

FIRST REGULAR SESSION

SENATE BILL NO. 298

97TH GENERAL ASSEMBLY

INTRODUCED BY SENATOR HOLSMAN.

Read 1st time February 12, 2013, and ordered printed.

TERRY L. SPIELER, Secretary.

0741S.011

AN ACT

To repeal sections 130.031 as truly agreed to and finally passed by conference committee substitute no. 3 for house committee substitute no. 2 for senate bill no. 844, ninety-fifth general assembly, second regular session and 130.031 as enacted by conference committee substitute no. 2 for house committee substitute for senate committee substitute for senate bills nos. 31 & 285, ninety-second general assembly, first regular session, RSMo, and to enact in lieu thereof twenty-two new sections relating to campaign finance, with a referendum clause and penalty provisions.

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

Section A. Sections 130.031 as truly agreed to and finally passed by
2 conference committee substitute no. 3 for house committee substitute no. 2 for
3 senate bill no. 844, ninety-fifth general assembly, second regular session and
4 130.031 as enacted by conference committee substitute no. 2 for house committee
5 substitute for senate committee substitute for senate bills nos. 31 & 285, ninety-
6 second general assembly, first regular session, RSMo, are repealed and twenty-
7 two new sections enacted in lieu thereof, to be known as sections 130.031,
8 130.200, 130.201, 130.202, 130.203, 130.204, 130.205, 130.206, 130.207, 130.208,
9 130.209, 130.210, 130.211, 130.212, 130.213, 130.215, 130.216, 130.217, 130.218,
10 130.219, 130.220, and 143.1021, to read as follows:

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

EXPLANATION—Matter enclosed in bold-faced brackets [thus] in this bill is not enacted and is intended to be omitted in the law.

6 2. Except for expenditures from a petty cash fund which is
7 established and maintained by withdrawals of funds from the
8 committee's depository account and with records maintained
9 pursuant to the record-keeping requirements of section 130.036 to
10 account for expenditures made from petty cash, each expenditure
11 of more than fifty dollars, except an in-kind expenditure, shall be
12 made by check drawn on the committee's depository and signed by
13 the committee treasurer, deputy treasurer or candidate. A single
14 expenditure from a petty cash fund shall not exceed fifty dollars,
15 and the aggregate of all expenditures from a petty cash fund during
16 a calendar year shall not exceed the lesser of five thousand dollars
17 or ten percent of all expenditures made by the committee during
18 that calendar year. A check made payable to "cash" shall not be
19 made except to replenish a petty cash fund.

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

35 4. No anonymous contribution of more than twenty-five
36 dollars shall be made by any person, and no anonymous
37 contribution of more than twenty-five dollars shall be accepted by
38 any candidate or committee. If any anonymous contribution of
39 more than twenty-five dollars is received, it shall be returned
40 immediately to the contributor, if the contributor's identity can be
41 ascertained, and if the contributor's identity cannot be ascertained,

42 the candidate, committee treasurer or deputy treasurer shall
43 immediately transmit that portion of the contribution which
44 exceeds twenty-five dollars to the state treasurer and it shall
45 escheat to the state.

46 5. The maximum aggregate amount of anonymous
47 contributions which shall be accepted in any calendar year by any
48 committee shall be the greater of five hundred dollars or one
49 percent of the aggregate amount of all contributions received by
50 that committee in the same calendar year. If any anonymous
51 contribution is received which causes the aggregate total of
52 anonymous contributions to exceed the foregoing limitation, it shall
53 be returned immediately to the contributor, if the contributor's
54 identity can be ascertained, and, if the contributor's identity cannot
55 be ascertained, the committee treasurer, deputy treasurer or
56 candidate shall immediately transmit the anonymous contribution
57 to the state treasurer to escheat to the state.

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

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

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

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

77 (4) A statement describing the event shall be prepared by

78 the candidate or the treasurer of the committee for whom the funds
79 were raised or by the person responsible for conducting the activity
80 or event and attached to the disclosure report of contributions and
81 expenditures required by section 130.041. The following
82 information to be listed in the statement is in addition to, not in
83 lieu of, the requirements elsewhere in this chapter relating to the
84 recording and reporting of contributions and expenditures:

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

89 (b) The date on which the event occurred;

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

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

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

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

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

105 7. No candidate or committee in this state shall accept
106 contributions from any out-of-state committee unless the
107 out-of-state committee from whom the contributions are received
108 has filed a statement of organization pursuant to section 130.021
109 or has filed the reports required by sections 130.049 and 130.050,
110 whichever is applicable to that committee.

