

House _____ Amendment NO. _____

Offered By _____

1 AMEND House Committee Substitute for House Bill No. 507, Page 1, Section A, Line 4, by
2 inserting after all of said section and line the following:
3

4 "115.105. 1. The chair of the county committee of each political party named on the ballot
5 shall have the right to designate a challenger for each polling place, who may be present ~~[until all]~~
6 while ballots are cast on ~~[the day of]~~ election day, or in first class counties and charter counties,
7 during the absentee voting period, and a challenger for each location at which absentee ballots are
8 counted, who may be present while the ballots are being prepared for counting and counted. No
9 later than four business days before ~~[the election]~~ a challenger may enter a polling location, the chair
10 of each county committee of each political party named on the ballot shall provide signed official
11 designation forms with the names of the designated challengers and substitutes to the local election
12 authority for confirmation of eligibility to serve as a challenger. The local election authority, after
13 verifying the eligibility of each designated and substitute challenger, shall sign off on the official
14 designation forms, unless the challenger is found not to have the qualifications established by
15 subsection 4 of this section. If the election authority determines that a challenger does not meet the
16 qualifications of subsection 4 of this section, the designating party chair may designate a
17 replacement challenger and provide the local election authority with the name of the replacement
18 challenger before 5:00 p.m. of the Monday preceding the election. The designating chair may
19 substitute challengers at his or her discretion during such hours.

20 2. Challenges may only be made when the challenger believes the election laws of this state
21 have been or will be violated, and each challenger shall report any such belief to the election judges,
22 or to the election authority if not satisfied with the decision of the election judges.

23 3. Prior to the close of the polls, challengers may list and give out the names of those who
24 have voted. The listing and giving out of names of those who have voted by a challenger shall not
25 be considered giving information tending to show the state of the count.

26 4. All persons selected as challengers shall have the same qualifications required by section
27 115.085 for election judges, except that such challenger shall be a registered voter in the jurisdiction
28 of the election authority for which the challenger is designated as a challenger.

29 5. Any challenge by a challenger to a voter's identification for validity shall be made only to
30 the election judges or other election authority. If the poll challenger is not satisfied with the

Action Taken _____ Date _____

1 decision of the election judges, then he or she may report his or her belief that the election laws of
2 this state have been or will be violated to the election authority as allowed under this section.

3 115.107. 1. At every election, the chairman of the county committee of each political party
4 named on the ballot shall have the right to designate a watcher for each place votes are counted. No
5 later than four business days before a watcher may enter a polling or counting location, the chair of
6 each county committee of each political party named on the ballot shall provide signed official
7 designation forms with the names of the designated watchers and substitutes to the local election
8 authority for confirmation of eligibility to serve as a watcher. The local election authority, after
9 verifying the eligibility of each designated and substitute watcher, shall sign off on the official
10 designation forms, unless the watcher is found not to have the qualifications established by
11 subsection 5 of this section. If the election authority determines that a watcher does not meet the
12 qualifications of subsection 5 of this section, the designating party chair may designate a
13 replacement watcher and provide the local election authority with the name of the replacement
14 watcher before 5:00 p.m. of the Monday preceding the election. The designating chair may
15 substitute watchers at his or her discretion during such hours.

16 2. Watchers are to observe the counting of the votes and present any complaint of
17 irregularity or law violation to the election judges, or to the election authority if not satisfied with
18 the decision of the election judges. No watcher may be substituted for another on election day.

19 3. No watcher shall report to anyone the name of any person who has or has not voted.

20 4. A watcher may remain present until all closing certification forms are completed, all
21 equipment is closed and taken down, the transportation case for the ballots is sealed, election
22 materials are returned to the election authority or to the designated collection place for a polling
23 place, and any other duties or procedures required under sections 115.447 to 115.491 are completed.
24 A watcher may also remain present at each in-person absentee voting location in first class counties
25 and charter counties at which absentee ballots are counted or prepared for counting and may remain
26 present while such ballots are being prepared for counting and counted.

