

SENATE BILL NO. 152

103RD GENERAL ASSEMBLY

INTRODUCED BY SENATOR BROWN (26).

1095S.01H

KRISTINA MARTIN, Secretary

AN ACT

To amend chapter 130, RSMo, by adding thereto six new sections relating to campaign finance.

Be it enacted by the General Assembly of the State of Missouri, as follows:

Section A. Chapter 130, RSMo, is amended by adding thereto
2 six new sections, to be known as sections 130.170, 130.173,
3 130.176, 130.179, 130.182, and 130.185, to read as follows:

130.170. For purposes of sections 130.170 to 130.185,
2 the following terms mean:

3 (1) "Directly or indirectly", acting either alone or
4 jointly with, through, or on behalf of any other ballot
5 initiative or referendum committee, political committee,
6 organization, person, or other entity;

7 (2) "Foreign national", any of the following:

8 (a) An individual who is not a citizen or lawful
9 permanent resident of the United States of America;

10 (b) A government, or subdivision, of a foreign country
11 or municipality thereof;

12 (c) A foreign political party;

13 (d) Any entity, such as a partnership, association,
14 corporation, organization, or other combination of persons,
15 that is organized under the laws of, or has its principal
16 place of business in, a foreign country; or

17 (e) Any entity organized pursuant to the laws of the
18 United States of America or any state thereof that is wholly

19 or majority owned by a person or entity described in
20 paragraphs (a) to (d) of this subdivision, unless:

21 a. Any contribution or expenditure it makes derives
22 entirely from funds generated by the entity's United States
23 operations; and

24 b. All decisions concerning the contribution or
25 expenditure are made by individuals who are United States
26 citizens or permanent residents, except for setting overall
27 budget amounts;

28 (3) "Lobbyist", the same meaning as in section 105.470;

29 (4) "Prohibited sources", contributions from or
30 expenditures by a foreign national;

31 (5) "Preliminary activity", includes, but is not
32 limited to, conducting a poll, drafting ballot measure
33 language, conducting a focus group, making telephone calls,
34 and travel;

35 (6) "Tax-exempt organization", an organization that is
36 described in section 501(c) of the Internal Revenue Code of
37 1986 and is exempt from taxation under section 501(a) of
38 such Code. A political organization organized pursuant to
39 section 527 of such Code shall not be considered a tax-
40 exempt organization.

130.173. 1. Upon forming a campaign committee, the
2 treasurer shall file an accompanying certification that no
3 preliminary activity was funded by prohibited sources,
4 whether directly or indirectly.

5 2. After a campaign committee has been formed, the
6 committee shall not, knowingly or willfully receive,
7 solicit, or accept contributions from a prohibited source,
8 whether directly or indirectly.

9 3. Any report filed pursuant to this chapter shall
10 include an affirmation that the campaign committee has not

11 knowingly or willfully received, solicited, or accepted
12 contributions from a prohibited source.

13 4. Any campaign committee that makes an expenditure in
14 support of or in opposition to a ballot measure shall keep
15 records of any contribution or expenditure and retain such
16 records in the same manner and for the same period of time
17 as is required by section 130.036.

130.176. 1. Upon a campaign committee's receipt of a
2 contribution, the treasurer shall obtain from the donor an
3 affirmation that the donor is not a foreign national and has
4 not knowingly or willfully accepted funds aggregating in
5 excess of one hundred thousand dollars from one or more
6 prohibited sources within the four-year period immediately
7 preceding the date the contribution is made.

8 2. Each disclosure report filed pursuant to section
9 130.041 shall require the treasurer of a campaign committee
10 to affirm that the donor associated with each contribution
11 is not a foreign national and has not knowingly or willfully
12 received, solicited, or accepted, whether directly or
13 indirectly, contributions from one or more prohibited
14 sources aggregating in excess of one hundred thousand
15 dollars within the four-year period immediately preceding
16 the date of the contribution.

17 3. Within forty-eight hours of making one or more
18 expenditures supporting or opposing a ballot measure, the
19 entity making the expenditure shall certify to the Missouri
20 ethics commission that it has not knowingly or willfully
21 accepted funds aggregating in excess of one hundred thousand
22 dollars from one or more prohibited sources within the four-
23 year period immediately preceding the date the expenditure
24 is made and that it will not do so through the remainder of
25 the calendar year in which the ballot measure will appear on

26 the ballot. Each disclosure report filed pursuant to
27 section 130.041 shall require the entity making the
28 expenditure to affirm that it has not knowingly or willfully
29 accepted funds aggregating in excess of one hundred thousand
30 dollars from one or more prohibited sources within the four-
31 year period immediately preceding the date the expenditure
32 is made.

33 4. If the Missouri ethics commission determines that
34 an entity filing a disclosure report pursuant to this
35 chapter has accepted funds in aggregate from one or more
36 prohibited sources in excess of the threshold described in
37 this subsection within the applicable four-year period
38 immediately preceding the contribution or independent
39 expenditure at issue it shall create a presumption that the
40 entity has violated this section.

130.179. 1. A foreign national may not direct,
2 dictate, control or directly or indirectly participate in
3 the decision-making process of any person with regard to
4 that person's activities to influence a ballot measure, such
5 as decisions concerning the making of contributions to
6 influence a ballot measure.

7 2. A foreign national may not solicit, directly or
8 indirectly, the making of a donation, contribution or
9 expenditure by another person to influence a ballot measure.

10 3. Nothing in sections 130.170 to 130.185 shall be
11 deemed to create or eliminate any existing rights or duties
12 beyond those specifically enumerated in such sections.

130.182. The provisions of sections 130.170 to 130.185
2 shall be considered campaign finance disclosure requirements
3 for purposes of section 105.961.

130.185. 1. Lawful donors to a tax-exempt
2 organization possess a right of privacy in their donations.

3 Any investigation of an alleged violation of sections
4 130.170 to 130.185 shall occur in a manner that shields the
5 identity of lawful donors as much as possible. The Missouri
6 ethics commission shall not collect or require the
7 submission of information on the identity of any donor to a
8 tax-exempt organization other than those directly related to
9 an alleged violation of sections 130.170 to 130.185. Any
10 collection or required submission of information by the
11 Missouri ethics commission regarding the identity of any
12 donor to a tax-exempt organization beyond that permitted by
13 sections 130.170 to 130.185 shall be deemed a violation of
14 section 105.1500.

15 2. The Missouri ethics commission shall not disclose
16 to the public, or another government official not directly
17 involved in the investigation, information revealing the
18 identity of any donor to a tax-exempt organization, unless
19 the information is regarding the identity of a donor that
20 engaged in conduct prohibited by sections 130.170 to 130.185
21 after a final determination has been made that the donor
22 violated sections 130.170 to 130.185.

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