The Election Boards Equalization Act

(Draft Model Bill – Missouri)

AN ACT

To repeal sections 115.015, 115.017, 115.019, 115.021, 115.023, 115.027, 115.029, 115.031, 115.033, 115.035, 115.037, 115.039, 115.041, 115.043, and 115.045, RSMo, and to enact in lieu thereof thirteen new sections relating to the establishment of 34 election authorities, with an effective date. This act shall be known and may be cited as the **"The Election Boards Equalization Act."**

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF MISSOURI, AS FOLLOWS:

Section A. Sections 115.015, 115.017, 115.019, 115.021, 115.023, 115.027, 115.029, 115.031, 115.033, 115.035, 115.037, 115.039, 115.041, 115.043, and 115.045, RSMo, are repealed and thirteen new sections enacted in lieu thereof, to be known as sections 115.014, 115.015, 115.017, 115.019, 115.021, 115.023, 115.027, 115.029, 115.031, 115.033, 115.035, 115.037, and 115.039, to read as follows:

115.014. Legislative findings and purpose.

1. The General Assembly finds that:

(1) Missouri currently maintains one hundred sixteen separate local election authorities whose populations range from fewer than two thousand residents to nearly one million residents;

(2) This extreme disparity produces unequal administrative capacity, inconsistent procedures, higher per-voter costs in the smallest jurisdictions, and unnecessary duplication of fixed expenses for equipment, training, cybersecurity, and audits;

(3) Aligning election authorities with the thirty-four senatorial districts creates jurisdictions of approximately equal population (roughly one hundred eighty-one thousand residents each) that are large enough to support professional staff and shared resources while remaining smaller and more accountable than the largest existing county boards;

(4) Reducing the number of election authorities from one hundred sixteen to thirty-four will lower long-term administrative costs, improve consistency of election administration, enhance the ability to conduct required post-election audits, strengthen cybersecurity, and reduce the burden on small-county clerks who currently perform election duties in addition to other statutory responsibilities; and

(5) Automatic adjustment of boundaries with each senatorial redistricting will permanently maintain population equality without further legislative action.

2. It is the purpose of this act to establish equal-population Senate District Election Authorities, transfer election functions from county clerks and existing boards, and provide for an orderly transition that protects the integrity of elections and the rights of voters.

115.015. Short title — Senate district election authority established.

1. This act shall be known and may be cited as the “The Election Boards Equalization Act.”

2. There is hereby established a **Senate District Election Authority** for each of the thirty-four senatorial districts created pursuant to Article III of the Constitution of Missouri.

3. The Senate District Election Authority shall be the election authority for all public elections within its jurisdiction.

4. The boundaries of each Senate District Election Authority shall be identical to the boundaries of the corresponding senatorial district as established by law after each decennial census and shall automatically adjust upon any lawful redistricting of the Missouri Senate.

115.017. Jurisdiction.

1. Each Senate District Election Authority shall have exclusive jurisdiction to conduct all public elections, maintain voter registration, and perform all other duties of an election authority under this chapter within the territory of its senatorial district.

2. When a political subdivision or special district lies in more than one senatorial district, the Senate District Election Authority containing the greatest number of the subdivision’s registered voters shall be the primary election authority for that subdivision, unless the affected boards agree by written contract that one board shall conduct the election for all or part of the subdivision.

3. County clerks, municipal clerks, and existing boards of election commissioners are relieved of all election-related duties upon the effective date of this section, except as provided in the transition provisions of section 115.039.

115.019. Composition and appointment of Senate District Election Boards.

1. Each Senate District Election Authority shall consist of four commissioners appointed by the governor with the advice and consent of the senate.

2. Two commissioners shall be members of one major political party and two commissioners shall be members of the other major political party. No more than two

commissioners shall be members of the same political party.

3. The governor shall designate one commissioner as chair and one as secretary; the chair and secretary shall not be members of the same political party.

4. Commissioners shall be qualified voters of the senatorial district they represent, of good character, and shall not hold any other elective public office during their term.

