

SECOND REGULAR SESSION

HOUSE BILL NO. 1394

100TH GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVE PRICE.

3006H.011

DANA RADEMAN MILLER, Chief Clerk

AN ACT

To repeal section 28.035, RSMo, and to enact in lieu thereof three new sections relating to the election anti-fraud fairness act.

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

Section A. Section 28.035, RSMo, is repealed and three new sections enacted in lieu thereof, to be known as sections 28.035, 115.018, and 115.1020, to read as follows:

28.035. 1. The secretary of state shall be the chief state election official responsible for the administration and coordination of state responsibilities pursuant to the Help America Vote Act of 2002. The secretary is authorized to appoint members to commissions, develop and submit plans, set voting systems standards and compliance deadlines, and any other activities reasonably necessary to comply with the Help America Vote Act of 2002.

2. The office of the secretary of state shall be designated as the single office which shall be responsible for providing information regarding voter registration procedures and absentee ballot procedures to be used by absent uniformed services voters and overseas voters, as defined in section 115.279, with respect to elections for federal office.

3. The secretary of state shall establish state-based administrative complaint procedures to remedy grievances concerning a violation of Title III of the Help America Vote Act of 2002. These procedures shall:

(1) Require complaints to be in writing and notarized, and signed and sworn by the person filing the complaint;

(2) Allow complaints to be consolidated;

(3) At the request of the complainant, require a hearing on the record which may be conducted exclusively by written testimony and information;

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 (4) Provide an appropriate remedy for any substantiated violation of Title III of the Help
19 America Vote Act of 2002;

20 (5) Dismiss the complaint and publish the results of the procedures when there is a
21 determination of no violation;

22 (6) Require a final determination with respect to the complaint before the expiration of
23 the ninety-day period which begins on the date the complaint is filed, unless the complainant
24 consents to a longer period for making such a determination; and

25 (7) If the final determination is not completed within ninety days, resolve the complaint
26 within sixty days under alternative dispute resolution procedures. The record and any other
27 materials from proceedings conducted pursuant to this subsection shall be made available for use
28 under the alternative dispute resolution procedures.

29 4. The secretary of state is authorized to promulgate rules to execute this section. No
30 rule or portion of a rule promulgated pursuant to the authority of this section shall become
31 effective unless it has been promulgated pursuant to chapter 536.

32 **5. The secretary of state shall recuse himself or herself from presiding over**
33 **elections where he or she is the candidate appearing on the ballot for the office of President**
34 **of the United States, United States Senator, United States Representative, governor,**
35 **lieutenant governor, secretary of state, attorney general, state treasurer, or state auditor.**
36 **The recusal shall apply only to the race in which the secretary of state is a candidate. If**
37 **the secretary of state is recused, the election supervisory board established in section**
38 **115.1020 shall assume all of the secretary of state's duties for the election from which the**
39 **secretary of state was recused.**

115.018. This section shall be known and may be cited as the "Election Anti-Fraud
2 **Fairness Act". If an election authority presides over an election in which he or she is a**
3 **candidate for office, including reelection to the office which qualifies him or her to serve**
4 **as the election authority, and there is a recount ordered for the office for which the election**
5 **authority's name appears on the ballot, the election authority shall recuse himself or**
6 **herself and the election supervisory board established in section 115.1020 shall assume the**
7 **duties and responsibilities of the election authority.**

115.1020. 1. There is hereby established within the office of the secretary of state
2 **the "Election Supervisory Board". The purpose of the board shall be to assume the duties**
3 **and responsibilities of the election authority in the event of a conflict as described in**
4 **subsection 5 of section 28.035 and section 115.018.**

5 **2. The election supervisory board shall consist of six members. Three members**
6 **shall be appointed by the speaker of the house of representatives and the president pro**
7 **tempore of the senate and three members shall be appointed by the minority floor leader**

8 of the house of representatives and the minority floor leader of the senate. Members shall
9 be appointed for terms of four years, with no limit on the number of terms a member may
10 serve.

11 3. No member of the election supervisory board shall hold public office or become
12 a candidate for public office during his or her time on the board. A member who becomes
13 a candidate for or is appointed to public office shall be immediately removed from the
14 board and the vacancy shall be filled in the same manner as the departing member was
15 appointed.

✓