



**Rules of
Elected Officials
Division 30—Secretary of State
Chapter 12—Grievance Procedures**

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

15 CSR 30-12.010 Statewide HAVA Grievance Procedure

PURPOSE: This rule describes the procedure for the filing of an administrative complaint to remedy grievances concerning a violation of Title III of the Help America Vote Act of 2002.

(1) Any person who believes that there is a violation of any provision of Title III of the Help America Vote Act of 2002 (HAVA), 42 U.S.C. 15481 through 15485, (including a violation that has occurred, is occurring, or is about to occur), may file a complaint with the Elections Division of the Office of the Secretary of State.

(2) Any complaint filed under this rule must be written, signed, and sworn to before a notary public commissioned by the state of Missouri.

(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.

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

(A) The name and mailing address of the person or persons alleged to have committed the violation of Title III of HAVA described in the complaint;

(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.

(5) The Elections Division shall promptly provide a copy of the complaint by certified mail to:

(A) All persons identified as possible violators of the provisions of Title III of HAVA; and

(B) The election authority in whose jurisdiction the violation is alleged to have occurred.

(6) The Elections Division may consolidate complaints filed under this rule.

(7) Once a complaint has been properly filed under this rule, the secretary of state shall appoint a presiding officer who shall conduct an investigation of the complaint.

(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) 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) 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.

(11) 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.

AUTHORITY: section 28.035, RSMo Supp. 2003. Original rule filed Sept. 19, 2003, effective May 30, 2004.*

**Original authority: 28.035, RSMo 2003.*