



HB 2380

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PART 1 – QUICK SNAPSHOT

1.1 One-Paragraph Overview

HB 2380 converts Missouri’s currently open party primaries into a **closed primary system** where only voters who have formally registered a party affiliation months in advance can vote in that party’s primary; unaffiliated voters would only get a ballot with nonpartisan races and ballot measures. It requires party affiliation to be recorded in the state voter file and shared with local election authorities, and makes party affiliation visible in the data provided to candidates and party committees. It tightens rules on absentee ballot applications by banning third-party solicitation of absentee applications and pre-filled forms, while leaving normal absentee voting in place. It also requires regular cybersecurity reviews of election authorities. It authorizes the Secretary of State to require cybersecurity testing of voting systems and to withhold certain funds from non-compliant local authorities.

1.2 Triage Table (Fast Flags)

Item	Assessment
Single-Subject, Title & Scope	Title: “relating to political party primary elections, with penalty provisions and a delayed effective date.” Reasonably accurate; everything is in Chapter 115 elections and tied to primaries/candidate selection. The scope is focused on elections/SOS/local election authorities. We question whether it qualifies as a single-subject bill. Including the broader cybersecurity and data-sharing rules under that umbrella is a stretch. Title Specificity: 2 – questionable (names elections/primaries, but not cyber/data pieces). Department Scope: Questionable – elections/SOS/local election authorities.
Does it grow government?	Yes. Expands data collection and distribution (party affiliation), adds new cyber-security review mandates, and increases SOS leverage over local election authorities (including withholding funds).

Item	Assessment
Impact on Missouri families (overall)	Mixed: Some protections for election integrity (cyber reviews, curbs on absentee solicitation), but reduced privacy, plus more centralized control and data about citizens' political affiliation.
Alignment with Act for Missouri's core beliefs (high-level)	Mixed: Closing the primaries allows the parties to protect against outside tampering in choosing their candidates. Whether the time restrictions are the correct length is debatable. The bigger issue is the number of provisions included in this legislation.
Initial stance (before deeper review)	Oppose – initial.

PART 2 – PURPOSE & PROVISION MAP

2.1 Stated Purpose & Title

- **Title:** An act “relating to political party primary elections, with penalty provisions and a delayed effective date,” repealing and reenacting a cluster of sections in Chapter 115.
- **Practical purpose (plain language):**
 - Lock in a **closed primary** structure tied to party affiliation in voter registration.
 - Build a “**protected primary**” system where the state and local election authorities administer party primaries based on those affiliation lists.
 - **Codify wider use and sharing of party affiliation data.**
 - Add **cyber-security review and testing mandates** for election authorities and vendors.
 - **Restrict third-party absentee ballot application solicitation.**

The title is mostly honest about focusing on party primaries, but doesn’t tell an ordinary voter that this also means: (1) they must publicly register as a Republican/Democrat/etc. long before the primary, if they want to vote in it, and (2) their party affiliation and voting history will be more widely shared with campaigns.

- **Title Specificity:** 2 – questionable.
- **Department Scope:** Elections/SOS/local election authorities – questionable whether this is genuinely a single subject bill.

2.2 Provision-by-Provision Map

A. Closed primaries & voter party affiliation

Sections: 115.137, 115.168, 115.395, 115.397, 115.409, 115.429, 115.628

1. §115.137.3 – Who may vote in primaries

- **What it does:**
 - Says no person may vote in a party primary unless they are **affiliated with that party**, as shown on their voter registration, as of the **23rd Tuesday** before the primary. This applies to any state-run presidential nominating election as well.
- **Tag: [Mixed]**
- **Why:**
 - Good: Prevents last-minute party-switching or “raiding” where members of the other party cross over to sabotage a primary.
 - Concern: Requires early, public party affiliation to participate. While this punishes independent and reform-minded voters who don’t want to be formally tied to a party machine but still want a say in who appears on the November ballot, it does prevent members of one party from influencing the selection of candidates from an opposing party.

