



HB 1871

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Path to full text:

<https://documents.house.mo.gov/billtracking/bills261/hlrbillspdf/5033H.02I.pdf>

1. Quick Snapshot (Updated)

1.1 Plain-English overview

HB 1871 is a big elections bill that:

- **Reinstates a statewide presidential preference primary** in early March of presidential years, with the *state* paying for an election that primarily serves party nominating processes.
- **Doubles the no-excuse in-person absentee window** (early voting) from about **2 weeks to 4 weeks** before election day.
- Updates **voter ID and provisional ballot** procedures.
- Tightens some **candidate eligibility** rules (felonies, tax delinquencies).
- Tweaks notice, testing, and other administrative timelines.
- **Increases the electioneering “buffer zone”** from **25 feet to 50 feet** from the polling place door.

From Act for Missouri's perspective, the few genuine "cleanup" and integrity improvements do **not** make up for:

- Expanded early voting and provisional-ballot usage,
- A **state-funded presidential primary** that puts the state's thumb on internal party business, and
- A larger **electioneering restriction zone** that can be abused by hostile local officials to push citizen groups farther away.

1.2 Triage table

- **Single-subject (Art. III §23)**

- **Technical compliance:** Yes – everything is “relating to elections.”
- **Spirit of the rule: No – violates the spirit.** This is a classic “omnibus” elections package bundling many distinct policy choices (presidential primary, early voting expansion, electioneering rules, candidate eligibility, offenses) into one take-it-or-leave-it bill, instead of clean, narrow bills.
- **Does it grow government?**
 - **Yes.**
 - New statewide primary at state expense; more election days & weeks; more administrative duties.
- **Net impact on Missouri families & grassroots activists**
 - **Mixed → leaning negative.**
 - Some genuine integrity tweaks (ID clarity, candidate vetting, equipment testing), but major shifts that:
 - Expand early voting and provisional ballots,
 - **Move citizen speech farther from the polling place (25 ft → 50 ft),**
 - Add a new state-run primary for party business.
- **Alignment with Act for Missouri’s core beliefs (election integrity, limited government, party accountability)**
 - **Net negative.**
 - The bill moves elections **further away** from single-day, in-person, tightly controlled voting and further toward a long election “season” managed by state machinery.
 - The presidential primary undermines efforts to get parties to **own their own vetting and discipline**, while still asking taxpayers to pick up the bill.
- **Recommended stance: OPPOSE HB 1871.**

2. Key Provisions (with added electioneering note)

2.1 Presidential preference primary (state-funded party business)

- **What it does**
 - Sets a **statewide presidential preference primary** on the first Tuesday in March of presidential years.

- Lays out filing rules, petition/fee options, ballot layout (including “uncommitted”), and how parties may use the results in their internal processes.
- **State pays the costs** of the presidential primary, with cost-sharing if local governments piggyback their own issues on the same date.
- **Why this is a problem**
 - This shifts **candidate selection for president** deeper into the **state’s election machinery**, instead of leaving it to party-run caucuses/conventions where **members can insist on real vetting** and platform alignment.
 - Taxpayers are forced to underwrite what is essentially **internal party business** (choosing party nominees).

Tag: **✗ Red flag – state-funded party activity & weaker party accountability.**

2.2 Expanded no-excuse in-person absentee voting (2 weeks → 4 weeks)

- **What the bill does**
 - Changes the no-excuse in-person absentee window from **beginning on the second Tuesday prior** to the election to **beginning on the fourth Tuesday prior**.
 - Result: no-excuse in-person early voting is **roughly doubled**, from ~14 days to ~28 days.
 - Aligns timing of permanent-disability absentee applications with this longer window.
- **Why it matters**
 - Act for Missouri’s stated ideal is: **single election day, in-person voting, paper ballots, tight control of absentees.**
 - Lengthening the no-excuse window moves Missouri further toward a **month-long election period**, diluting the common civic moment, increasing chain-of-custody concerns, and giving campaigns a longer period to pressure or harvest votes.
 - The more days ballots are out and being handled, the more opportunities there are for mistakes, disputes, and mischief.

