



SB 836

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Path to full text: <https://www.senate.mo.gov/26info/pdf-bill/intro/SB836.pdf>

1. Quick Snapshot

What SB 836 does in plain English

SB 836 is basically the **Senate twin of HB 1871**: an elections “omnibus” that:

- Re-establishes a **statewide presidential preference primary** in early March, **paid for by the state**.
- Makes that presidential primary a **non-binding “preference” vote**—parties still choose delegates later in caucuses and conventions.
- **Doubles no-excuse in-person early voting** (no-excuse absentee) from **2 weeks to 4 weeks** before Election Day.
- Expands **provisional ballot usage and signature-verification** procedures across **all public elections**.
- Increases the **no-electioneering buffer** outside polling-place doors from **25 feet to 50 feet**.
- Tweaks notice requirements, equipment testing, filing deadlines, and write-in rules.

It stays within the **single policy area of elections**, but it bundles multiple significant policy decisions into one bill.

Act for Missouri Position: **OPPOSE SB 836**

Main reasons:

1. **Taxpayer-funded, non-binding presidential primary** – a statewide “pretend primary” for party business that parties can ignore.
2. **Longer no-excuse early voting window (4 weeks)** – pushes Missouri toward “Election Month,” not Election Day.

3. **Expanded provisional ballot usage & signature matching** – opens more room for discretion and controversy.
4. **Larger electioneering-free zone (50 ft)** – invites potential abuse by hostile local officials.
5. **Omnibus structure within elections** – many distinct choices forced into one yes/no vote, with a generic “relating to elections” title.

2. Title, Scope, and Process

2.1 Title & Single-Subject

- Practical title: **“An act relating to elections, with penalty provisions.”**
- **Subject area:** Elections (Chapter 115).

Title Specificity (0–3): 1 – Generic / catch-all

- “Relating to elections” is **legally broad enough** to cover everything here.
- But for our criteria, it **fails fair-notice honesty**:
 - Doesn’t signal a **statewide presidential primary** is being reinstated and funded.
 - Doesn’t reveal **no-excuse early voting** is doubling.
 - Doesn’t hint at **expanded provisional ballots** or a larger electioneering buffer.

Department / Agency Scope:

- **Department Scope: Single** – changes duties mainly for:
 - Local election authorities
 - Secretary of State
- No DESE, utilities, taxation, etc. So **formally** it’s single-subject (all within elections).

Single-Subject Reality Check:

- Even within elections, this bill:
 - Creates a **new statewide primary** event (with cost).
 - Alters absentee, provisional, and early voting.
 - Changes election offenses and polling-place speech rules.
 - Adjusts deadlines, testing, notice, and write-ins.

- It is, for all practical purposes, an **elections omnibus bill**.
We **oppose omnibus bills** because they hide controversial items behind more technical changes. SB 836 fits that pattern.

Verdict (Process & Transparency):

- Questionably constitutional under current Missouri case law.
- **Fails your transparency test:** too much packed under a vague “relating to elections” title, with no honest signal to citizens about the big-ticket items.

3. What SB 836 Actually Changes

3.1 Presidential Preference Primary (PPP)

- Re-establishes a **statewide presidential preference primary on the first Tuesday in March** of each presidential election year.
- Secretary of State:
 - Accepts filings and fees/petitions.
 - Puts candidates on the ballot, including an “**uncommitted**” option.
 - Certifies and reports results to party chairs.
- **The State pays the cost** of running this primary (with some cost sharing when other elections occur that day).

Non-binding nature:

- A separate section requires **party organizations** to hold caucuses and conventions and explicitly says **delegates to the national conventions are chosen there, under party rules**.
- The statute **does not require** delegates to be bound by the primary results in any way.
- In other words, the PPP is a **taxpayer-funded straw poll**. The real, binding step happens in party caucuses and conventions.

Act for Missouri Red Flag:

- Taxpayers fund a statewide presidential election that **may not control any delegate allocation at all**.
- Voters will naturally assume the primary “picks” the nominee or at least binds delegates; in reality, it **does not have to**.
- That’s a combination of **wasted money** and **public deceit**.