2. §115.168 – Changing party affiliation

- **What it does:**
 - Allows voters to change party affiliation, but if they do so within **23 weeks** of a primary, the change only takes effect after that primary; they vote based on the affiliation recorded on the 23rd Tuesday before the primary. New registrants may select an affiliation up to the 4th Wednesday prior and then vote in that party’s primary.
- **Tag: [Mixed]**
- **Why:**
 - We question what a reasonable cut-off date should be. Perhaps using the same 4th Wednesday as for new registrants would be fairer.

3. §115.395 – Separate unaffiliated ballot

- **What it does:**
 - Requires separate ballots for each established political party; adds a separate **“unaffiliated” ballot** containing only ballot measures and nonpartisan races.

- **Tag: [Mixed]**
- **Why:**
 - While this explicitly **denies unaffiliated voters any voice in choosing party nominees**, it still taxes them to pay for those primaries. This raises a broader question: Should the State fund elections of party candidates at all?

4. §115.397 – Who gets which ballot

- **What it does:**
 - Each voter in a primary receives only the ballot of the party **with which they are affiliated** per voter registration 23 weeks before the primary; unaffiliated voters may only receive the unaffiliated ballot. Prior law allowed a voter to choose one party ballot at the polls without prior recorded affiliation.
- **Tag: [Neutral]**
- **Why:**
 - This is the core **closed primary** provision.

5. §115.409 – Who can be in the polling place

- **What it does:**
 - Keeps existing rules on who may be present in polling places but removes the reference to media reporting which *party ballot* a person used (consistent with closed primaries).
- **Tag: [Good]**
- **Why:**
 - Slight privacy improvement: media can't highlight which party's ballot you requested (though under this bill, your affiliation is already in the voter file).

6. §115.429.6 – Judges must check party affiliation

- **What it does:**
 - For a primary, election judges must determine from the voter's registration whether their party affiliation matches the party holding the primary, before issuing a ballot.
- **Tag: [Neutral]**
- **Why:**

- Administratively necessary for a closed system.

7. §115.628 – “Protected primary election system”

○ What it does:

- Requires each established political party’s governing body to adopt a **“protected primary election system”** enforced by the Secretary of State and local election authorities, binding on all partisan offices.
- The SOS must distribute lists of voters affiliated with each party at least 19 weeks before any primary; local authorities may only issue party ballots to those listed.
- Parties may opt out of state-run primaries and run their own caucus/primary at their own expense and still place a nominee on the general ballot.
- The state pays the costs of implementing and providing notice of the protected primary system; a date of August 2028 is referenced for ending “initial notification.” Other subsections keep or renumber existing rules allowing party affiliation to be chosen on voter registration forms and at check-in.

○ Tag: [Bad]

○ Why:

- **Centralizes primaries as state-managed party events**, with the state funding and administering them based on party affiliation lists.
- Party opt-out provision is good in theory (they can pay their own way), but the default is still **taxpayer-funded party machinery**.
- There is a **drafting inconsistency** with dates (notification “prior to January 1, 2025” even though this act takes effect January 1, 2027), suggesting sloppy drafting and potential implementation confusion.

B. Party affiliation requirements for candidates

Sections: 115.327, 115.349, 115.351, 115.363

1. §115.327.2 – Independent/new party candidates must be unaffiliated early

○ What it does:

- Any person filing as an independent or candidate of a new party must be **unaffiliated with any established party** by the 23rd Tuesday before candidate filing opens.

