

HOUSE BILL NO. 794

103RD GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVE BAKER.

1752H.02I

JOSEPH ENGLER, Chief Clerk

AN ACT

To amend chapter 115, RSMo, by adding thereto one new section relating to local election authorities, 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
2 known as section 115.1630, to read as follows:

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

- 2 **(1) "Donation", a payment, gift, subscription, loan, advance, deposit, or**
3 **anything of value given to a person without consideration;**
4 **(2) "Election administration", any action in the process of conducting and**
5 **implementing an election. For the purposes of this section, "election administration"**
6 **shall not include any post-election canvass, recount, contest, or audit processes;**
7 **(3) "Election officers", individuals who administer, implement, or oversee**
8 **election-related policies, procedures, or technologies on behalf of any municipality,**
9 **municipal agency, state, or state agency. Election officers include, but are not limited to,**
10 **the secretary of state; any registrar of voters; any town, city, or county clerk; any**
11 **member of a board or commission of elections; any member of the independent**
12 **redistricting commission; or any of the aforementioned individual's agents, employees,**
13 **representatives, or assigns;**
14 **(4) "Entity", an individual, partnership, association, corporation, organization,**
15 **or any other combination or group of individuals;**
16 **(5) "Foreign donations", donations provided by a foreign national;**
17 **(6) "Foreign national", includes:**

EXPLANATION — Matter enclosed in bold-faced brackets ~~[thus]~~ in the above bill is not enacted and is intended to be omitted from the law. Matter in **bold-face** type in the above bill is proposed language.

- 18 **(a) An individual who is not a citizen of the United States;**
19 **(b) A government, or subdivision, of a foreign country or municipality thereof;**
20 **(c) A foreign political party; or**
21 **(d) Any entity, such as a partnership, association, corporation, organization, or**
22 **other combination of persons, that is organized under the laws of or has its principal**
23 **place of business in a foreign country;**
24 **(7) "Government entity", a state, county, local, or municipal government entity,**
25 **or an officer, employee, or volunteer of one of these entities;**
26 **(8) "State officer", includes all elected officers and directors of the executive**
27 **branch of state government.**
- 28 **2. No government entity shall solicit, accept, or use any funds or in-kind goods or**
29 **services for election administration if those funds or in-kind goods or services are**
30 **donated directly or indirectly by any person other than a government entity. An**
31 **election officer may, however, solicit, accept, or use funds or in-kind goods or services of**
32 **de minimis value.**
- 33 **3. Subject to the provisions of subsection 4 of this section, no government entity**
34 **or election officer shall join the membership of any entity, participate in any program,**
35 **or purchase any services from any entity unless the entity complies with the following**
36 **certification requirements:**
- 37 **(1) The certification shall state that the entity:**
38 **(a) Has not directly or indirectly financed election administration; and**
39 **(b) Has been certified as being free of direct or indirect foreign donations;**
40 **(2) Certifications under subdivision (1) of subsection 3 of this section shall be:**
41 **(a) Renewed on an annual basis;**
42 **(b) Updated within five business days after obtaining information unknown at**
43 **the time of the initial certification; and**
44 **(c) Dated and sworn under penalty of perjury.**
- 45 **4. If, in his or her private capacity, an election officer joins or considers joining**
46 **the membership of an entity, or participates or considers participating in any program**
47 **described in subsection 3 of this section, the election officer has a duty to disclose his or**
48 **her participation, membership, or potential participation or membership, and to have**
49 **such participation, membership, or potential participation or membership considered in**
50 **a public hearing and disclosed on his or her public website. The disclosure shall:**
51 **(1) Be conspicuous, publicly accessible, and publicly viewable;**
52 **(2) Be prepared in at least 14-point Times New Roman font, and in a contrasting**
53 **color from the background of the website;**
54 **(3) Be enclosed inside a box, separated from other text and graphics;**

55 **(4) Be displayed on the home page of the election officer's website, reasonably**
56 **close to the top of the page; and**

57 **(5) Include the following:**

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

59 **(b) The date that the election officer participated in the program, joined the**
60 **entity, or is scheduled to begin participation in the program;**

61 **(c) The full name of the program or entity;**

62 **(d) An accurate description of the program or entity;**

63 **(e) A certification that the entity or program has not been, directly or indirectly,**
64 **the recipient of foreign donations and a statement that the entity or program has not**
65 **been the recipient of foreign donations or a statement that the entity or program has not**
66 **submitted such certification; and**

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

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

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

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

83 **8. Violation of the provisions of this section shall be a class B misdemeanor.**

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