5. The governor may also appoint one non-voting representative from each established political party upon recommendation of the state chair of that party.

115.021. Terms, qualifications, oath, and removal.

1. Commissioners shall serve four-year terms, staggered so that two commissioners' terms expire every two years. Initial appointments shall be made for terms of two and four years to establish the stagger.

2. Each commissioner shall take the oath of office required of state officers and shall file a bond in the amount of ten thousand dollars.

3. A commissioner may be removed by the governor for cause after notice and hearing, or by a majority vote of the remaining commissioners for misconduct, neglect of duty, or inability to serve.

115.023. Powers and duties.

Each Senate District Election Authority shall have all the powers and duties previously vested in county clerks acting as election authorities and in boards of election commissioners under this chapter, including but not limited to:

(1) Conducting all public elections;

(2) Maintaining the voter registration system for its district in coordination with the statewide system administered by the secretary of state;

(3) Establishing and managing polling places, early voting locations, and central counting locations;

(4) Appointing and training election judges in bipartisan teams;

(5) Conducting post-election audits as required by law;

(6) Certifying results and transmitting them to the secretary of state; and

(7) Adopting local rules consistent with this chapter and regulations of the secretary of state.

115.027. Staff, compensation, and offices.

1. Each board may employ a director, deputy directors, and such other staff as necessary. The director shall be a full-time employee and shall not be a member of the board.

2. Commissioners shall receive per diem compensation and reimbursement for actual expenses as provided by appropriation.

3. Each board shall maintain a principal office within its senatorial district, which shall be open to the public during regular business hours.

115.029. Funding.

1. The general assembly shall appropriate funds for the operation of the Senate District Election Authorities.

2. Counties and cities previously responsible for election costs shall continue to contribute a portion of those costs based on a formula established by the secretary of state that reflects registered voters and historical expenditures, until such time as a fully state-funded system is implemented.

3. Boards may receive and expend federal grants consistent with state and federal law.

115.031. Coordination with secretary of state.

The secretary of state shall provide technical assistance, training, cybersecurity support, and oversight of the statewide voter registration database. Each Senate District Election Authority shall comply with all directives of the secretary of state that are consistent with this chapter.

115.033. Handling of existing special boards.

The existing boards of election commissioners in St. Louis City, Kansas City, and any other jurisdiction currently operating under sections 115.017 to 115.045 shall be dissolved and their functions, records, equipment, and personnel transferred to the Senate District Election Authority or Authorities whose districts encompass their former jurisdictions.

115.035. Precincts and polling places.

Each board shall establish precincts within its district. Precincts may cross county lines when necessary for efficiency, provided that voters are not required to travel an unreasonable distance and that ballot styles correctly reflect all contests for which the voter is eligible.

115.037. Transparency and audits.

1. All meetings of a Senate District Election Authority shall be open to the public except for those portions properly closed under the Sunshine Law.

2. Each board shall conduct a post-election audit of at least five percent of precincts in every election, as currently required, and shall publish the results.

3. All contracts, expenditures, and voter registration data (subject to privacy protections) shall be available for public inspection.

115.039. Transition provisions.

1. This act shall become effective on January 1 of the year following the first general election after its enactment, or on January 1 following the completion of the next senatorial redistricting, whichever is later, to allow orderly transition.

2. Within one hundred eighty days after the effective date, all election records, voting equipment, ballots, and related property held by county clerks and existing boards of election commissioners shall be transferred to the appropriate Senate District Election Authority.

3. Existing county election staff may be offered employment by the new boards on a preferential basis.

4. The secretary of state shall promulgate emergency rules to facilitate the transition.

5. Any county clerk who previously served as election authority shall continue to perform non-election duties of the office of county clerk.

Section B. Because the equal population of election authorities and the efficient administration of elections are necessary for the immediate preservation of the public health, welfare, peace, and safety, the transition provisions of section 115.039 of this act are deemed necessary for the immediate preservation of the public health, welfare, peace, and safety, and are hereby declared to be an emergency act within the meaning of the constitution, and the transition provisions shall be in full force and effect upon their passage and approval.