27 5. All persons selected as watchers shall have the same qualifications required by section
28 115.085 for election judges, except that such watcher shall be a registered voter in the jurisdiction of
29 the election authority for which the watcher is designated as a watcher."; and
30

31 Further amend said bill, Page 15, Section 115.635, Line 58, by inserting after all of said section and
32 line the following:
33

34 "115.1630. 1. As used in this section, the following terms shall mean:

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

37 (2) "Election administration", any function directly related to the administration of elections,
38 including voter registration, election security, ballot processing, and election official training. For

the purposes of this section, "election administration" shall not include any post-election canvass, recount, contest, or audit processes;

(3) "Election officers", individuals who administer, implement, or oversee election-related policies, procedures, or technologies on behalf of any municipality, municipal agency, state, or state agency. Election officers include, but are not limited to, the secretary of state; any registrar of voters; any town, city, or county clerk; any member of a board or commission of elections; any member of the independent redistricting commission; or any of the aforementioned individual's agents, employees, representatives, or assigns;

(4) "Entity", an individual, partnership, association, corporation, organization, or any other combination or group of individuals;

(5) "Foreign donations", donations provided by a foreign national;

(6) "Foreign national", includes:

(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;

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

(8) "State officer", includes all elected officers and directors of the executive branch of state government.

2. No government entity shall 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, however, solicit, accept, or use funds or in-kind goods or services of de minimis value.

3. Government entities shall not be members of or participate in programs run by organizations that engage in election administration and receive foreign funding. Subject to the provisions of subsection 4 of this section, no government entity or election officer shall join the membership of any entity, participate in any program, or purchase any services from any entity unless the entity complies with the following certification requirements:

(1) The certification shall state that the entity:

(a) Has not directly or indirectly financed election administration; and

(b) Has been certified as being free of direct or indirect foreign donations;

(2) Certifications under subdivision (1) of subsection 3 of this section shall be:

(a) Renewed on an annual basis;

(b) Updated within five business days after obtaining information unknown at the time of the initial certification; and

(c) Dated and sworn under penalty of perjury.

1
2 The restrictions in this subsection shall not apply to membership in professional organizations or
3 memberships of individuals in a private capacity, unrelated to election administration.

4 4. If, in his or her private capacity, an election officer joins or considers joining the
5 membership of an entity, or participates or considers participating in any program described in
6 subsection 3 of this section, the election officer has a duty to disclose his or her participation,
7 membership, or potential participation or membership, and to have such participation, membership,
8 or potential participation or membership considered in a public hearing and disclosed on public
9 websites, but shall not be required to appear on personal websites. The disclosure shall:

- 10 (1) Be conspicuous, publicly accessible, and publicly viewable;
11 (2) Be prepared in at least 14-point Times New Roman font, and in a contrasting color from
12 the background of the website;
13 (3) Be enclosed inside a box, separated from other text and graphics;
14 (4) Be displayed on the home page of the election officer's website, reasonably close to the
15 top of the page; and
16 (5) Include the following:
17 (a) The full name and title of the election officer;
18 (b) The date that the election officer participated in the program, joined the entity, or is
19 scheduled to begin participation in the program;
20 (c) The full name of the program or entity;
21 (d) An accurate description of the program or entity;
22 (e) A certification that the entity or program has not been, directly or indirectly, the recipient
23 of foreign donations and a statement that the entity or program has not been the recipient of foreign
24 donations or a statement that the entity or program has not submitted such certification; and
25 (f) The date of any public hearing at which membership or participation in the program is to
26 be considered.

27 5. All disclosures filed under subsection 4 of this section shall include, in a publicly
28 accessible format, all resources and documents received by the election officer from the entity or
29 program, along with a disclosure of any funding for the program known to the election officer. All
30 resources and documents received by the election officer shall be added to the disclosure within ten
31 days of receipt.

