

SENATE COMMITTEE SUBSTITUTE

FOR

SENATE BILL NO. 896

AN ACT

To amend chapter 115, RSMo, by adding thereto one new section relating to election funding, with penalty provisions.

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

Section A. Chapter 115, RSMo, is amended by adding thereto one new section, to be known as section 115.1600, to read as follows:

115.1600. 1. For purposes of this section, the following terms mean:

(1) "Donation", a payment, gift, subscription, loan, advance, deposit, or anything of value given to a person without consideration;

(2) "Election administration", to participate in any way in the process of conducting and implementing an election. Election administration for the purposes of this section does not include post-election canvass, recount, contest, and audit processes;

(3) "Election officer", individuals who administer, implement, or oversee election-related policies, procedures, or technologies on behalf of any political subdivision or the secretary of state. Election officers include, but are not limited to, the secretary of state; any election authority; any member of a redistricting commission; or any of the aforementioned individual's agents, employees, representatives, or assigns, provided the duties of such agents, employees, representatives, or assigns consist of decision-making authority relating to election administration;

(4) "Foreign donation", a donation provided by a foreign national;

(5) "Foreign national", any of the following:

(a) An individual who is not a citizen of the United States;

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

(c) A foreign political party; or

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

(6) "Government entity", a state, county, local, or municipal government entity, or an officer, employee, or volunteer of one of these entities;

(7) "Person", an individual, partnership, association, corporation, organization, or any other combination or group of individuals.

2. (1) A government entity shall not solicit, accept, or use any funds or in-kind goods or services for election administration if those funds or in-kind goods or services are donated directly or indirectly by any person other than a government entity. An election officer may solicit, accept, or use funds or in-kind goods or services of de minimis value.

(2) Subject to the exception in subdivision (3) of this subsection, a government entity or election officer shall not, in his or her official capacity, join the membership of any person, participate in any program, or purchase any services from any person if such membership, program, or service relates to the administration of elections unless the person complies with the following certification requirements:

(a) The certification shall state that the person:

a. Has not directly or indirectly financed election administration;

b. Does not have any staff or board members who have worked for, consulted with or been employed by a person described by this subdivision within the last ten years unless such organization consisted of government officials; and

c. Has been certified as being free of direct or indirect foreign donations. For purposes of this subparagraph the payment of any membership dues or registration fees by or on behalf of any person shall not be considered a foreign donation.

(b) The certification required by paragraph (a) of this subdivision shall be:

a. Renewed on an annual basis;

b. Updated within five business days of the person obtaining information unknown at the time of the initial certification as described in this subdivision; and

c. Dated and sworn by the person under penalty of perjury.

3. (1) If, in his or her private capacity, an election officer joins or considers joining the membership of a person, or participates or considers participating in any program described by subsection 2 of this section, the election officer shall disclose his or her participation or membership, or potential participation or membership, and to have participation or potential participation or membership considered in a public hearing, and disclosed on his or her public website as provided by this section.

(2) The disclosure required by subdivision (1) of this subsection shall be:

(a) Conspicuous, publicly accessible, and publicly viewable;

(b) At least 14-point Times New Roman font, and in a contrasting color from the background of the website;

(c) Enclosed inside a box, separated from other text and graphics; and

(d) Displayed on the homepage of the election officer's website, reasonably close to the top of the page.

(3) The disclosure required by subdivision (1) of this subsection shall state:

(a) The full name and title of the election officer;

(b) The date that the election officer participated in the program or joined the person or participated in the program or is scheduled to begin participation in the program;

(c) The full name of the program or person;

(d) An accurate description of the nature of the program or person;

(e) A certification that the person or program has not been, directly or indirectly, the recipient of foreign donations, a statement that the person or program has been the recipient of foreign donations, or a statement that the person or program has not submitted said certification; and

(f) The date of any public hearing at which membership or participation in the program is to be considered.

(4) The disclosure required by subdivision (1) of this subsection shall also include a link to an electronic document containing all resources or documents received by the election officer from the person or program, along with the disclosure of any known funding for the program known to the officer. This list of resources shall be updated within ten business days of receipt as resources, documents, and other materials are provided or made available.

(5) If the election officer does not have a public website, the disclosure shall be included on the official homepage of the website most closely associated with the election officer, including that of his or her superior or supervisor. If no website or homepage can be ascertained, the disclosure shall be submitted to the secretary of state for inclusion on the secretary of state's website in a conspicuous manner.

(6) Any disclosure made pursuant to this subsection shall remain posted and publicly accessible for a period beginning not less than thirty days prior to joining, and ending not less than one hundred eighty days after membership ends. In the event that a membership has been terminated, the officer may indicate on the disclosure that such membership has been terminated during the one hundred eighty day period in which the disclosure is required to remain posted and publicly accessible.

(7) In creating and posting any disclosure pursuant to this subsection, the election officer is certifying under penalty of perjury that the information contained within the disclosure is true and accurate.

4. Violation of this section is a class B misdemeanor. If conduct that constitutes an offense under this section also constitutes an offense under any other law, the actor may be prosecuted under this section, the other law, or both.

5. Any registered voter in this state may bring a cause of action to enforce this section.

6. Any existing or future ordinance enacted or adopted by any political subdivision that is in conflict with this section is void.