

**Title 15--ELECTED OFFICIALS
Division 30--Secretary of State
Chapter 12—Grievance Procedures**

PROPOSED AMENDMENT

15 CSR 30-12.010 Statewide HAVA Grievance Procedure. The secretary is amending sections (3), (4), and (10), deleting section (8), renumbering as needed and adding sections (11) and (12).

PURPOSE: This amendment clarifies the procedure for filing a HAVA complaint and establishes the procedure for an alternative dispute resolution process in accordance with federal law.

(3) Any complaint filed under this rule must be filed within thirty (30) days of the certification of the election in which the violation is alleged to have occurred[.], **unless the alleged violation is ongoing in nature, in which case the complaint must be filed within six months of the date of discovery of the alleged violation. The complaint shall be filed with the Elections Division.**

(4) The complaint filed under section (1) of this rule shall state the following:

(B) A description of the act or acts that the person filing the complaint believes is a violation of a provision of Title III of HAVA; *[and]*

(C) The nature of the injury suffered (or is about to be suffered) by the person filing the complaint[.]; **and**

(D) The date the alleged violation occurred, or, in the case of an alleged ongoing violation, the date the violation was discovered.

[(8) At the request of the person filing the complaint, or if the presiding officer believes that the circumstances so dictate, the presiding officer shall conduct a hearing on the complaint and prepare a record on the hearing, such hearing to be conducted within ten (10) days of the request of the person filing the complaint.]

[(9)] **(8)** The presiding officer, upon completing the investigation, shall submit the results to the Elections Division, which shall then issue a written report. The Elections Division shall provide a copy of the report by certified mail to:

- (A) The person who filed the complaint;
- (B) The person or persons alleged to have committed the violation; and
- (C) The election authority in whose jurisdiction the violation was alleged to have occurred.

[(10)] **(9)** The report described in section (8) of this rule shall:

- (A) Indicate the date when the complaint was received by the Elections Division;
- (B) Contain findings of fact regarding the alleged violation and state whether a violation of Title III of HAVA has occurred;
- (C) State what steps, if any, the person or persons alleged to have committed the violation has taken to correct the violation and/or to prevent any reoccurrence;
- (D) Suggest any additional measures that could be taken to correct the violation;
- (E) Indicate the date a violation was corrected or is expected to be corrected; *[and]*
- (F) Provide any additional information or recommendations useful in resolving the complaint*[/]; and*

(G) Be published on the Secretary of State's website.

[(11)] **(10)** If the Elections Division determines that there is a violation of any provision of Title III of HAVA, the Elections Division shall determine and provide the appropriate remedy, if authorized to do so. If the Elections Division determines that it is not authorized by law to provide the appropriate remedy, the Elections Division shall, if possible, refer the matter to the appropriate agency or office that has jurisdiction.

(11) If the Elections Division fails to render a final written report within ninety (90) days after the complaint was filed, or within any extension to which the Complainant consents, the complaint shall be resolved by alternative dispute resolution as provided in this section. In such cases, the Secretary of State shall forward the record and other materials from any

proceedings conducted under the complaint procedures to a panel of three individuals consisting of two local election authorities and one designee from the Secretary of State's Office. The panel must issue a final written report within sixty (60) days of receiving the record created during the complaint process.

(12) The Secretary of State's Office may recover costs from a complainant if the complaint is found to be frivolous, groundless, or vexatious.

AUTHORITY: section 28.035, RSMo 2016. Original rule filed Sept. 19, 2003, effective May 30, 2004. Amended: Filed July 9, 2026.

PUBLIC COST: This proposed amendment will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

PRIVATE COST: This proposed amendment will not cost private entities more than five hundred dollars (\$500) in the aggregate.

*NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with the Elections Division of the Office of Secretary of State by e-mail at elections@sos.mo.gov or mail at P.O. Box 1276, Jefferson City, MO 65102. To be considered, comments must be received within thirty (30) days after publication of this notice in the **Missouri Register**. No public hearing is scheduled.*