Tag: **✗ Red flag – undermines election integrity and clarity.**

2.3 Electioneering distance change (25 ft → 50 ft)

- **What the bill does**

- In the election offenses section on electioneering (sample ballots, signs, literature, etc.), current law prohibits electioneering on election day **inside the polling place building or within 25 feet** of the outer door closest to the polling place.
- HB 1871 amends that to “**within fifty feet**” instead of 25 feet.
- Practically, the “no electioneering” zone is **doubled**.
- **Why this raises a flag**
 - Many Conservatives have already experienced local officials **overstepping** the current rules, even when you were within the legal distance. Giving them **more space to police** and a larger “buffer zone” gives those same officials more room to push citizen groups and observers farther away.
 - That is especially concerning in smaller locations where 50 feet may put you effectively **off the property**, out of sight lines, or in a much less useful spot for engaging voters.
 - While the state can restrict electioneering at the door of the polling place, expanding that zone is a **free-speech tension point**—especially when combined with officials who are already inclined to be hostile to watchdogs and pamphleteers.

Tag:  **Concern – free-speech chilling effect & more power for biased local officials.**

2.4 Voter ID & provisional ballots – integrity vs. flexibility

- **What it does**
 - Reaffirms acceptable forms of **photo ID** (state driver/nondriver, U.S./MO government ID, military/Guard/VA ID).
 - Formalizes how **provisional ballots** work when voters lack ID at any location (polling place or in-person absentee site):
 - They vote provisionally, sign an affidavit, and put the ballot in an envelope.
 - The ballot counts if the voter returns same day with ID **or** if the election authority verifies their identity via signature comparison and eligibility at that location.
 - Extends provisional-ballot procedures to **all public elections**, not just large statewide/federal ones.
- **Pros**

- Keeps the strong **photo-ID rule** on paper and makes procedures uniform across elections.
- Clarifies a path to count legitimate votes when voters truly lack ID but can be verified.
- **Cons**
 - Extending provisional ballots and signature-based verification to **more elections and more locations** erodes the practical sharpness of “must have photo ID.”
 - When combined with a **4-week early-voting window**, you get more provisional ballots, more subjective signature decisions, and more room for error or dispute.

Tag:  **Mixed – some integrity clarity, but too much flexibility.**

2.5 Candidate eligibility & tax delinquency rules

- **What it does**
 - Bars candidates with felony convictions (MO, federal, or equivalent out-of-state).
 - Requires candidates to affirm they are **not delinquent** on state income taxes, personal property, municipal, or residence real estate taxes, and not officers of fee offices with unpaid taxes.
 - If DOR finds a false affirmation, the candidate gets **30 days** to pay; failure to cure leads to disqualification and a bar on refiling during that cycle.
 - Adds extra affidavits for offices in a **city not within a county** to show local tax compliance.
- **Why it's generally positive**
 - This is a straightforward integrity measure: officeholders shouldn't be felons or known tax dodgers.
 - The 30-day cure gives due process and avoids weaponizing minor clerical errors.

Tag:  **Mostly Good – consistent with basic stewardship and integrity. Possible concern about weaponizing minor errors.**

2.6 Offenses & other tweaks (outside the big flashpoints)

- **Equipment testing & notice**
 - Requires public notice and a clear window (e.g., at least 14 days) for testing electronic tabulation equipment, with an opportunity for observation.

- This is a **small but real transparency improvement**.
- **Write-in candidacies**
 - Tightens rules so even in “empty ballot” races, prospective write-in candidates must file a declaration by the deadline; no last-minute spontaneous write-in rescue when no one filed.
 - This tends to **favor insiders and well-informed political actors** and weakens the last-ditch option for grassroots locals to rally around someone when a race is left empty.

Tag:

- Testing/notice:  modestly good.
- Write-in tightening:  concerning for citizen access & flexibility.

3. Single-Subject & Process – the “spirit” problem

3.1 Technical single-subject compliance

- All sections relate to **elections**: dates, methods, voter ID, candidate qualifications, offenses, and presidential primaries.
- The title “relating to elections, with penalty provisions” is broad but not deceptive in statutory-interpretation terms.

On that basis, **courts would probably uphold** HB 1871 as a single-subject bill.

