assist in the establishment and maintenance of the Missouri voter registration system.

8. The secretary of state may promulgate rules to execute this section. No rule or portion of a rule promulgated pursuant to the authority of this section shall

become effective unless it has been promulgated pursuant to chapter 536.

9. Election authorities and any agency required under the National Voter Registration Act of 1993 to accept voter registration applications shall forward registration and other data in a manner prescribed by the secretary of state to assist with administering and maintaining the Missouri voter registration system in accordance with the Help America Vote Act of 2002.

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 ballot by mail. Such ballot shall not be counted pursuant to this chapter, and the individual shall be notified of the reason for not counting the ballot.

3. Subsection 2 of this section shall not apply in the case of a person:

(1) Who registers to vote by mail pursuant to Section 6 of the National Voter Registration Act of 1993 and submits a copy of a current and valid photo identification as part of such registration;

(2) Who registers to vote by mail pursuant to Section 6 of the National Voter Registration Act of 1993 and:

(a) Submits with such registration either a driver's license number, or at least the last four digits of the individual's Social Security number; and

(b) With respect to whom the secretary of state matches the information submitted pursuant to paragraph (a) of this subdivision with an existing state identification record bearing the same number, name, and date of birth as provided in such registration;

(3) Who is:

(a) A covered voter defined in section 115.902;

(b) Provided the right to vote otherwise than in person pursuant to Section 3(b)(2)(B)(ii) of the Voting Accessibility for the Elderly and Handicapped Act; or

(c) Entitled to vote otherwise than in person pursuant to any other federal law.]

115.160. 1. All Missouri driver's license applicants shall receive a voter registration application form as a simultaneous part of the application for a driver's license, renewal of driver's license, change of address, duplicate request and a nondriver's license.

2. If a single application form is used, the voter registration application portion of any application described in subsection 1 of this section may not require any information that duplicates information required in the

driver's license portion of the form, except a second signature or other information required by law.

3. After conferring with the secretary of state as the chief state election official responsible for overseeing of the voter registration process, the director of revenue shall adopt rules and regulations pertaining to the format of the voter registration application used by the department. The director of revenue shall utilize electronic voter registration application forms and provide for secure electronic transfer of voter registration information to election authorities. The secretary of state and the director of revenue shall ensure the confidentiality and integrity of the voter registration data collected, maintained, received, or transmitted under this section.

4. No information relating to the failure of an applicant for a driver's license or nondriver's license to sign a voter registration application may be used for any purpose other than voter registration.

5. Any voter registration application received pursuant to the provisions of this section shall be forwarded, in a secure and electronic manner, to the election authority located within that county or any city not within a county, or if there is more than one election authority within the county, then to the election authority located nearest to the location where the driver's license application was received. Voter registration information, including an electronic image of the signature of the 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 provide a copy of the list of any death reported in the state to the secretary of state. The secretary of state shall notify the election authority of the jurisdiction in which the deceased resided of the information received pursuant to this subsection.

2. At least once each month, the clerk of the circuit court of each county and city not within a county shall provide to the election authority a list of the name and address, if known, of each person over eighteen years of age in the court's jurisdiction who has been convicted of any felony, or of a misdemeanor connected with the right of suffrage. A copy of the list shall also be submitted to the secretary of state. The secretary of state shall notify the election authority of the jurisdiction in which an offender resides of the information received pursuant to this subsection.

3. At least once each month, the clerk of the probate division of the circuit court of each county and city not within a county shall provide to the election authority a list of the name and address, if known, of each person over eighteen years of age in the court's jurisdiction who has been adjudged incapacitated and has not been restored to capacity. A copy of the list shall also be submitted to the secretary of state. The secretary of state shall notify the election authority of the jurisdiction in which such person resides of the information received pursuant to this subsection.

4. The clerk of each circuit court shall, on or before the tenth day of each month, prepare and transmit to the secretary of state, in a format prescribed by the secretary of state, a complete list of all persons, including addresses, ages, and other identifying information as specified by the secretary of state, who identify themselves as not being citizens of the United States during their qualification to serve as a juror during the preceding calendar month in that county.

5. All state and local registrars and all clerks of probate divisions of the circuit courts and circuit courts

shall provide the information specified in this section, without charge, to the election authority or the secretary of state.

115.221. Notwithstanding any other provisions of law to the contrary, each election authority may have the voting records inspected and may investigate the qualifications of any person who has not voted or transferred his registration within the four preceding calendar years. If the election authority determines that a person who is not eligible to vote registered to vote or voted in an election, the election authority shall execute and deliver to the attorney general, the secretary of state, and the prosecuting or circuit attorney having jurisdiction in the territory covered by the election an affidavit stating the relevant facts.

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.

2. Within thirty days of receiving a complaint, the secretary of state shall notify the person filing the complaint whether or not the secretary has dismissed the complaint or will commence an investigation. The secretary of state shall dismiss frivolous complaints. For purposes of this subsection, "frivolous complaint" shall mean an allegation clearly lacking any basis in fact or law. Any person who makes a frivolous complaint pursuant to this section shall be liable for actual and compensatory damages to the alleged violator for holding the alleged violator before the public in a false light. 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 appropriate prosecuting attorney or attorney general.

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

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

(2) (a) The secretary of state or an authorized representative of the secretary of state shall have the power to require the production of books, papers, correspondence, memoranda, contracts, agreements, and other records by subpoena or otherwise when necessary to conduct an investigation under this section. Such powers shall be exercised only at the specific written direction of the secretary of state or his or her chief deputy.

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

(c) The provisions of this subdivision shall expire on August 28, 2025.