

HB 3263 -- ELECTIONS

SPONSOR: Simmons

This bill requires the Department of Health and Senior Services to provide the Secretary of State (SoS) with a monthly report of death certificates. The SoS will then notify the relevant election authorities (LEAs) of the deaths of individuals in their jurisdictions. The LEAs must remove the names of deceased individuals from the voter rolls.

The bill provides that election challengers do not need to be residents in the jurisdiction for which they are designated. It also describes the criteria under which an election challenger may be removed from a polling location.

This bill allows election watchers to observe the certification of election technologies, in-person absentee voting, canvassing, elector appeals, vote tabulation, ballot transporting, auditing, and recounts. Watchers do not need to be residents in the jurisdiction for which they are designated. It also describes the criteria under which an election watcher may be removed from an election activity. If a watcher is removed the political party committee that designated the watcher will have the right to designate a replacement. Any election authority or judge who violates a provision of law related to election watchers is guilty of a class D misdemeanor.

Current law requires the SoS and the Director of the Department of Revenue to enter into an agreement to match information in the voter registration database with information in the motor vehicle system. This bill requires the agreement to include information pertaining to the citizenship status of individuals in the Department's database.

The bill also requires the SoS to enter into agreements or MOUs with the Department of Homeland Security to utilize the Systematic Alien Verification for Entitlements (SAVE) program for the purpose of verifying the citizenship status of registered voters and voter registration applicants. The SoS must conduct SAVE verifications at least twice per year.

A voter removed from a registration list because of SAVE information will receive written notice from the LEA and 30 days to respond with proof of citizenship. No voter will be removed from a registration list within 90 days of a Federal election because of a SAVE verification.

Currently, a voter cannot be removed from a voter registration list unless the voter does not respond to a notice sent during a canvass of voters, and the voter subsequently does not cast a vote in that jurisdiction during the period beginning on the date of the notice and ending on the day after the date of the second general election that occurs after the notice. Rather than removing a voter only for failing to cast a vote in the jurisdiction during that period, this bill expands the list of address-dependent election activities that will allow a voter to remain on the registration list to include signing a petition to form a new political party, to nominate an independent candidate for office, or for a citizen initiative.

This bill prohibits an election authority from engaging in ballot curing activities, as described in the bill.

The bill requires state departments to provide to the SoS any information necessary to maintain the statewide voter registration database. The SoS will be required to enter into agreements to share information with other states or groups of states as the SoS considers necessary to maintain the statewide voter registration database.

This bill requires the clerk of each circuit court to transmit to the SoS once per month, a list of all people who identify themselves as not being U.S. citizens during jury selection. The SoS will use this information to remove ineligible voters from the voter registration list.

The bill requires a hand recount of no less than 15% of all election precincts, randomly selected, before the certification of election results. The random selection of precincts will be open to the public. The election authority will post notification of the time and place of the selection process at least 48 hours in advance.

Recount teams will be made up of no fewer than two people selected from lists provided by the chairs of the two major political parties within the county. The types of races that must be included in the random drawing are described in the bill.

If the results of the manual recount differ by more than 0.5% from the results of the electronically tabulated results, the recount team must immediately notify the election authority, which will investigate the discrepancy.

This bill creates the "Office of Election Crimes and Security" in the SoS's office. The SoS is responsible for appointing a director and investigators for the office. The office will have the following responsibilities:

- (1) Respond to notifications and complaints alleging a violation of state election laws;
- (2) Review notices and reports of alleged violations of state election laws and conduct investigations;
- (3) Initiate independent inquiries and conduct investigations into alleged violations of state election law; and
- (4) Oversee a voter fraud hotline.

The Office is given subpoena power in the course of investigating complaints. If any person refuses to comply with a subpoena issued pursuant to this bill, the SoS can seek to enforce the subpoena before a court of competent jurisdiction. The court can issue an order requiring the person to produce the documents relating to the investigation. Any person who fails to comply with the order may be held in contempt of court. Any investigator conducting an investigation into an alleged violation of state election law will not be restricted from entering any polling place or office of election authority under investigation.