32 6. If the election officer does not have a public website, the disclosure shall be included on
33 the official homepage of the website most closely associated with the election officer, including that
34 of his or her superior or supervisor. If there is no appropriate public website, the disclosure shall be
35 submitted and displayed on the secretary of state's website.

36 7. All disclosures made under this section shall remain posted and accessible for at least
37 thirty days before participation in the program or joining the entity and shall remain posted for one
38 hundred eighty days after the program or membership in the entity ends.

1 8. Violation of the provisions of this section shall be a class B misdemeanor, enforceable
2 only if a government entity knowingly accepts foreign-influenced funds for election administration.

3 130.170. For purposes of sections 130.170 to 130.188, the following terms mean:

4 (1) "Committee", the same meaning as otherwise provided in section 130.011, except it shall
5 not include candidate committees;

6 (2) "Directly or indirectly", acting either alone or jointly with, through, or on behalf of any
7 other committee, organization, person, or other entity;

8 (3) "Foreign national", any of the following:

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

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

12 (c) A foreign political party;

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

16 (e) Any entity organized pursuant to the laws of the United States of America or any state
17 thereof that is wholly or majority owned by a person or entity described in paragraphs (a) to (d) of
18 this subdivision, unless:

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

21 b. All decisions concerning the contribution or expenditure are made by individuals who are
22 United States citizens or lawful permanent residents, except for setting overall budget amounts;

23 (4) "Funds obtained through the usual course of business", funds generated entirely by the
24 entity's United States operations;

25 (5) "Lobbyist", the same meaning as in section 105.470;

26 (6) "Prohibited sources", contributions from or expenditures by a foreign national made with
27 the intent to use such funds to influence an election on a ballot measure;

28 (7) "Preliminary activity", includes, but is not limited to, conducting a poll, drafting ballot
29 measure language, conducting a focus group, making telephone calls, and travel;

30 (8) "Tax-exempt organization", an organization that is described in section 501(c) of the
31 Internal Revenue Code of 1986 and is exempt from taxation under section 501(a) of such Code. A
32 political organization organized pursuant to section 527 of such Code shall not be considered a tax-
33 exempt organization.

34 130.173. 1. Upon creating, forming, or registering a committee, the treasurer shall file an
35 accompanying certification that no preliminary activity was funded by prohibited sources, whether
36 directly or indirectly.

37 2. After a committee has been created, formed, or registered the committee shall not
38 knowingly or willfully receive, solicit, or accept contributions from a prohibited source, whether
39 directly or indirectly.

1 3. Any report filed pursuant to this chapter shall include an affirmation that the committee
2 has not knowingly or willfully received, solicited, or accepted, directly or indirectly, contributions
3 from a prohibited source.

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

7 130.176. 1. Upon a committee's receipt of a contribution of more than two thousand dollars,
8 the treasurer shall obtain from the donor an affirmation that the donor is not a foreign national and
9 has not knowingly or willfully accepted funds, directly or indirectly, aggregating in excess of ten
10 thousand dollars from one or more prohibited sources within the two-year period immediately
11 preceding the date the contribution is made, in the case of an individual, or within the four-year
12 period immediately preceding the date the contribution is made, in case of any other entity. Receipt
13 of an affirmation by a committee pursuant to this subsection shall create a rebuttable presumption of
14 compliance with this subsection on the part of the committee. Nothing in this subsection shall
15 prohibit the attorney general from pursuing any action pursuant to section 130.188 if the attorney
16 general has found a willful violation of this subsection.

17 2. Each disclosure report filed pursuant to section 130.041 shall require the treasurer of a
18 committee to affirm that the donor associated with each contribution is not a foreign national and
19 has not knowingly or willfully received, solicited, or accepted, whether directly or indirectly,
20 contributions from one or more prohibited sources aggregating in excess of ten thousand dollars
21 within the four-year period immediately preceding the date of the contribution.

