

FIRST REGULAR SESSION

[TRULY AGREED TO AND FINALLY PASSED]

SENATE SUBSTITUTE FOR

SENATE BILL NO. 152

103RD GENERAL ASSEMBLY

2025

1095S.13T

AN ACT

To amend chapter 130, RSMo, by adding thereto six new sections relating to campaign finance.

Be it enacted by the General Assembly of the State of Missouri, as follows:

Section A. Chapter 130, RSMo, is amended by adding thereto
2 six new sections, to be known as sections 130.170, 130.173,
3 130.176, 130.179, 130.185, and 130.188, to read as follows:

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

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

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

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

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

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

14 (c) A foreign political party;

15 (d) Any entity, such as a partnership, association,
16 corporation, organization, or other combination of persons,

Exhibit E

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.

130.173. 1. Upon creating, forming, or registering a committee, the treasurer shall file an accompanying

certification that no preliminary activity was funded by prohibited sources, whether directly or indirectly.

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

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

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

130.176. 1. Upon a committee's receipt of a contribution of more than two thousand dollars, the treasurer shall obtain 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 supporting or opposing a ballot measure, 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

50 if the attorney general has found a willful violation of
51 this subsection.

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

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

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

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

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

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

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

130.188. 1. (1) If the attorney general has
reasonable cause to believe that a person or entity has
engaged in, is engaging in, or is about to engage in, a
violation of sections 130.170 to 130.185, the attorney
general may execute in writing and cause to be served upon
any person who is believed to have information, documentary

material, or physical evidence relevant to the alleged or suspected violation, a civil investigative demand requiring such person to appear and testify, or to produce relevant documentary material or physical evidence or examination, at such reasonable time and place as may be stated in the civil investigative demand, concerning the subject matter of the investigation. Service of any civil investigative demand, notice, or subpoena may be made by any person authorized by law to serve process or by any duly authorized employee of the attorney general.

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

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

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

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

(4) (a) Prior to discovery, the court shall set a hearing to determine if there is probable cause to believe

39 that a committee, person, or other entity has violated
40 sections 130.170 to 130.188.

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

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

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

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

59 (a) An interlocutory expedited appeal; and

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

61 3. (1) Within thirty days of a court finding that a
62 committee has violated sections 130.170 to 130.188, the
63 committee shall refund the contribution to the original
64 contributor. In the event of an appeal, the contribution
65 shall be placed in escrow, after which the funds shall be
66 disbursed in accordance with the final order.

67 (2) If the committee is unable to return the funds,
68 the directors, officers, or executive members of the
69 campaign committee shall be liable in their personal

capacity, jointly and severally, for the refund of said funds.

4. Within thirty days of a court finding that a committee, person, or other entity making an expenditure covered by sections 130.170 to 130.188 has violated such sections, the committee, person, or other entity shall disgorge to the attorney general funds in an amount equal to the reported cost of the expenditure. If the committee, person, or entity is unable to disgorge the requisite funds, the person or the directors, officers, or executive members of the committee or other entity shall be liable in their personal capacities, jointly and severally, for the payment of the amount due. In the event of an appeal, the funds subject to disgorgement shall be placed in escrow, after which they shall be disbursed in accordance with the final order.

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

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

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

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

7. In addition to the penalties in subsection 6 of this section and any other remedies provided by law, if the court finds a knowingly or willful violation of sections

102 130.170 to 130.188, the court may assess a penalty of up to
103 three times the statutory damages.

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