3.2 Absentee & Early Voting (No-Excuse In-Person)

- Keeps **excuse-based absentee voting** (mail or in-person) for:
 - Absence from the county on Election Day
 - Illness/disability
 - Caregivers
 - Religious practice
 - Employment preventing attendance
 - Certain confined but eligible voters
 - Protected-address participants
- **Big change:** No-excuse in-person absentee (“early voting”) moves from:
 - **Beginning the second Tuesday before the election → the fourth Tuesday before the election.**
- So, “no-excuse early voting” grows from about **2 weeks to about 4 weeks**.

Why that's a problem for you:

- **Longer window** for:
 - Administrative stress and mistakes.
 - Potential mishandling or confusion over ballots.
 - Voters casting ballots before key information comes out.
- Culturally, it pushes Missouri further from a shared **Election Day** toward an **Election Month**, which we see as unhealthy for civic life and easier to exploit.

3.3 Provisional Ballots & ID Rules

- Reaffirms **strict photo ID** requirements for voting.
- For those without ID at the polls or in in-person absentee locations:
 - They may cast a **provisional ballot**.
 - They can return with ID by the close of polls, or
 - Election authorities may use **signature comparison** plus registration records to decide whether to count the ballot.
- **Major expansion:** Provisional ballot procedures, including ID-related ones, now apply to **any public election**, not just a narrow set of state/federal elections.

Your lens:

- Positives:

- Clear rules; no open-ended “anything counts” approach.
- Concerns:
 - **Expanded use of provisional ballots** means **more ballots in a gray zone**:
 - More room for subjective signature comparisons.
 - More chances for inconsistent decisions between jurisdictions.
 - This is not a direction that builds public trust among already skeptical voters.

3.4 Electioneering Buffer (Speech Near Polls)

- The no-electioneering zone at polling places is increased from **25 feet to 50 feet** from the outer door.
- This includes:
 - Signs
 - Handouts
 - Electioneering activity

Our lens:

- Courts have upheld even 100-foot buffers, but your criteria ask:
 - Does this **reasonably protect voters**, or
 - Does it give more power to **local officials to push out disfavored voices**?
- With rising tensions around elections, a larger zone can easily be used to:
 - Move certain volunteers “just a little further back,”
 - While selectively ignoring violations from politically favored groups.

Mixed / Concern: some voter protection benefit, but notable potential for abuse.

3.5 Other Election Mechanics

- **Election Dates, Notices, and Filing Deadlines:**
 - Keeps standard Tuesday election dates.
 - Moves candidate filing and certain notice deadlines **one week earlier**.
 - Cleans up how notices must be published or mailed.
- **Equipment Testing:**
 - Requires testing tabulating equipment at set points before elections, with party observers allowed.

- **Write-ins:**

- Tightens write-in rules so **even in races with no filed candidate**, a write-in must file a declaration of intent ahead of time.
- Cross-references candidate qualifications in another section.

Act for Missouri perspective:

- Admin clean-up and testing rules: generally **helpful**.
- Write-in tightening: reduces the ability for grassroots voters to rally behind a last-minute rescue candidate when a party fails to run anyone—**a negative** for citizen flexibility.

3.6 Difference vs HB 1871

- HB 1871 also amended **candidate integrity / tax-compliance law (115.306)** with “mostly good” language about felony convictions and tax delinquency.
- **SB 836 does not fix 115.306 at all.**
- So SB 836 has **all the same red flags as HB 1871, but fewer positives.**

4. Constitutional & Rights Check

Right to Life:

- Not implicated; no abortion or life language.

Religious Liberty:

- Neutral; no special burdens or protections.

Speech & Assembly:

- The 50-ft electioneering buffer is a **time, place, and manner** restriction that would probably be upheld legally.
- But for our criteria, it is a **step toward tighter control of political speech** around polls.

Due Process & Rule of Law:

- Clearer rules for provisional ballots and testing are good for predictability.
- The **non-binding** nature of the PPP, despite its cost and official sheen, is **misleading to citizens**, which cuts against your rule-of-law and honesty concerns.

Separation of Powers & Delegation:

- No new boards or agencies.
- No broad, vague grants of regulatory power beyond normal election rulemaking.

- Neutral to mildly positive here.

State Sovereignty & Federal Strings:

- No obvious new federal mandates or grant-string programs.
- Mostly neutral on sovereignty.

5. Impact on Missouri Families & Taxpayers

Taxes & Spending:

- No direct tax increase in the text.
- But:
 - **State now pays for the presidential preference primary** every four years.
 - Longer early voting and expanded provisional ballots mean **higher administrative costs** for local authorities—costs borne by taxpayers.