22 3. Within forty-eight hours of making one or more expenditures supporting or opposing a
23 ballot measure, the entity making the expenditure shall affirm to the Missouri ethics commission
24 that it has not knowingly or willfully accepted funds, directly or indirectly, aggregating in excess of
25 ten thousand dollars from one or more prohibited sources within the four-year period immediately
26 preceding the date the expenditure is made and that it will not do so through the remainder of the
27 calendar year in which the ballot measure will appear on the ballot. Each disclosure report filed
28 pursuant to section 130.041 shall require the entity making the expenditure to affirm that it has not
29 knowingly or willfully accepted funds, directly or indirectly, aggregating in excess of ten thousand
30 dollars from one or more prohibited sources within the four-year period immediately preceding the
31 date the expenditure is made. Receipt of an affirmation from a donor that it is not a foreign national
32 shall create a rebuttable presumption that the entity has not knowingly or willingly accepted funds,
33 directly or indirectly, aggregating in excess of ten thousand dollars from one or more prohibited
34 sources. Nothing in this subsection shall prohibit the attorney general from pursuing any action
35 pursuant to section 130.188 if the attorney general has found a willful violation of this subsection.

36 4. Notwithstanding any provision of this section to the contrary, a donor or entity that makes
37 a contribution to a committee or an expenditure in support of or in opposition to a ballot measure
38 from its own funds obtained through the usual course of business or in any commercial or other
39 transaction from any source and which are not contributions does not violate this section.

1 5. A committee shall not accept an in-kind contribution from any foreign national or from
2 any individual or entity that has knowingly or willfully accepted funds, directly or indirectly,
3 aggregating in excess of ten thousand dollars from one or more foreign nationals within the four
4 year period immediately preceding the date the in-kind contribution is made. A foreign national
5 shall not make an in-kind expenditure for the purpose of supporting or opposing any ballot measure.

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

10 2. A foreign national may not solicit, directly or indirectly, the making of a donation,
11 contribution or expenditure by another person to influence an election on a ballot measure.

12 3. Nothing in sections 130.170 to 130.188 shall be deemed to create or eliminate any
13 existing rights or duties beyond those specifically enumerated in such sections.

14 130.185. 1. Lawful donors to a tax-exempt organization possess a right of privacy in their
15 donations. Any investigation of an alleged violation of sections 130.170 to 130.188 shall occur in a
16 manner that shields the identity of lawful donors as much as possible. The attorney general shall not
17 collect or require the submission of information on the identity of any donor to a tax-exempt
18 organization other than those directly related to an alleged violation of sections 130.170 to 130.188.
19 Any collection or required submission of information by the attorney general regarding the identity
20 of any donor to a tax-exempt organization beyond that permitted by sections 130.170 to 130.188
21 shall be deemed a violation of section 105.1500.

22 2. The attorney general shall not disclose to the public, or another government official not
23 directly involved in the investigation, information revealing the identity of the entity under
24 investigation or any donor to a tax-exempt organization, unless the information is regarding the
25 identity of the entity or of a donor that engaged in conduct prohibited by sections 130.170 to
26 130.188 after a final determination has been made that the entity or donor violated sections 130.170
27 to 130.188. The unlawful disclosure of information revealing the identity of any entity under
28 investigation or donor to a tax-exempt organization in connection with a committee shall be deemed
29 a violation of section 105.1500.

30 130.188. 1. (1) If the attorney general has reasonable cause to believe that a person or
31 entity has engaged in, is engaging in, or is about to engage in, a violation of sections 130.170 to
32 130.185, the attorney general may execute in writing and cause to be served upon any person who is
33 believed to have information, documentary material, or physical evidence relevant to the alleged or
34 suspected violation, a civil investigative demand requiring such person to appear and testify, or to
35 produce relevant documentary material or physical evidence or examination, at such reasonable time
36 and place as may be stated in the civil investigative demand, concerning the subject matter of the
37 investigation. Service of any civil investigative demand, notice, or subpoena may be made by any
38 person authorized by law to serve process or by any duly authorized employee of the attorney
39 general.