○ Tag: [Concern]

- **Why:**
 - Adds another hurdle for **alternative and insurgent candidates**, effectively requiring them to sever ties from an established party **months in advance** if they later decide to run outside that party.
2. **§115.349.4 – Party candidates must be affiliated early**
- **What it does:**
 - Any person filing as a party candidate must be **affiliated with that party** no later than 23 weeks before the last Tuesday in February (the filing opening).
 - **Tag: [Mixed]**
 - **Why:**
 - Party loyalty requirement is understandable, but combined with 327.2 it locks in the **party/independent divide very early**, constraining grassroots challengers or reformers who might want to switch paths closer to filing.
3. **§115.351 – Cross-filing restriction narrowed**
- **What it does:**
 - Deletes prior language banning someone from filing as both a party and independent candidate for the same office unless they withdraw. Now the section simply bans filing for **two different offices** at the same election.
 - **Tag: [Mixed]**
 - **Why:**
 - Slight loosening on cross-party/independent technicalities, but in practice the new **affiliation timing rules** are doing the heavy lifting; this change is relatively minor compared to the rest of the bill.
4. **§115.363.6 – Party committee replacements must be affiliated**
- **What it does:**
 - Requires any candidate selected by a party nominating committee to be **affiliated with that party** at least 23 weeks before selection.
 - **Tag: [Good/Mixed]**
 - **Why:**
 - Makes sense for party replacements, but again participates in early and rigid affiliation structures.

C. Voter data, party affiliation, and privacy

Section: 115.157

1. §115.157 – Voter data fields & availability

- **What it does:**
 - Adds “**political party affiliation**” to the required data fields in the statewide voter registration system.
 - Election authorities and the SOS may provide lists showing voters’ **names, addresses, and party affiliation** for those who voted in a specific election, including primaries, and for those who applied for absentee ballots, to candidates and party committees (for a fee). Data cannot be released over the internet or used for commercial purposes.
- **Tag: [Concern]**
- **Why:**
 - This greatly **expands structured, state-managed data linking each voter to a party flag and their participation in elections**, then pipes that data directly to campaigns and party committees.
 - Internet restrictions are good, but once in the hands of campaigns, this information is easily copied, merged, and used for **micro-targeting, pressure, and future surveillance-style analytics**.

D. Voting machines & cyber-security control

Sections: 115.225, 115.249

1. §115.225 – SOS approval & cyber-security reviews

- **What it does (beyond existing law):**
 - Keeps the general requirement that the SOS approve voting systems and that systems permit voting for only one party’s candidates in a primary.
 - Adds a **biennial cybersecurity review** requirement for:
 - Election authorities with their own IT departments.
 - Political subdivisions that control an election authority’s IT.
 - The Secretary of State’s office itself.
 - Specifies qualifications for cyber-security auditors (experience + security certifications).

- Authorizes the SOS to **publish noncompliance notices** and **withhold funds** from non-compliant election authorities (except mandated federal funds).
- Authorizes the SOS to require cybersecurity testing, including penetration testing, of vendor machines/programs/systems, and to revoke vendor certification for failure or cybersecurity problems in other jurisdictions.
- Audits conducted by SOS are to be paid from state/federal funds.
- **Tag: [Mixed]**
- **Why:**
 - Positive: Recognizes real cyber risks and obligates regular reviews, which is better than pretending everything is safe because a vendor says so.
 - Concern: Further **centralizes power in the SOS**, including funding leverage and vendor certification decisions. There's no explicit requirement to move toward **hand-marked, hand-counted paper ballots** or reduce machine dependency; instead, it formalizes a **tech-heavy, cyber-managed election infrastructure**.

2. §115.249 – Voting machine capabilities

- **What it does:**
 - Keeps existing machine requirements (secrecy, accurate counting, counters, etc.), but removes the phrase that, in a primary, the voter's party choice is "announced by the voter in advance," consistent with the closed primary approach.
- **Tag: [Mixed]**
- **Why:**
 - Mostly technical, but again assumes continued reliance on voting machines rather than moving away from them.

E. Absentee ballot applications & delivery

Sections: 115.279, 115.287

1. §115.279.2 – Ban on soliciting absentee applications & pre-filled forms

- **What it does:**
 - States that **no individual, group, or party may solicit a voter into obtaining an absentee ballot application**, and prohibits absentee applications from having information pre-filled before being given to the voter.

