

SECOND REGULAR SESSION

HOUSE BILL NO. 2469

100TH GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVE SIMMONS.

5146H.011

DANA RADEMAN MILLER, Chief Clerk

AN ACT

To repeal section 115.642, RSMo, and to enact in lieu thereof one new section relating to subpoena power of the secretary of state.

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

Section A. Section 115.642, RSMo, is repealed and one new section enacted in lieu thereof, to be known as section 115.642, to read as follows:

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.

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, the secretary of state or his or her authorized representatives may aid any prosecuting attorney or circuit attorney in the commencement and prosecution of election offenses as provided in sections 115.629 to 115.646.

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

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

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

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

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