McGaugh (1)

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate has taken up and passed

SS SCS HCS HB 1871 entitled:

AN ACT

To repeal sections 108.240, 115.125, 115.127, 115.233, 115.277, 115.284, 115.306, 115.427, 115.430, 115.453, 115.637, and 115.646, RSMo, and to enact in lieu thereof thirteen new sections relating to elections, with penalty provisions.

With SA 2 to SA 2, SA 3 to SA 2, SA 2. a.a., , SA 1 to SA 3, SA 3, a.a., & SA 4

In which the concurrence of the House is respectfully requested.

Respectfully,

Kristina Martin

Kristina Martin
Secretary of the Senate

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CHIEF CLERK

Read 5/11/26

5033S06.13S

SENATE AMENDMENT NO. 2

TO

SENATE AMENDMENT NO. 2

Offered by NICOLA of 11TH

Amend SA 2 SS/SCS/HCS/House Bill No. 1871, Page 10, Section 130.039, Line _____,

2 by striking all of said section from the amendment.

Offered 5/11/26

Adopted 5/11/26

SENATE AMENDMENT NO. 3

TO

SENATE AMENDMENT NO. 2

Offered by Brown Of 26th

Amend SA 2 SS/SCS/HCS/House Bill No. 1871, Pages 10-11, Section 130.170, Line _____,

by striking all of said section from the amendment; and

Further amend said amendment, pages 12-14, section 130.176, by striking all of said section from the amendment.

Offered 5/11/26

Adopted 5/11/26

SENATE AMENDMENT NO. 2

Offered by Rusty Black of 12th

Amend SS/SCS/HCS/House Bill No. 1871, Page 1, Section TITLE, Line 6,

by inserting after "provisions" the following: "and a severability clause"; and

Further amend said bill and page, section 9.515, line 6, by inserting after all of said line the following:

"105.465. 1. Any person who registers as a lobbyist shall dissolve his or her candidate committee. In the course of dissolving such committee, such person shall not disburse moneys from such committee, except for the purpose of:

(1) Returning a contribution made to the candidate committee to the entity responsible for making the contribution to the committee;

(2) Donating moneys to a nonprofit entity qualified as exempt from federal taxation under Section 501(c)(3) of the Internal Revenue Code of 1986, as amended; or

(3) Transferring moneys to a political party committee.

2. Notwithstanding subsection 1 of this section to the contrary, a person who registers as a lobbyist shall not be prohibited from maintaining a candidate committee designated to seek election to a county, municipal, or school board office, provided such person is not registered to lobby the county, municipality, or school district for which that person's candidate committee is designated to seek office. Nothing in this subsection shall prohibit a person from

Offered 5/11/26

Adopted a.a. 5/11/26

changing the designated office sought by his or her candidate committee, provided such person is never simultaneously registered to lobby the public office for which such person's committee is designated to seek office. A candidate committee maintained under this subsection shall make no expenditures or disbursements except to support the candidacy of the person maintaining the committee or for any purpose authorized by subdivisions (1) to (3) of subsection 1 of this section.

3. For purposes of this section, the term "lobbyist" shall have the same meaning given to such term under section 105.470, and the terms "committee", "candidate committee", "contribution", "office", "public office", and "political party committee" shall have the same meanings given to such terms under section 130.011."; and

Further amend said bill, page 39, section 115.646, line 16, by inserting after all of said line the following:

"130.031. 1. No contribution of cash in an amount of more than one hundred dollars shall be made by or accepted from any single contributor for any election by a continuing committee, a campaign committee, a political party committee, an exploratory committee or a candidate committee.

2. Each expenditure of more than fifty dollars, except an in-kind expenditure, shall be made by check signed by the committee treasurer, deputy treasurer, or candidate or by other electronic means authorized by the treasurer, deputy treasurer, or candidate and drawn on the committee's depository or credit card in the name of the committee and authorized by the treasurer, deputy treasurer, or candidate. A single expenditure of cash shall not exceed fifty dollars, and the aggregate of all expenditures of cash during a calendar year shall not exceed the lesser of five

thousand dollars or ten percent of all expenditures made by the committee during that calendar year.