111 8. Any person publishing, circulating, or distributing any
112 printed matter relative to any candidate for public office or any
113 ballot measure shall on the face of the printed matter identify in

114 a clear and conspicuous manner the person who paid for the
115 printed matter with the words "Paid for by" followed by the proper
116 identification of the sponsor pursuant to this section. For the
117 purposes of this section, "printed matter" shall be defined to
118 include any pamphlet, circular, handbill, sample ballot,
119 advertisement, including advertisements in any newspaper or other
120 periodical, sign, including signs for display on motor vehicles, or
121 other imprinted or lettered material; but "printed matter" is
122 defined to exclude materials printed and purchased prior to May
123 20, 1982, if the candidate or committee can document that delivery
124 took place prior to May 20, 1982; any sign personally printed and
125 constructed by an individual without compensation from any other
126 person and displayed at that individual's place of residence or on
127 that individual's personal motor vehicle; any items of personal use
128 given away or sold, such as campaign buttons, pins, pens, pencils,
129 book matches, campaign jewelry, or clothing, which is paid for by
130 a candidate or committee which supports a candidate or supports
131 or opposes a ballot measure and which is obvious in its
132 identification with a specific candidate or committee and is
133 reported as required by this chapter; and any news story,
134 commentary, or editorial printed by a regularly published
135 newspaper or other periodical without charge to a candidate,
136 committee or any other person.

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

141 (2) In regard to any printed matter paid for by a committee,
142 it shall be sufficient identification to print the name of the
143 committee as required to be registered by subsection 5 of section
144 130.021 and the name and title of the committee treasurer who was
145 serving when the printed matter was paid for.

146 (3) In regard to any printed matter paid for by a
147 corporation or other business entity, labor organization, or any
148 other organization not defined to be a committee by subdivision (9)
149 of section 130.011 and not organized especially for influencing one

150 or more elections, it shall be sufficient identification to print the
151 name of the entity, the name of the principal officer of the entity,
152 by whatever title known, and the mailing address of the entity, or
153 if the entity has no mailing address, the mailing address of the
154 principal officer.

155 (4) In regard to any printed matter paid for by an
156 individual or individuals, it shall be sufficient identification to
157 print the name of the individual or individuals and the respective
158 mailing address or addresses, except that if more than five
159 individuals join in paying for printed matter it shall be sufficient
160 identification to print the words "For a list of other sponsors
161 contact:" followed by the name and address of one such individual
162 responsible for causing the matter to be printed, and the individual
163 identified shall maintain a record of the names and amounts paid
164 by other individuals and shall make such record available for
165 review upon the request of any person. No person shall accept for
166 publication or printing nor shall such work be completed until the
167 printed matter is properly identified as required by this subsection.

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

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

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

183 12. It shall be a violation of this chapter for any committee
184 to offer chances to win prizes or money to persons to encourage
185 such persons to endorse, send election material by mail, deliver

186 election material in person or contact persons at their homes;
187 except that, the provisions of this subsection shall not be construed
188 to prohibit hiring and paying a campaign staff.

189 13. Political action committees shall only receive
190 contributions from individuals; unions; federal political action
191 committees; and corporations, associations, and partnerships
192 formed under chapters 347 to 360, and shall be prohibited from
193 receiving contributions from other political action committees,
194 candidate committees, political party committees, campaign
195 committees, exploratory committees, or debt service
196 committees. However, candidate committees, political party
197 committees, campaign committees, exploratory committees, and
198 debt service committees shall be allowed to return contributions to
199 a donor political action committee that is the origin of the
200 contribution.

201 14. The prohibited committee transfers described in
202 subsection 13 of this section shall not apply to the following
203 committees:

204 (1) The state house committee per political party designated
205 by the respective majority or minority floor leader of the house of
206 representatives or the chair of the state party if the party does not
207 have majority or minority party status;

208 (2) The state senate committee per political party
209 designated by the respective majority or minority floor leader of the
210 senate or the chair of the state party if the party does not have
211 majority or minority party status.

212 15. No person shall transfer anything of value to any
213 committee with the intent to conceal, from the ethics commission,
214 the identity of the actual source. Any violation of this subsection
215 shall be punishable as follows:

216 (1) For the first violation, the ethics commission shall notify
217 such person that the transfer to the committee is prohibited under
218 this section within five days of determining that the transfer is
219 prohibited, and that such person shall notify the committee to
220 which the funds were transferred that the funds must be returned
221 within ten days of such notification;

222 (2) For the second violation, the person transferring the
223 funds shall be guilty of a class C misdemeanor;

224 (3) For the third and subsequent violations, the person
225 transferring the funds shall be guilty of a class D felony.