If, during the course of an investigation, the Office determines that there could be a violation of any criminal law or state election law, it will submit its findings and investigation to the Attorney General and respective prosecuting attorney for further investigation or prosecution. The Attorney General is given investigative authority and concurrent jurisdiction to prosecute any election offense.

The office must prepare an annual report for the Governor, the Speaker of the House of Representatives, and the President Pro Tem of the Senate disclosing the details of complaints it receives.

This bill reinstates the SoS's ability to conduct investigations and exercise subpoena power with respect to suspected election offenses, which expired on August 28, 2025.

The bill makes a number of records relating to elections public records.

Any state agency, whether that agency is involved in elections or not, or any person, group, or entity administering any official election occurring within the State, that receives or responds to a communication, as defined in the bill, with the United States Department of Justice or any other Federal executive branch agency related to new or existing voting or election laws, must provide notice to the Governor and General Assembly of this communication within five business days.

Any person, group, or entity administering any official election occurring within the State who intends to implement any new Federal election guidance, as defined in the bill, must provide notice to the General Assembly of its intent to do so at least 30 days before implementing the guidance. All new Federal election guidance must be approved by a concurrent resolution before it can be implemented. It will be presumed that the General Assembly has approved the implementation if it fails to vote on a concurrent resolution within 30 days from when notice is provided. A violation of this provision will result in a fine of \$5,000 to be levied every 30 days until the implemented guidance is formally withdrawn.

The bill also requires any person, group, or entity administering any official election that intends to accept or disburse Federal election funds to notify the General Assembly of its intent to do so at least 30 days before accepting the funds. All new Federal election funds must be approved by a concurrent resolution of the General Assembly before they can be accepted or disbursed. It will be presumed that the General Assembly has approved the funds if it fails to vote on a concurrent resolution within 30 days from when notice is provided. A violation of this provision will result in a fine of \$1,000 to be levied every 30 days until the implemented guidance is formally withdrawn.

This bill prohibits a "government entity", as defined in the bill, from soliciting, accepting, or using funds or in-kind goods or services for election administration if they were donated directly or indirectly by a person other than a government entity. This does not apply to funds or in-kind goods or services of de minimis value. Except as provided in the bill, government entities or "election officers", as that term is defined in the bill, are prohibited from joining the membership of, participating in a program created by, or purchasing services from any entity unless the entity complies with certification retirements described in the bill.

The bill outlines the disclosure requirements for government entities or election officers who join or consider joining the membership of such program.

The bill prohibits government entities from being members of or participating in programs run by organizations that engage in election administration and receive foreign funding. A violation of the provisions of this bill is a class B misdemeanor. Any Missouri registered voter can bring a cause of action to enforce the provisions of this bill.

This bill requires initiative and referendum petition signature pages to be printed on a form as specified by the SoS. Signature page forms will be made available in electronic format.

The bill requires petition circulators to be citizens of the United States and either residents of Missouri or physically present in Missouri for at least 30 consecutive days prior to the collection of signatures, and prohibits them from being compensated based on the number of signatures collected. Circulator affidavits are updated to reflect these requirements.

Signatures must be recorded using black or dark ink.

Currently, any citizen can challenge the official ballot title or fiscal note for a Constitutional amendment, initiative petition, or referendum measure, or the certification of a petition as sufficient or insufficient. This bill changes this to allow only a Missouri registered voter to make these challenges.

The bill requires final adjudication relating to a challenge of the official ballot title or fiscal note to occur at least eight weeks before the date of the election.

Currently, the SoS and Attorney General review initiative and referendum petitions for sufficiency as to form, and approve or reject them on that basis. This bill changes this to require these officials to review initiative and referendum petitions for compliance with Section 116.050, RSMo and with Article III of the Missouri Constitution.

This bill contains a delayed effective date.