3. No contribution shall be made or accepted and no expenditure shall be made or incurred, directly or indirectly, in a fictitious name, in the name of another person, or by or through another person in such a manner as to conceal the identity of the actual source of the contribution or the actual recipient and purpose of the expenditure. Any person who receives contributions for a committee shall disclose to that committee's treasurer, deputy treasurer or candidate the recipient's own name and address and the name and address of the actual source of each contribution such person has received for that committee. Any person who makes expenditures for a committee shall disclose to that committee's treasurer, deputy treasurer or candidate such person's own name and address, the name and address of each person to whom an expenditure has been made and the amount and purpose of the expenditures the person has made for that committee.

4. No anonymous contribution of more than twenty-five dollars shall be made by any person, and no anonymous contribution of more than twenty-five dollars shall be accepted by any candidate or committee. If any anonymous contribution of more than twenty-five dollars is received, it shall be returned immediately to the contributor, if the contributor's identity can be ascertained, and if the contributor's identity cannot be ascertained, the candidate, committee treasurer or deputy treasurer shall immediately transmit that portion of the contribution which exceeds twenty-five dollars to the state treasurer and it shall escheat to the state.

5. The maximum aggregate amount of anonymous contributions which shall be accepted in any calendar year

by any committee shall be the greater of five hundred dollars or one percent of the aggregate amount of all contributions received by that committee in the same calendar year. If any anonymous contribution is received which causes the aggregate total of anonymous contributions to exceed the foregoing limitation, it shall be returned immediately to the contributor, if the contributor's identity can be ascertained, and, if the contributor's identity cannot be ascertained, the committee treasurer, deputy treasurer or candidate shall immediately transmit the anonymous contribution to the state treasurer to escheat to the state.

6. Notwithstanding the provisions of subsection 5 of this section, contributions from individuals whose names and addresses cannot be ascertained which are received from a fund-raising activity or event, such as defined in section 130.011, shall not be deemed anonymous contributions, provided the following conditions are met:

(1) There are twenty-five or more contributing participants in the activity or event;

(2) The candidate, committee treasurer, deputy treasurer or the person responsible for conducting the activity or event makes an announcement that it is illegal for anyone to make or receive a contribution in excess of one hundred dollars unless the contribution is accompanied by the name and address of the contributor;

(3) The person responsible for conducting the activity or event does not knowingly accept payment from any single person of more than one hundred dollars unless the name and address of the person making such payment is obtained and recorded pursuant to the record-keeping requirements of section 130.036;

(4) A statement describing the event shall be prepared by the candidate or the treasurer of the committee for whom the funds were raised or by the person responsible for conducting the activity or event and attached to the disclosure report of contributions and expenditures required by section 130.041. The following information to be listed in the statement is in addition to, not in lieu of, the requirements elsewhere in this chapter relating to the recording and reporting of contributions and expenditures:

(a) The name and mailing address of the person or persons responsible for conducting the event or activity and the name and address of the candidate or committee for whom the funds were raised;

(b) The date on which the event occurred;

(c) The name and address of the location where the event occurred and the approximate number of participants in the event;

(d) A brief description of the type of event and the fund-raising methods used;

(e) The gross receipts from the event and a listing of the expenditures incident to the event;

(f) The total dollar amount of contributions received from the event from participants whose names and addresses were not obtained with such contributions and an explanation of why it was not possible to obtain the names and addresses of such participants;

(g) The total dollar amount of contributions received from contributing participants in the event who are identified by name and address in the records required to be maintained pursuant to section 130.036.

7. No candidate or committee in this state shall accept contributions from any out-of-state committee unless the out-of-state committee from whom the contributions are

received has filed a statement of organization pursuant to section 130.021 or has filed the reports required by sections 130.049 and 130.050, whichever is applicable to that committee.

