

HOUSE BILL NO. 2381

103RD GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVE SIMMONS.

6160H.011

JOSEPH ENGLER, Chief Clerk

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

115.1600. 1. For purposes of this section, the following terms 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", to participate in any way in the process of**
5 **conducting and implementing an election. Election administration for the purposes of**
6 **this section does not include post-election canvass, recount, contest, and audit processes;**
7 **(3) "Election officer", individuals who administer, implement, or oversee**
8 **election-related policies, procedures, or technologies on behalf of any political**
9 **subdivision or the secretary of state. Election officers include, but are not limited to,**
10 **the secretary of state; any election authority; any member of a redistricting commission;**
11 **or any of the aforementioned individual's agents, employees, representatives, or assigns;**
12 **(4) "Foreign donation", a donation provided by a foreign national;**
13 **(5) "Foreign national", any of the following:**
14 **(a) An individual who is not a citizen of the United States;**
15 **(b) A government, or subdivision, of a foreign country or municipality thereof;**
16 **(c) A foreign political party; or**

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.

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

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

22 **(7) "Person", an individual, partnership, association, corporation, organization,**
23 **or any other combination or group of individuals.**

24 **2. (1) A government entity shall not solicit, accept, or use any funds or in-kind**
25 **goods or services for election administration if those funds or in-kind goods or services**
26 **are donated directly or indirectly by any person other than a government entity. An**
27 **election officer may solicit, accept, or use funds or in-kind goods or services of de**
28 **minimis value.**

29 **(2) Subject to the exception in subsection 3 of this subsection, a government**
30 **entity or election officer shall not join the membership of any person, participate in any**
31 **program, or purchase any services from any person unless the person complies with the**
32 **following certification requirements:**

33 **(a) The certification shall state that the person:**

34 **a. Has not directly or indirectly financed election administration;**

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

38 **c. Has been certified as being free of direct or indirect foreign donations.**

39 **(b) The certification required by paragraph (a) of this subdivision shall be:**

40 **a. Renewed on an annual basis;**

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

43 **c. Dated and sworn by the person under penalty of perjury.**

44 **3. (1) If, in his or her private capacity, an election officer joins or considers**
45 **joining the membership of a person, or participates or considers participating in any**
46 **program described by subsection 2 of this section, the election officer shall disclose his**
47 **or her participation or membership, or potential participation or membership, and to**
48 **have participation or potential participation or membership considered in a public**
49 **hearing, and disclosed on his or her public website as provided by this section.**

50 **(2) The disclosure required by subdivision (1) of this subsection shall be:**

51 **(a) Conspicuous, publicly accessible, and publicly viewable;**

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

54 (c) Enclosed inside a box, separated from other text and graphics; and
55 (d) Displayed on the homepage of the election officer's website, reasonably close
56 to the top of the page.

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

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

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

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

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

64 (e) A certification that the person or program has not been, directly or
65 indirectly, the recipient of foreign donations, a statement that the person or program has
66 been the recipient of foreign donations, or a statement that the person or program has
67 not submitted said certification; and

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

70 (4) The disclosure required by subdivision (1) of this subsection shall also
71 include a link to an electronic document containing all resources or documents received
72 by the election officer from the person or program, along with the disclosure of any
73 known funding for the program known to the officer. This list of resources shall be
74 updated within ten business days of receipt as resources, documents, and other
75 materials are provided or made available.

76 (5) If the election officer does not have a public website, the disclosure shall be
77 included on the official homepage of the website most closely associated with the election
78 officer, including that of his or her superior or supervisor. If no website or homepage
79 can be ascertained, the disclosure shall be submitted to the secretary of state for
80 inclusion on the secretary of state's website in a conspicuous manner.

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

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

87 4. Violation of this section is a class B misdemeanor. If conduct that constitutes
88 an offense under this section also constitutes an offense under any other law, the actor
89 may be prosecuted under this section, the other law, or both.

90 **5. Any registered voter in this state may bring a cause of action to enforce this**
91 **section.**

92 **6. Any existing or future ordinance enacted or adopted by any political**
93 **subdivision that is in conflict with this section is void.**

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