- Still allows state or local election authorities to assist an individual voter.
 - **Tag: [Mixed]**
 - **Why:**
 - Good: Targets **mass absentee ballot operations and pre-filled applications** that can be part of ballot harvesting or manipulation.
 - Concern: Language is broad (“no individual, group, or party”) and “solicit” is vague. In practice, this could **chill legitimate voter education** by churches, grassroots groups, or civic organizations that simply want to inform people who are truly absent or disabled that absentee is available.
2. **§115.287.1 – Which primary ballot absentee voters get**
- **What it does:**
 - When sending absentee ballots for a primary, election authorities must send **only the ballot for the party with which the voter is affiliated**, or an unaffiliated ballot if the voter is unaffiliated. Previously a voter could request a party ballot on the application.
 - **Tag: [Mixed]**
 - **Why:**
 - Fits the closed-primary logic, but continues to allow mail-in voting in general.
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2.3 High-Level Changes to Existing Law

In short, HB 2380:

- **Creates a fully closed primary system** where only voters with party affiliation on file long before the election can vote in that party’s primary; unaffiliated voters only get nonpartisan/measure ballots.
- **Bakes party affiliation into the statewide voter registration database** and adds it to the information that may be sold/provided to candidates and party committees.
- **Tightens absentee ballot rules** by banning third-party solicitation of absentee applications and pre-filled absentee forms, while leaving the basic absentee framework in place.
- **Expands cyber-security and testing mandates** for election authorities and vendors, and increases the Secretary of State’s enforcement powers and funding leverage.

- **Imposes new affiliation-timing requirements** on party candidates, independent/new-party candidates, and committee-selected candidates.
 - **Continues and refines the “protected primary” system**, with the state paying to implement it and centralize administration via SOS-generated affiliation lists.
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PART 3 – CONSTITUTIONAL & PROCESS CHECKS

3.1 Missouri Single-Subject & Original-Purpose (Art. III §23)

- **Main subject:**
Administration of **political party primaries and candidate selection**, including who may participate and how election authorities manage those primaries.
- **Additional subjects / riders:**
 - Cyber-security reviews and vendor penetration testing are related to election administration but are a **separate subtopic** (security of systems vs. primary eligibility).
 - Absentee ballot solicitation restrictions are also within elections, but broader than “party primaries.”
- **Riders/barnacles:**
 - Nothing clearly outside the overall elections/Chapter 115 realm. No totally foreign policy areas are tacked on.
- **Title clarity vs. effects:**
 - Title references **“political party primary elections”** and a delayed effective date. Most changes do, indeed, fall under that umbrella.
 - However, an ordinary citizen would probably **not realize** from the title that:
 - Their party affiliation will be **stored and widely shared** with campaigns.
 - Independent voters will effectively be **locked out of primaries** unless they formally affiliate well in advance.
 - The SOS will gain **expanded cybersecurity and funding leverage** over election authorities.
- **Citizen fair-notice test:**
 - Questionable, possibly survives a court challenge (everything is in Chapter 115; subject is elections/primaries). The provisions that expand machine testing and absentee ballot requests are clearly outside the bill's specific scope.

- From a fairness perspective, the title **does not clearly warn voters** that this bill is **about restructuring the entire primary system into a closed, party-affiliation-based structure** with associated data tracking.
- **Title Specificity & Department Scope:**
 - Title Specificity: **2 – somewhat specific** (names primaries but not the data/cyber security implications).
 - Scope: **Single department/area (elections/SOS/local election authorities)** – not an omnibus touching multiple unrelated agencies.
- **Conclusion for §23:**
 - **“Concerning.”**
 - It may pass a court’s single-subject test, but it **under-informs citizens** about how deeply it remakes the relationship between individual voters and political parties.

3.2 U.S. & Missouri Constitutional Rights

Our view is that the political parties are separate from the State and private organizations. In that regard, they should be able to restrict candidate selection to members of their party. However, the complication arises when the State funds the election of party candidates, as is currently the case. The concerns below arise from taxpayer funding. If the parties were to pay the cost of the elections or conduct their own elections or caucuses, as allowed, these concerns would become unfounded.