8. Any person publishing, circulating, or distributing any printed matter relative to any candidate for public office or any ballot measure shall on the face of the printed matter identify in a clear and conspicuous manner the person who paid for the printed matter with the words "Paid for by" followed by the proper identification of the sponsor pursuant to this section. For the purposes of this section, "printed matter" shall be defined to include any pamphlet, circular, handbill, sample ballot, advertisement, including advertisements in any newspaper or other periodical, sign, including signs for display on motor vehicles, or other imprinted or lettered material; but printed matter is defined to exclude materials printed and purchased prior to May 20, 1982, if the candidate or committee can document that delivery took place prior to May 20, 1982; any sign personally printed and constructed by an individual without compensation from any other person and displayed at that individual's place of residence or on that individual's personal motor vehicle; any items of personal use given away or sold, such as campaign buttons, pins, pens, pencils, book matches, campaign jewelry, or clothing, which is paid for by a candidate or committee which supports a candidate or supports or opposes a ballot measure and which is obvious in its identification with a specific candidate or committee and is reported as required by this chapter; and any news story, commentary, or editorial printed by a regularly published newspaper or other periodical without charge to a candidate, committee or any other person.

(1) In regard to any printed matter paid for by a candidate from the candidate's personal funds, it shall be sufficient identification to print the first and last name by which the candidate is known.

(2) In regard to any printed matter paid for by a committee, it shall be sufficient identification to print the name of the committee as required to be registered by subsection 5 of section 130.021 and the name and title of the committee treasurer who was serving when the printed matter was paid for.

(3) In regard to any printed matter paid for by a corporation or other business entity, labor organization, or any other organization not defined to be a committee by subdivision (7) of section 130.011 and not organized especially for influencing one or more elections, it shall be sufficient identification to print the name of the entity, the name of the principal officer of the entity, by whatever title known, and the mailing address of the entity, or if the entity has no mailing address, the mailing address of the principal officer.

(4) In regard to any printed matter paid for by an individual or individuals, it shall be sufficient identification to print the name of the individual or individuals and the respective mailing address or addresses, except that if more than five individuals join in paying for printed matter it shall be sufficient identification to print the words "For a list of other sponsors contact:" followed by the name and address of one such individual responsible for causing the matter to be printed, and the individual identified shall maintain a record of the names and amounts paid by other individuals and shall make such record available for review upon the request of any person. No person shall accept for publication or printing nor shall

such work be completed until the printed matter is properly identified as required by this subsection.

9. Any broadcast station transmitting any matter relative to any candidate for public office or ballot measure as defined by this chapter shall identify the sponsor of such matter as required by federal law.

10. The provisions of subsection 8 or 9 of this section shall not apply to candidates for elective federal office, provided that persons causing matter to be printed or broadcast concerning such candidacies shall comply with the requirements of federal law for identification of the sponsor or sponsors.

11. It shall be a violation of this chapter for any person required to be identified as paying for printed matter pursuant to subsection 8 of this section or paying for broadcast matter pursuant to subsection 9 of this section to refuse to provide the information required or to purposely provide false, misleading, or incomplete information.

12. It shall be a violation of this chapter for any committee to offer chances to win prizes or money to persons to encourage such persons to endorse, send election material by mail, deliver election material in person or contact persons at their homes; except that, the provisions of this subsection shall not be construed to prohibit hiring and paying a campaign staff.

13. All solicitations, except those from a connected organization of a continuing committee, shall state, in a clear and conspicuous manner, the continuing committee, campaign committee, political party committee, exploratory committee, or candidate committee that will benefit from any funds received as a result of the solicitation. The solicitation shall also indicate what percentage of the

donation will be received by the committee and any business, corporation, or other entity that will receive any part of the contribution.

14. (1) A committee soliciting a recurring contribution for an expenditure or printed or broadcast matter may accept the recurring contribution only if the contributor gives affirmative consent for the recurring contribution. The passive action of a contributor, including but not limited to failing to uncheck a prechecked box authorizing a recurring contribution, shall not constitute affirmative consent.

(2) If a contributor affirmatively consents to making a recurring contribution, the committee soliciting the recurring contribution shall:

(a) Provide a receipt to the contributor for each contribution that clearly and conspicuously discloses:

a. The frequency of the recurring contributions;

b. The duration of the recurring contributions; and

c. All information needed to cancel recurring contributions; and

(b) At the request of the contributor, terminate any future scheduled deductions prior to the next scheduled deduction date.

(3) A committee that solicits and receives a contribution in violation of this section shall return the contribution to the contributor immediately after receiving the contribution. The amount of any contribution received in violation of this section is an outstanding obligation of the committee that solicited and received the contribution until the contribution is repaid to the contributor.

(4) The Missouri ethics commission may impose a civil penalty on committees violating this subsection of up to one

hundred times the amount of the contribution received in violation of this subsection.

