

House \_\_\_\_\_ Amendment NO. \_\_\_\_\_

Offered By  
\_\_\_\_\_

1 AMEND House Committee Substitute for House Bill No. 1857, Page 39, Section 115.642, Line 19,  
2 by inserting after all of said section and line the following:

3  
4 "115.646. 1. No contribution or expenditure of public funds shall be made directly by any  
5 officer, board member, director, administrator, employee, or agent of any political subdivision or  
6 special district to advocate, support, or oppose any ballot measure or any candidate for public office.  
7 No officer, board member, director, administrator, employee, or agent of any political subdivision or  
8 special district shall directly use public resources or property paid for with public funds to advocate,  
9 support, or oppose any ballot measure or any candidate for public office. This section shall not be  
10 construed to prohibit any [public official] officer, board member, director, administrator, employee,  
11 or agent of a political subdivision or special district from making public appearances [or from],  
12 issuing press releases, or testifying before the general assembly concerning any such ballot measure  
13 as long as such officer, board member, director, administrator, employee, or agent does not do so in  
14 his or her official capacity while receiving compensation by the political subdivision or special  
15 district for time worked.

16 2. This section shall not be construed to prohibit a political subdivision or special district  
17 from employing a legislative liaison to communicate with members of the general assembly  
18 regarding policies or procedures, including ballot measures, of the political subdivision or special  
19 district.

20 3. Any resident of a political subdivision or special district who wishes to challenge any  
21 contribution or expenditure of public funds or any use of public resources or property paid for with  
22 public funds may bring an action in any circuit court of the political subdivision or special district in  
23 which the alleged violation occurred. The political subdivision or special district and the officer,  
24 board member, director, administrator, employee, or agent who allegedly violated this section shall  
25 be named as party defendants. The petition shall set forth a description of any use of public  
26 resources or property paid for with public funds at issue, any contribution at issue, and any  
27 expenditure at issue and the facts that gave rise to a violation and shall pray leave to produce such  
28 proof. The court shall consider the petition and evidence, hear arguments, and in its decision  
29 determine whether a violation of this section occurred.

30 4. If the court decides a violation of this section occurred, the court shall order payment by

Action Taken \_\_\_\_\_ Date \_\_\_\_\_

1 the political subdivision or special district of all the plaintiff's costs and attorney's fees.

2 5. (1) If the court decides a contribution or expenditure of public funds was made by an  
3 officer, board member, director, or administrator of the political subdivision or special district in  
4 violation of this section, the political subdivision or special district shall be subject to a civil penalty  
5 in an amount equal to ten times the amount of the contribution or expenditure or one thousand  
6 dollars, whichever is greater.

7 (2) If the court decides public resources or property paid for with public funds were used by  
8 an officer, board member, director, or administrator of the political subdivision or special district in  
9 violation of this section, the political subdivision or special district shall be subject to a civil penalty  
10 in the amount of one thousand dollars.

11 (3) If an officer, board member, director, or administrator of the political subdivision or  
12 special district knew or should have known of a violation under subsection 6 of this section, the  
13 political subdivision or special district shall be subject to a civil penalty in an amount described in  
14 subdivision (1) or (2) of this subsection, corresponding to the type of violation that occurred.

15 6. If the court decides a contribution or expenditure of public funds was made or public  
16 resources or property paid for with public funds were used by an employee or agent of the political  
17 subdivision or special district who is not an officer, board member, director, or administrator of the  
18 political subdivision or special district in violation of this section and it was the first such violation  
19 by such employee or agent, the court shall not impose a civil penalty. A second or subsequent  
20 violation of this section by such employee or agent shall subject the political subdivision or special  
21 district to the penalties under subsection 5 of this section."; and

22  
23 Further amend said bill by amending the title, enacting clause, and intersectional references  
24 accordingly.