3.2 But it violates the spirit of the rule

From our perspective—and frankly from a good-government standpoint—HB 1871:

- Rolls **many distinct policy questions** into one massive package:
 - Should we have a state-funded presidential preference primary?
 - How long should early voting be?
 - How far from the polling place should electioneering be restricted?
 - How strict should write-in rules be?
 - What should candidate tax and felony standards be?
 - How should provisional ballots be handled?
- Bundles controversial expansions (early voting, presidential primary, expanded electioneering zone) with **harmless or positive technical fixes** (equipment testing notice, candidate tax compliance).

That's exactly the pattern the single-subject clause was meant to discourage—even if lawyers can say “it's all elections.” It **forces legislators** and grassroots groups into an all-or-nothing choice:

“If you want the good technical fixes, you have to swallow the expanded early voting, the presidential primary, and the bigger speech-free zone too.”

*“While HB 1871 likely passes the courts’ single-subject test on a technical level, it clearly violates the **spirit** of Article III, Section 23 by bundling numerous major election policy changes into one omnibus bill, instead of allowing clean, up-or-down votes on each question.”*

4. Party Self-Governance, “Fake Republicans,” and This Bill

Helpful context:

- Missouri is deep red on paper, but you’re dealing with many “Republicans” whose **actual ideology and voting patterns are more aligned with the Democrat platform**.
- They can get elected as “Republicans” in a red state with low-information voters, then govern like Democrats, doing just enough to appear conservative at campaign time.
- We’ve been trying to push for **party-level vetting processes**, but **Republican establishment leadership** has resisted that kind of accountability.

HB 1871 cuts against that reform effort in several ways:

1. State-run presidential primary

- It cements candidate selection for the highest office in the land inside the **state election apparatus**, not under the direct control of party members and grassroots caucus processes.
- It allows the same “campaign-mode” dynamics—money, media, consultants—to dominate, while **grassroots party members lose leverage** to demand vetting and platform fidelity.

2. Taxpayer funding of party activity

- When the state pays for the presidential primary, **parties rely less on their own members**, structures, and discipline to run their nominating processes.
- That accelerates the drift toward parties that exist mostly as **ballot brands**, not as serious membership organizations committed to a coherent platform and internal accountability.

5. Free Speech & Citizen Oversight

Two provisions especially touch this:

1. Electioneering distance 25 ft → 50 ft

- In a world where officials have already been known to push Conservatives around under the 25-foot rule, doubling it gives them **more leverage** to keep you out of the field of view and out of practical contact with voters.
- While some buffer is legitimate, tightening a bigger bubble around the polls—especially with vague or aggressive local interpretations—risks chilling **core political speech** on election day.

2. “Disorderly conduct” at polling places

- The bill keeps language against “breach of the peace” and “disorderly conduct” that impedes an election.
- Coupled with a bigger speech-free zone, this can easily be **misused** to pressure or threaten groups who are peaceful but unwanted by local officials.

We aren’t claiming HB 1871 *directly* violates the First Amendment. But we can absolutely say:

- It **moves the line** in a direction that **shrinks the practical space** for peaceful citizen engagement and oversight on election day, and that is particularly troubling given real-world abuse last cycle.

6. Overall Recommendation & Suggested Framing

6.1 Act for Missouri’s stance

Act for Missouri OPPOSES HB 1871.

1. Wrong direction on election integrity

- Doubles the no-excuse early-voting window (2 weeks → 4 weeks), spreading ballots and processes over a longer time and increasing opportunities for mistakes or mischief.
- Broadens provisional ballot use and signature verification instead of tightening photo ID enforcement.

2. State-run presidential primary

- Forces taxpayers to fund **party nominating activity**.

3. Shrinking space for free speech near polls

- Expands the electioneering buffer from **25 feet to 50 feet**, giving already overreaching officials more power to push citizen groups and watchdogs away from voters.

4. **Omnibus, spirit-of-the-Constitution problem**

- While technically under one subject (“elections”), HB 1871 clearly violates the **spirit** of the single-subject rule by bundling multiple major policy changes into one bill, forcing legislators and citizens into an all-or-nothing choice.

5. **Good elements don’t save the bill**

- Candidate tax/felony standards, equipment testing notice, and some ID clarity are helpful—but they could and **should** be done in a **narrow, standalone integrity bills** without the presidential primary, long early voting, expanded buffer zones, and write-in restrictions.

We oppose HB 1871.