

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

PROPOSED RULE

15 CSR 30-12.020 HAVA Hearing Procedure

PURPOSE: This rule describes the procedure for requesting and conducting a HAVA hearing.

- (1) 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 forty-five (45) days of the filing of the complaint. The request for such a hearing by the person filing the complaint must be made in writing at the same time the complaint is filed. The presiding officer must notify the parties of the time, date, and location of the hearing at least ten (10) days before the hearing.
- (2) The presiding officer must be fair and impartial, but may be appointed from within the Secretary of State's Office. If a complaint alleges HAVA violations against the Secretary of State's Office, the Secretary may appoint a presiding officer from another state or local government agency, including but not limited to the Attorney General's Office, the Auditor's Office, or a local election authority.
- (3) A Complainant's failure to appear at the hearing shall constitute a waiver of the right to a hearing.
- (4) The hearing shall be recorded by either an audio and/or visual recording device, at the option of the presiding officer. No transcription shall be made as a matter of course. Any party or interested person may obtain a copy of the audio or video recording at his/her own expense. If a transcript is produced at the expense of a party, a copy of the same must be filed with the Secretary of State and be included in the official record of the proceedings. Parties and the public shall be prohibited from making their own recordings, including taking photographs or videos, unless the presiding officer approves such recordings.
- (5) The presiding officer will preside over the hearing for the purpose of making factual determinations and recommendations. Generally, the presiding officer will have broad discretion, and is not bound by technical rules of evidence. Hearsay and affidavits may be accepted if

material and relevant. The following is a non-exhaustive list of the presiding officer's powers:

- (A) Conduct a prehearing conference, if deemed appropriate;
 - (B) Permit or deny the parties' requested witness(es) to testify;
 - (C) Call a witness or witnesses to testify if deemed appropriate, even if said witness(es) were not requested by either party;
 - (D) Exclude a potential witness or potential witnesses, unless a party to the proceedings, from being physically present at the hearing or accessing a virtual hearing prior to testifying;
 - (E) Allow the parties the equal opportunity to present witness testimony, question, and/or cross examine (a) witness(es);
 - (F) Limit questioning and/or cross examination of (a) witness(es);
 - (G) Question and/or cross examine (a) witness(es) directly;
 - (H) Allow parties to introduce documentary or other evidence through (a) witness(es);
 - (I) Accept and exclude evidence;
 - (J) In the case of consolidated complaints, require parties on either or both sides of the dispute to designate a single party to advocate for their side at the hearing; and
 - (K) Determine applicable deadlines for the submission of any written testimony, briefs, or
 - (L) Exercise other such powers as necessary to conduct an efficient hearing.
- (6) A party may submit written testimony in lieu of oral testimony. If submitting written testimony, the presiding officer shall determine the deadline for submission.

AUTHORITY: section 28.035, RSMo 2016. Original rule filed July 9, 2026.

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

PRIVATE COST: This proposed rule 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 rule 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.*