

HCS HB 2140 -- ELECTIONS

SPONSOR: McGaugh

COMMITTEE ACTION: Voted "Do Pass with HCS" by the Standing Committee on Elections and Elected Officials by a vote of 14 to 2 with 1 voting present. Voted "Do Pass" by the Standing Committee on Rules- Legislative Oversight by a vote of 8 to 2.

The following is a summary of the House Committee Substitute for HB 2140.

This bill modifies provisions related to elections.

The bill allows the officer or agency calling an election to notify the election authority responsible for conducting the election of an election via email.

The bill changes the opening date for filing a declaration of candidacy that is not specified by law or charter for an office in a political subdivision or special district from the 17th Tuesday prior to the election to the 16th Tuesday prior to the election.

It also changes the closing filing date for filing a declaration of candidacy for such offices from the 14th Tuesday prior to the election to the 13th Tuesday prior to the election. If the 13th Tuesday prior to the election is a state or federal holiday, the closing filing date shall be 5:00 p.m. on the next day that is not a state or federal holiday.

Currently, covered voters eligible to register to vote, interstate former residents, and new residents may vote by absentee ballot for presidential and vice presidential electors. This bill allows such voters to vote at the office of the election authority on election day for such electors.

The bill specifies that lists of absentee voters with permanent disabilities shall be kept confidential and shall not be posted or displayed in an area open to the public nor shown to any unauthorized person.

Currently, each absentee ballot received by the election authority must be marked as received on the list and if any of the statements on any ballot envelope have not been completed, the absentee ballot is rejected. This bill adds that the election authority shall compare the signature on the ballot envelope with the signature of the voter on the voter's registration record and if the signature is inconsistent with the voter's signature on the voter's registration record, the envelope shall be rejected.

Currently, provisional ballots are available at elections where federal or statewide candidates or statewide ballot measures are on the ballot. This bill makes provisional ballots available at any public election.

This bill adds threatening to harm or engaging in conduct reasonably calculated to harass or alarm an election official or member of one's family, attempting to pressure an election official to violate a provision of election law, and doxxing an election official or member of one's family as class three election offenses. If the prohibited activity results in death or bodily injury to an election official or member of the official's family, the offense shall be a class B felony.

Currently, electioneering activities are prohibited within a certain distance of a polling location on election day. This bill applies the same restrictions to locations where in-person absentee voting occurs during the absentee voting period. The bill also adds circulating initiative and referendum petitions to this list of prohibited activities within a certain distance of a polling location.

This bill creates the "Missouri Elections Sovereignty Act". The bill specifies that the State of Missouri reserves the right to determine the time, place, and manner of its own state elections, and declares that any federal laws regulating the same shall apply only to federal elections.

The following is a summary of the public testimony from the committee hearing. The testimony was based on the introduced version of the bill.

**PROPONENTS:** Supporters say that these are necessary changes to improve election administration. Changing the filing date will eliminate confusion about whether filing can be accepted during a state holiday. Additional protections for election officials are necessary because of high turnover and an atmosphere of increased tension at polling places. Election administrators will be better able to ensure the safety and security of elections

Testifying in person for the bill were Representative Mcgaugh; Sierra Club Missouri Chapter; Denise Lieberman, Missouri Voter Protection Coalition; Secure Democracy; Advocates of Planned Parenthood of The St. Louis Region and Southwest Missouri; Eric Fey, St. Louis County Election Board; Missouri NEA; Missouri School Boards Association; Missouri Municipal League; City of St. Peters; and Arnie Dienoff.

OPPONENTS: Opponents say that additions to election offenses will be used to intimidate people who question the validity of elections. Some of the activities listed are already illegal, so it's unnecessary to codify them here. Others are too broad or poorly defined and could lead to abuse. This bill follows a pattern of the government and its friends pitting themselves against the rest of the citizens. Opponents muse why election officials should get special protection over private industries like oil companies.

Testifying in person against the bill were ARMORVINE, LLC.

OTHERS: Others testifying on the bill say election offenses are under the purview of the Secretary of State, but if an offense is egregious that office will contact local law enforcement.

Testifying in person on the bill was Trish Vincent, Missouri Secretary of State.

Written testimony has been submitted for this bill. The full written testimony and witnesses testifying online can be found under Testimony on the bill page on the House website.