- **Freedom of association / political privacy:**
 - Forced public party affiliation to participate in primaries, plus the use of that affiliation in data sold to campaigns, raises **associational and privacy concerns**.
 - Courts have allowed closed primaries in many states, but from a liberty perspective, this is **pressure to associate with a party** to maintain meaningful participation.
- **Due process / equal protection:**
 - Unaffiliated voters remain able to vote in general elections and on ballot measures but **do not have equal access to the primary stage**, where the real winnowing happens.
 - That’s a structural inequality baked into law, favoring party insiders.
- **Other rights (life, arms, religion):**
 - This bill does **not** directly touch abortion, guns, or religious liberty.

3.3 Delegation & Separation of Powers

- **New powers to SOS & outside entities:**
 - SOS gains power to **mandate cyber-security testing, revoke vendor certification, and withhold funds** from local election authorities. This could be a positive, provided they conduct proper testing and have the authority to stop the use of any equipment that fails their testing.
 - Cybersecurity reviews may be done by specialized private entities that effectively become part of the election-governance ecosystem.
 - **Conclusion:**
 - HB 2380 moves toward a top-down, data-driven, SOS-managed infrastructure regarding the election tabulators.
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PART 4 – IMPACT ON MISSOURI FAMILIES

4.1 Economic, Tax, and Utility Impacts

- No explicit new taxes or utility charges.
- Costs:
 - **Cyber-security reviews and penetration testing** will cost money (state/federal funds; indirect burdens on local budgets).
 - **Implementation of the protected primary system** is placed on the state.
- For ordinary families, the economic impact is **indirect and modest**, but this is another **permanent cost center** in the election bureaucracy.

4.2 Family, Parental Rights, and Education

- No direct impact on DESE, homeschoolers, schools, or parental rights.
- Indirectly, by shaping who gets elected, all election law touches families—but this bill doesn't target children or schooling.

4.3 Moral & Cultural Climate

- **Life issues:** Neutral; bill is procedural.
 - **Culture:**
 - It doesn't explicitly push LGBT/abortion ideology, but it does shape the **power structures** that decide which candidates and messages rise.
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PART 5 – ACT FOR MISSOURI CORE PRINCIPLES CHECK

1. **Sanctity of life (from conception)**

- No direct impact. Neutral on abortion and personhood.

2. **Christian / biblical view of government (limited, servant government)**

- Questionably impact.

3. **Property rights & economic liberty**

- No direct property takings, but **indirectly**: taxpayers fund **party nomination processes** they may be locked out of.

4. **Constitutionalism & rule of law**

- Single-subject compliance is questionable, but fair notice **to citizens is poor**.
- Uses relatively straightforward standards (deadlines, affiliation rules), though “solicit” in the absentee section is vague.

5. **Right to bear arms**

- Not implicated.

6. **State sovereignty & Tenth Amendment**

- Mostly neutral; references to federal law (e.g., HAVA) stay within existing election frameworks.

7. **Nuclear family & parental rights**

- Neutral.

8. **Homeschool freedom & private Christian education**

- Neutral.

9. **Surveillance, data, and financial control**

- **Concern:**
 - Expands **centralized databases** of partisan affiliation and voting behavior.
 - Funnels that data directly to candidates and party committees.
 - Cyber-security focus is good, but the overall trajectory is **more data, more central control**, not less.

Summary: Overall, HB 2380 is **mixed, leaning toward violating** our core principles of limited government, decentralization, and opposition to a growing surveillance-style election infrastructure. Again, much of this is due to state funding; if the parties pay for or conduct the primary elections themselves, the dynamics change.

PART 6 – SPECIAL TOPIC TESTS (2025–2026 PRIORITIES)

1. Amendment 3 / Personhood & Equal-Protection Test

- No direct interaction. Neutral.

2. Surveillance State & Digital-Control Test

- **Expands** the central voter database with explicit **party affiliation flags** and links them to voting/absentee history.
- Adds more **IT and cyber layers** under centralized SOS oversight.
- While not a digital-ID or CBDC bill, it is very much in the direction of **data-driven governance**.

