

House \_\_\_\_\_ Amendment NO. \_\_\_\_\_

Offered By

1 AMEND House Committee Substitute for House Bill No. 2140, Page 16, Section 115.637, Line 82,  
2 by inserting after all of said section and line the following:

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4 "115.642. 1. Any person may file a complaint with the secretary of state stating the name of  
5 any person who has violated any of the provisions of sections 115.629 to 115.646 and stating the  
6 facts of the alleged offense, sworn to, under penalty of perjury.

7 2. Within thirty days of receiving a complaint, the secretary of state shall notify the person  
8 filing the complaint whether or not the secretary has dismissed the complaint or will commence an  
9 investigation. The secretary of state shall dismiss frivolous complaints. For purposes of this  
10 subsection, "frivolous complaint" shall mean an allegation clearly lacking any basis in fact or law.  
11 Any person who makes a frivolous complaint pursuant to this section shall be liable for actual and  
12 compensatory damages to the alleged violator for holding the alleged violator before the public in a  
13 false light. If reasonable grounds appear that the alleged offense was committed, the secretary of  
14 state may issue a probable cause statement. If the secretary of state issues a probable cause  
15 statement, he or she may refer the offense to the appropriate prosecuting attorney.

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

20 4. (1) The secretary of state may investigate any suspected violation of any of the  
21 provisions of sections 115.629 to 115.646.

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

27 (b) If any person refuses to comply with a subpoena issued under this [subsection]  
28 subdivision, the secretary of state may seek to enforce the subpoena before a court of competent  
29 jurisdiction to require the production of books, papers, correspondence, memoranda, contracts,  
30 agreements, and other records. The court may issue an order requiring the person to produce

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1 records relating to the matter under investigation or in question. Any person who fails to comply  
2 with the order may be held in contempt of court.

3 ~~[(c)The provisions of this subdivision shall expire on August 28, 2025.]~~"; and

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5 Further amend said bill by amending the title, enacting clause, and intersectional references  
6 accordingly.