(5) Recurring contributions made under this subsection to support or oppose a candidate or ballot measure shall automatically end after the election at which the candidate or measure appeared on the ballot, except that recurring contributions made to any candidate who wins a primary election may continue until the general election.

130.039. A candidate for a state office shall not make contributions to his or her own candidate committee in excess of the contribution limitation applicable to the elective office sought pursuant to the Missouri Constitution or statute, whichever is applicable. This section shall not apply to any candidate for a judicial office.

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

(1) "Committee", the same meaning as otherwise provided in section 130.011, except it shall not include candidate committees or continuing committees, provided that if a continuing committee makes an expenditure that is subject to subsection 3 of section 130.176 or makes a contribution to a committee that has made an expenditure that is subject to subsection 3 of section 130.176, that continuing committee shall be considered a committee for purposes of sections 130.170 to 130.188;

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

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

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

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

(c) A foreign political party;

(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; or

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

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

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

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

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

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

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

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

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

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

3. Within forty-eight hours of making [one or more expenditures] an initial expenditure supporting or opposing a ballot measure, and in every disclosure report filed thereafter pursuant to section 130.041, the entity making the expenditure shall affirm to the Missouri ethics commission that it has not knowingly or willfully accepted funds, directly or indirectly, aggregating in excess of ten

thousand dollars from one or more prohibited sources within the four-year period immediately preceding the date the expenditure is made and that it will not do so through the remainder of the calendar year in which the ballot measure will appear on the ballot. Each disclosure report filed pursuant to section 130.041 shall require the entity making the expenditure to affirm that it has not knowingly or willfully accepted funds, directly or indirectly, aggregating in excess of ten thousand dollars from one or more prohibited sources within the four-year period immediately preceding the date the expenditure is made. Receipt of an affirmation from a donor that it is not a foreign national shall create a rebuttable presumption that the entity has not knowingly or willingly accepted funds, directly or indirectly, aggregating in excess of ten thousand dollars from one or more prohibited sources. Nothing in this subsection shall prohibit the attorney general from pursuing any action pursuant to section 130.188 if the attorney general has found a willful violation of this subsection.

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

5. A committee shall not accept an in-kind contribution from any foreign national or from any individual or entity that has knowingly or willfully accepted funds, directly or indirectly, aggregating in excess of ten thousand dollars from one or more foreign nationals within the four-year period immediately preceding

the date the in-kind contribution is made. A foreign national shall not make an in-kind expenditure for the purpose of supporting or opposing any ballot measure.

Section B. In the event that any section, provision, clause, phrase, or word of this act or the application thereof is declared invalid under the Constitution of the United States or the Constitution of the State of Missouri, whether on procedural or substantive grounds, it is the intent of the general assembly that the remaining sections of this act remain in force and effect as far as they are capable of being carried into execution as intended by the general assembly. The general assembly hereby declares that it would have passed each section, provision, clause, phrase, or word thereof, irrespective of the fact that any one or more sections, provisions, clauses, phrases, or words of this act or the application of this act would be declared unenforceable, unconstitutional, or invalid."; and

Further amend the title and enacting clause accordingly.

SENATE AMENDMENT NO. 1

TO

SENATE AMENDMENT NO. 3

Offered by Wells of Boone

Amend SA 3 SS/SCS/HCS/House Bill No. 1871, Page 1, Section 130.034, Line 20,

by inserting after "(4)" the following:

"Any expenses associated with the personal security of the holder of elective office;

(5)"; and further amend by renumbering the remaining subdivisions accordingly.

Offered 5/11/26

Adopted 5/11/26

SENATE AMENDMENT NO. 3

Offered by Nurrenbern of 17

Amend SS/SCS/HCS/House Bill No. 1871, Page 39, Section 115.646, Line 16,

by inserting after all of said line the following:

"130.034. 1. Contributions as defined in section 130.011, received by any committee shall not be converted to any personal use.

