

HCS HB 269 -- ELECTIONS

SPONSOR: Shaul (113)

COMMITTEE ACTION: Voted "Do Pass with HCS" by the Standing Committee on Elections and Elected Officials by a vote of 4 to 3. Voted "Do Pass" by the Standing Committee on Rules- Legislative Oversight by a vote of 7 to 1.

This bill requires candidates to pay filing fees directly to the treasurer of the appropriate political party committee whenever a declaration of candidacy for a particular office is required to be filed with the Office of the Secretary of State.

The bill authorizes the Secretary of State to use subpoena power for specified investigations. The Secretary of State or his or her representatives may assemble records and documents, by subpoena or otherwise. The subpoena power is exercised only at the specific written direction of the Secretary of State or his or her chief deputy. The subpoena authority includes all records set forth in Section 115.943, RSMo. If any person refuses to comply with a subpoena, the Secretary of State shall 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 and may hold the person in contempt for failure to comply with the order.

PROPOSERS: Supporters say that the bill gives appropriate enforcement authority to the Secretary of State which only involves the production of documents and physical items.

Testifying for the bill were Representative Shaul; and Jay Ashcroft, Secretary of State.

OPPOSERS: Those who oppose the bill say that current relations between county clerks and the Secretary of State's office are excellent, but that the subpoena power could conceivably be abused in the future. The Open Records Law or court based discovery will allow for the production of relevant documents.

Testifying against the bill was Mark Rhoads, Missouri Association of County Clerks And Election Authorities.