

HB 2873 -- ELECTIONS

SPONSOR: Aune

This bill prohibits any voting qualification, prerequisite to voting, law, ordinance, standard, practice, procedure, regulation, or policy that results in a denial or abridgment of the right of any member of a protected class to vote. A violation of this provision will be established if, based on the totality of circumstances, members of a protected class have less opportunity than other members of the electorate to participate in the political process or elect candidates of their choice.

There will be a presumption of denial or abridgment of the right to vote if a political subdivision election is held on a date that is not concurrent with any election date provided by Missouri law and if voter turnout in the political subdivision is less than 25% of the most recent presidential election for three consecutive elections or if the voter turnout of members of a protected class is 25% lower than that for voters who are not members of a protected class.

Any method of election or voting must not have the effect of impairing the ability of members of a protected class to elect candidates of their choice as a result of the dilution or abridgment of the rights of the members of the protected class. A violation of this provision is established if the electoral choices preferred by members of the protected class would usually be defeated and the voting patterns of the protected class are racially polarized.

Methods for assessing whether voting patterns of members of a protected class within a political subdivision are racially polarized or whether the electoral preferences of the class would usually be defeated are provided in the bill. Methods of assessing whether the ability of members of a protected class to elect candidates of their choice or influence the outcome of elections is impaired are provided in the bill.

Any aggrieved person or organization may file an action in the circuit court of the county in which the political subdivision is located.

Upon a finding of a violation, the court must implement appropriate remedies tailored to the situation. Possible remedies are outlined in the bill. The court can not adopt a remedy that diminishes the ability of minority groups to participate in the political process and elect their preferred candidates to office.

The Secretary of State will establish a repository of the data necessary to assist the state and political subdivisions with honoring the provisions outlined in this bill. The data required to be stored on the database are provided in the bill. Records must cover at least the previous 12 year period. Except for personally identifying information, all other data in the statewide database will be freely accessible to the public.

The Secretary of State will use the statewide database to determine which election authorities must provide assistance to language minority voters, and in which languages. Assistance will include the provision of election-related documents in the language of the applicable minority group.

This bill requires political subdivisions which have been found to have denied or abridged the right to vote, as provided in the bill, to receive preclearance from the Attorney General before implementing any change to apportionment; method of election; form of government; annexation, incorporation, or consolidation of a political subdivision; voter registration list maintenance activities; number, location, and hours of operation of polling places; dates of election; registration of voters; assignment of election districts; assistance offered to members of a language-minority group; changes to powers of elected officials; and any other method of or prerequisite to voting. Political subdivisions must submit the new policy in writing to the Attorney General, and the Attorney General will grant or deny preclearance according to limitations provided in the bill. If a required political subdivision implements a covered policy without receiving preclearance the Attorney General or any affected voter may bring an action to enjoin the policy and seek civil penalties against the political subdivision.