2. Contributions may be used for any purpose allowed by law including, but not limited to:

(1) Any ordinary expenses incurred relating to a campaign;

(2) Any ordinary and necessary expenses incurred in connection with the duties of a holder of elective office;

(3) Any childcare expenses that result directly from campaigning for office or in connection with the duties of public office that would not have been otherwise incurred but for those activities. Eligible childcare expenses include any expenses that provide for the well-being and protection of the child, provided that no expenditure shall be made to a member of the candidate's or office holder's household;

(4) Any expenses associated with the duties of candidacy or of elective office pertaining to the entertaining of or providing social courtesies to constituents, professional associations, or other holders of elective office;

Offered 5/11/26

Adopted a.a. 5/11/26

[(4)] (5) The return of any contribution to the person who made the contribution to the candidate or holder of elective office;

[(5)] (6) To contribute to a political organization [or candidate committee] as allowed by law;

[(6)] (7) To establish a new committee as defined by this chapter;

[(7)] (8) To make an unconditional gift which is fully vested to any charitable, fraternal or civic organizations or other associations formed to provide for some good in the order of benevolence, if such candidate, former candidate or holder of elective office or such person's immediate family gain no direct financial benefit from the unconditional gift;

[(8)] (9) Except when such candidate, former candidate or holder of elective office dies while the committee remains in existence, the committee may make an unconditional gift to a fund established for the benefit of the spouse and children of the candidate, former candidate or holder of elective office. The provisions of this subdivision shall expire October 1, 1997.

3. Upon the death of the candidate, former candidate or holder of elective office who received such contributions, all contributions shall be disposed of according to this section and any funds remaining after final settlement of the candidate's decedent's estate, or if no estate is opened, then twelve months after the candidate's death, will escheat to the state of Missouri to be deposited in the general revenue fund.

4. No contributions, as defined in section 130.011, received by a candidate, former candidate or holder of elective office shall be used to make restitution payments ordered of such individual by a court of law or for the

payment of any fine resulting from conviction of a violation of any local, state or federal law.

5. Committees described in subdivision (18) of section 130.011 shall make expenditures only for the purpose of determining whether an individual will be a candidate. Such expenditures include polling information, mailings, personal appearances, telephone expenses, office and travel expenses but may not include contributions to other candidate committees.

6. Any moneys in the exploratory committee fund may be transferred to the candidate committee upon declaration of candidacy for the position being explored. Such funds shall be included for the purposes of reporting and limitation. In the event that candidacy is not declared for the position being explored, the remaining exploratory committee funds shall be returned to the contributors on a pro rata basis. In no event shall the amount returned exceed the amount given by each contributor nor be less than ten dollars.

7. Funds held in candidate committees, campaign committees, debt service committees, and exploratory committees shall be liquid such that these funds shall be readily available for the specific and limited purposes allowed by law. These funds may be invested only in short-term treasury instruments or short-term bank certificates with durations of one year or less, or that allow the removal of funds at any time without any additional financial penalty other than the loss of interest income. Continuing committees, political party committees, and other committees such as out-of-state committees not formed for the benefit of any single candidate or ballot issue shall not be subject to the provisions of this subsection. This subsection shall not be interpreted to restrict the

placement of funds in an interest-bearing checking account."; and

Further amend the title and enacting clause accordingly.

Gregory - 21

5033S06.03S

SENATE AMENDMENT NO. 4

Offered by Gregory of 21

Amend SS/SCS/HCS/House Bill No. 1871, Page 8, Section 115.127, Line 104,

by inserting after all of said line the following:

"115.133. 1. Except as provided in subsection 2 of this section, any citizen of the United States who is a resident of the state of Missouri and seventeen years and six months of age or older shall be entitled to register and to vote in any election which is held on or after his or her eighteenth birthday.

2. No person who is adjudged incapacitated shall be entitled to register or vote. No person shall be entitled to vote:

(1) While confined under a sentence of imprisonment;

(2) While on probation or parole after conviction of a felony pursuant to chapter 566 or 573 or section 565.020, 565.021, 565.050, 565.052, 565.072, 565.079, 568.020, 568.045, or 569.160, until finally discharged from such probation or parole; or

(3) After conviction of a felony or misdemeanor connected with the right of suffrage.

3. Except as provided in federal law or federal elections and in section 115.277, no person shall be entitled to vote if the person has not registered to vote in the jurisdiction of his or her residence prior to the deadline to register to vote."; and

Further amend the title and enacting clause accordingly.

Offered 5/11/26

Adopted 5/11/26