

SENATE BILL NO. 896

103RD GENERAL ASSEMBLY

INTRODUCED BY SENATOR BROWN (26).

5016S.011

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;

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

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

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

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

26 (c) A foreign political party; or

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

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

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

37 2. (1) A government entity shall not solicit, accept,
38 or use any funds or in-kind goods or services for election
39 administration if those funds or in-kind goods or services
40 are donated directly or indirectly by any person other than
41 a government entity. An election officer may solicit,
42 accept, or use funds or in-kind goods or services of de
43 minimis value.

44 (2) Subject to the exception in subdivision (3) of
45 this subsection, a government entity or election officer
46 shall not join the membership of any person, participate in
47 any program, or purchase any services from any person 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.

(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:

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

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

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

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

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

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

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

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

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

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

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

104 (4) The disclosure required by subdivision (1) of this
105 subsection shall also include a link to an electronic
106 document containing all resources or documents received by
107 the election officer from the person or program, along with
108 the disclosure of any known funding for the program known to
109 the officer. This list of resources shall be updated within

110 ten business days of receipt as resources, documents, and
111 other materials are provided or made available.

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

120 (6) Any disclosure made pursuant to this subsection
121 shall remain posted and publicly accessible for a period
122 beginning not less than thirty days prior to joining, and
123 ending not less than one hundred eighty days after
124 membership ends.

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

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

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

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

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