3. Utilities / Energy / Data-Center Test

- Not applicable.

4. Federal Money & Strings

- Continues existing entanglement with HAVA and federal election funds; cyber audits are partly paid with federal money. No new big grant program, but **federal influence remains baked into the system**.

5. Globalism / Agenda-2030 Signals

- None explicit.

6. Doula / Perinatal Support Program Test

- Not applicable.

PART 7 – RED FLAGS, AMENDMENT IDEAS & FINAL RECOMMENDATION

7.1 Red-Flag List (Prioritized)

1. Red Flag: Party-controlled, closed primaries funded by taxpayers

- **Location:** §§115.137.3, 115.395, 115.397, 115.628.
- **Why it matters:** Locks independent voters out of meaningful participation in primaries unless they formally affiliate months ahead, while still forcing them to help pay for those primaries.
- **Severity: Slight.**

2. Red Flag: Expanded partisan voter-data infrastructure

- **Location:** §115.157; cross-references via 115.628 (protected primary affiliation lists).

- **Why it matters:** Builds a richer, centralized dataset of each voter’s party affiliation and participation, and feeds it to campaigns and party committees—fuel for long-term surveillance, targeting, and pressure.
 - **Severity: Slight.**
3. **Red Flag: Overbroad ban on “soliciting” absentee ballot applications**
- **Location:** §115.279.2.
 - **Why it matters:** Could be used to chill or punish legitimate civic groups, churches, or grassroots organizations that simply help voters understand absentee options, while leaving the door open for state-run messaging only.
 - **Severity: Moderate.**
4. **Red Flag: Drafting inconsistencies on dates in §115.628**
- **Location:** §115.628 vs. Section B effective date.
 - **Why it matters:** Mentions notification before January 1, 2025 even though the reenactment is effective January 1, 2027; this is sloppy and could cause confusion or litigation on implementation.
 - **Severity: Moderate.**

7.2 Possible Fixes / Amendments

If legislators were open to major changes, here are concrete directions:

1. **Return to taxpayer neutrality for party primaries**
 - Allow parties to **opt fully out** and run their own primaries or caucuses at their own expense, and consider **making that the default**, with state-run primaries only by explicit contract and **without forced taxpayer funding**.
2. **Scale back party-affiliation tracking and sharing**
 - Allow individuals to opt out of sharing their “political party affiliation” from the list of data fields sharable with campaigns.
3. **Add strong local and transparency guardrails to cybersecurity powers**
 - Remove this from the existing legislation and offer it as separate legislation with the following changes.
 1. Require that cybersecurity standards and vendor testing protocols be **codified in statute or regulations subject to legislative review**, not open-ended SOS discretion.
 2. Replace fund-withholding authority to **disallow the use of equipment that fails cybersecurity testing**.

4. Clarify the absentee “solicit” language

- Remove this from the existing legislation and offer it as separate legislation with the following change.
 - 1. Narrow §115.279.2 to ban **mass pre-filled mailings and paid third-party operations**, but **explicitly protect churches, civic groups, and neighbors** who inform voters about absentee options or help them request a ballot upon the voter’s initiative.

5. Fix date inconsistencies in §115.628

- Clean up the references so the implementation timeline is coherent and transparent to election authorities and citizens.

If all of the above were addressed, the bill might move toward **Watch** or even **Support** depending on the final structure, especially if paired with serious **paper-ballot and hand-count reforms**.

7.3 Final Recommendation

Act for Missouri OPPOSES HB 2380.

While there are some positive elements (cybersecurity reviews, limits on pre-filled absentee applications, modest privacy improvements for media coverage), the bill’s core design is too broad, and too many issues remain to justify supporting this legislation. This legislation illustrates how State funding complicates private groups' ability to self-govern, even with the best of intentions. When viewed solely from the best interests of Missouri's citizens, the answer is to turn over the selection of Party candidates to the parties themselves, including funding that process.