1 (2) In the process of a civil investigative demand being executed pursuant to subdivision (1)
2 of this subsection, the provisions of sections 407.040 to 407.090 shall apply.

3 2. (1) If the attorney general has reasonable cause to believe that a committee, person, or
4 other entity has engaged in, is engaging in, or is about to engage in, a violation of sections 130.170
5 to 130.185, the attorney general may bring a civil action to enforce sections 130.170 to 130.188.
6 The provisions of section 130.054 and 105.957 to 105.963 shall not apply to violations of sections
7 130.170 to 130.188.

8 (2) A committee, person, or other entity alleged to have violated sections 130.170 to
9 130.188 shall be provided a notice of the civil action, with opportunity for discovery and
10 opportunity to be heard as provided by law for civil actions generally before being found liable for a
11 violation of sections 130.170 to 130.188.

12 (3) In all actions brought pursuant to this section, the burden of proof shall be on the
13 attorney general.

14 (4) (a) Prior to discovery, the court shall set a hearing to determine if there is probable
15 cause to believe that a committee, person, or other entity has violated sections 130.170 to 130.188.

16 (b) If, after the hearing, the court determines that no probable cause exists to believe that a
17 violation of sections 130.170 to 130.188 has occurred, the court shall enter an order of dismissal.

18 (c) If, after the hearing, the court determines that probable cause does exist to believe that a
19 violation of sections 130.170 to 130.188 has occurred, the court shall enter an order to that effect
20 and the case should proceed to trial on an expedited basis.

21 (5) Subject to the provisions of section 130.185, the committee, person, or other entity
22 alleged to have violated sections 130.170 to 130.188 may, at a time to be determined by the court
23 prior to the scheduling of trial, present evidence sufficient to rebut the probable cause finding by
24 making an ex parte presentation of records to the court for in camera review.

25 (6) A non-prevailing party under paragraph (c) of subdivision (4) of this subsection has the
26 right to:

27 (a) An interlocutory expedited appeal; and

28 (b) A stay of proceedings in the trial court.

29 3. (1) Within thirty days of a court finding that a committee has violated sections 130.170
30 to 130.188, the committee shall refund the contribution to the original contributor. In the event of
31 an appeal, the contribution shall be placed in escrow, after which the funds shall be disbursed in
32 accordance with the final order.

33 (2) If the committee is unable to return the funds, the directors, officers or executive
34 members of the campaign committee shall be liable in their personal capacity, jointly and severally,
35 for the refund of said funds.

36 4. Within thirty days of a court finding that a committee, person, or other entity making an
37 expenditure covered by sections 130.170 to 130.188 has violated such sections, the committee,
38 person, or other entity shall disgorge to the attorney general funds in an amount equal to the reported
39 cost of the expenditure. If the committee, person, or entity is unable to disgorge the requisite funds,

1 the person or the directors, officers or executive members of the committee or other entity shall be
2 liable in their personal capacities, jointly and severally, for the payment of the amount due. In the
3 event of an appeal, the funds subject to disgorgement shall be placed in escrow, after which they
4 shall be disbursed in accordance with the final order.

5 5. If any lobbyist violates any of the provisions of sections 130.170 to 130.188, the
6 lobbyist's registration may be revoked or suspended and the lobbyist may be enjoined from
7 receiving compensation or making expenditures for lobbying.

8 6. If the attorney general prevails in an action brought under this section, the court shall
9 award:

10 (1) Injunctive relief sufficient to prevent the defendant from violating sections 130.170 to
11 130.188 or engaging in acts that aid or abet violations of such sections; and

12 (2) Statutory damages up to twice the amount of the prohibited contribution or expenditure.

13 7. In addition to the penalties in subsection 6 of this section and any other remedies
14 provided by law, if the court finds a knowingly or willful violation of sections 130.170 to 130.188,
15 the court may assess a penalty of up to three times the statutory damages."; and
16

17 Further amend said bill by amending the title, enacting clause, and intersectional references
18 accordingly.