

SECOND REGULAR SESSION
SENATE COMMITTEE SUBSTITUTE FOR

SENATE BILL NO. 896

103RD GENERAL ASSEMBLY

5016S.02C

KRISTINA MARTIN, Secretary

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
2 one new section, to be known as section 115.1600, to read as
3 follows:

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

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

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

11 (3) "Election officer", individuals who administer,
12 implement, or oversee election-related policies, procedures,
13 or technologies on behalf of any political subdivision or
14 the secretary of state. Election officers include, but are
15 not limited to, the secretary of state; any election
16 authority; any member of a redistricting commission; or any
17 of the aforementioned individual's agents, employees,

18 representatives, or assigns, provided the duties of such
19 agents, employees, representatives, or assigns consist of
20 decision-making authority relating to election
21 administration;

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

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

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

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

29 (c) A foreign political party; or

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

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

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

40 2. (1) A government entity shall not solicit, accept,
41 or use any funds or in-kind goods or services for election
42 administration if those funds or in-kind goods or services
43 are donated directly or indirectly by any person other than
44 a government entity. An election officer may solicit,
45 accept, or use funds or in-kind goods or services of de
46 minimis value.

47 (2) Subject to the exception in subdivision (3) of
48 this subsection, a government entity or election officer
49 shall not, in his or her official capacity, join the

50 membership of any person, participate in any program, or
51 purchase any services from any person if such membership,
52 program, or service relates to the administration of
53 elections unless the person complies with the following
54 certification requirements:

55 (a) The certification shall state that the person:

56 a. Has not directly or indirectly financed election
57 administration;

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

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

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

70 a. Renewed on an annual basis;

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

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

76 3. (1) If, in his or her private capacity, an
77 election officer joins or considers joining the membership
78 of a person, or participates or considers participating in
79 any program described by subsection 2 of this section, the
80 election officer shall disclose his or her participation or
81 membership, or potential participation or membership, and to

82 have participation or potential participation or membership
83 considered in a public hearing, and disclosed on his or her
84 public website as provided by this section.

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

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

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

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

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

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

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

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

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

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

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

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

112 (4) The disclosure required by subdivision (1) of this
113 subsection shall also include a link to an electronic

114 document containing all resources or documents received by
115 the election officer from the person or program, along with
116 the disclosure of any known funding for the program known to
117 the officer. This list of resources shall be updated within
118 ten business days of receipt as resources, documents, and
119 other materials are provided or made available.

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

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

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

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

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

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

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