Economic Liberty & Property Rights:

- No direct property takings or new regulatory burdens on businesses.
- Concern is **use and direction of public money** rather than private property rights.

Families & Parents:

- No direct changes to:
 - Parental rights
 - Homeschooling
 - Private Christian education
- Indirect: trust in elections matters for every family; anything that clouds that trust is a long-term concern.

6. Alignment with the Act for Missouri Core Principles

1. Sanctity of Life (from conception)

- Neutral; bill does not touch life issues.

2. Christian / Biblical View of Limited Government

- **Against:**

- State funding **non-binding party primaries** – government spending on internal party business.
- Expanding election machinery (longer early voting; more provisional ballots) instead of restraining and simplifying.

- **For:**

- Some clarity in testing and procedures.

- **Overall: Negative** – expands the scope and spending of government in an area parties should handle.

3. **Constitutionalism & Rule of Law**

- Positives:

- Structured testing and clear provisional procedures.

- Negatives:

- Generic “relating to elections” title hides big decisions.
- Taxpayer-funded **“pretend primary”** misleads citizens into thinking they are making a binding choice when they are not.

- Overall: **Fails your honesty and good-faith governance test.**

4. **Economic Liberty & Stewardship of Tax Dollars**

- **Negative** – ongoing election costs for a **non-binding party poll**, plus administrative burdens, with no real necessity.

5. **Right to Bear Arms**

- No impact.

6. **State Sovereignty**

- Neutral; no new federal strings.

7. **Nuclear Family & Parental Rights**

- Neutral directly, though anything that undermines trust in self-government ultimately harms families.

8. **Homeschool & Private Christian Education**

- Neutral.

9. **Surveillance / ID / Digital Control**

- No new digital ID systems or centralized data hubs introduced here.

- Existing Election Day verification systems continue; no clear new surveillance lever.

7. Red Flags & Needed Amendments

7.1 Major Red Flags

1. Taxpayer-funded, non-binding presidential primary

- State pays to run a new statewide election.
- Parties **still pick delegates in caucuses/conventions and do not have to follow the primary results.**
- Misleads voters into thinking they decided something binding; in reality, they've participated in an **expensive straw poll**.

2. No-excuse early voting doubled (2 weeks → 4 weeks)

- Extends Election Day into a month-long process.
- Increases opportunities for mistakes, controversy, and mischief.
- Further separates when voters cast ballots from when complete information is available.

3. Expanded provisional ballot & signature-comparison usage

- More ballots in a “maybe” category.
- More room for inconsistent or biased decisions.
- Harder for ordinary citizens to have confidence in clean tallies.

4. Electioneering buffer expanded to 50 ft

- Can be used to push grassroots activists and volunteers farther from voters.
- Adds another lever for selective enforcement by biased officials.

5. Omnibus elections bill under a generic title

- Bundles many distinct choices (primary, early voting, provisional rules, speech limits) into one yes/no vote.
- Title does not give average citizens fair notice of what's inside.

7.2 Amendments That Would Be Required (Still Not Enough)

Even with amendments, we will still oppose the overall structure, but to even get us to consider it at minimum, we would want:

1. **Strip the PPP or remove taxpayer funding**
 - o Either:
 - Eliminate the presidential preference primary altogether, or
 - **Require parties to fund it themselves and bind themselves to its result** if they want to use it.
2. **Eliminate no-excuse early voting**
 - o We want to eliminate no-excuse early voting, not expand it.
3. **Limit expansion of provisional ballots**
 - o Keep provisional ballots as a **narrow safety net**, not a growing pathway for loosely verified votes.

8. Final Recommendation

Given:

- The **non-binding, taxpayer-funded presidential preference primary**
- The **doubling** of no-excuse early voting
- The **expanded use of provisional ballots and signature comparisons**
- The **larger electioneering-free zone** with potential for abuse
- And the **omnibus structure under a generic title**,

Act for Missouri should OPPOSE SB 836.

“SB 836 doesn’t strengthen confidence in our elections—it expands Election Month, spends taxpayer dollars on a fake presidential primary that doesn’t even decide delegates, and packs too many controversial changes into one bill under a vague title. We oppose SB 836 and urge the legislature to reject it and instead pursue smaller.”