226 16. Beginning January 1, 2011, all committees required to
227 file campaign financial disclosure reports with the Missouri ethics
228 commission shall file any required disclosure report in an electronic
229 format as prescribed by the ethics commission.]

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

5 2. Except for expenditures from a petty cash fund which is established
6 and maintained by withdrawals of funds from the committee's depository account
7 and with records maintained pursuant to the record-keeping requirements of
8 section 130.036 to account for expenditures made from petty cash, each
9 expenditure of more than fifty dollars, except an in-kind expenditure, shall be
10 made by check drawn on the committee's depository and signed by the committee
11 treasurer, deputy treasurer or candidate. A single expenditure from a petty cash
12 fund shall not exceed fifty dollars, and the aggregate of all expenditures from a
13 petty cash fund during a calendar year shall not exceed the lesser of five
14 thousand dollars or ten percent of all expenditures made by the committee during
15 that calendar year. A check made payable to "cash" shall not be made except to
16 replenish a petty cash fund.

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

29 made for that committee.

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

39 5. The maximum aggregate amount of anonymous contributions which
40 shall be accepted in any calendar year by any committee shall be the greater of
41 five hundred dollars or one percent of the aggregate amount of all contributions
42 received by that committee in the same calendar year. If any anonymous
43 contribution is received which causes the aggregate total of anonymous
44 contributions to exceed the foregoing limitation, it shall be returned immediately
45 to the contributor, if the contributor's identity can be ascertained, and, if the
46 contributor's identity cannot be ascertained, the committee treasurer, deputy
47 treasurer or candidate shall immediately transmit the anonymous contribution
48 to the state treasurer to escheat to the state.

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

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

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

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

65 130.036;

66 (4) A statement describing the event shall be prepared by the candidate
67 or the treasurer of the committee for whom the funds were raised or by the
68 person responsible for conducting the activity or event and attached to the
69 disclosure report of contributions and expenditures required by section
70 130.041. The following information to be listed in the statement is in addition to,
71 not in lieu of, the requirements elsewhere in this chapter relating to the recording
72 and reporting of contributions and expenditures:

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

76 (b) The date on which the event occurred;

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

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

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

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

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

90 7. No candidate or committee in this state shall accept contributions from
91 any out-of-state committee unless the out-of-state committee from whom the
92 contributions are received has filed a statement of organization pursuant to
93 section 130.021 or has filed the reports required by sections 130.049 and 130.050,
94 whichever is applicable to that committee.

95 8. Any person publishing, circulating, or distributing any printed matter
96 relative to any candidate for public office or any ballot measure shall on the face
97 of the printed matter identify in a clear and conspicuous manner the person who
98 paid for the printed matter with the words "Paid for by" followed by the proper
99 identification of the sponsor pursuant to this section. For the purposes of this
100 section, "printed matter" shall be defined to include any pamphlet, circular,

101 handbill, sample ballot, advertisement, including advertisements in any
102 newspaper or other periodical, sign, including signs for display on motor vehicles,
103 or other imprinted or lettered material; but "printed matter" is defined to exclude
104 materials printed and purchased prior to May 20, 1982, if the candidate or
105 committee can document that delivery took place prior to May 20, 1982; any sign
106 personally printed and constructed by an individual without compensation from
107 any other person and displayed at that individual's place of residence or on that
108 individual's personal motor vehicle; any items of personal use given away or sold,
109 such as campaign buttons, pins, pens, pencils, book matches, campaign jewelry,
110 or clothing, which is paid for by a candidate or committee which supports a
111 candidate or supports or opposes a ballot measure and which is obvious in its
112 identification with a specific candidate or committee and is reported as required
113 by this chapter; and any news story, commentary, or editorial printed by a
114 regularly published newspaper or other periodical without charge to a candidate,
115 committee or any other person.

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

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

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

130 (4) In regard to any printed matter paid for by an individual or
131 individuals, it shall be sufficient identification to print the name of the individual
132 or individuals and the respective mailing address or addresses, except that if
133 more than five individuals join in paying for printed matter it shall be sufficient
134 identification to print the words "For a list of other sponsors contact:" followed by
135 the name and address of one such individual responsible for causing the matter
136 to be printed, and the individual identified shall maintain a record of the names

137 and amounts paid by other individuals and shall make such record available for
138 review upon the request of any person. No person shall accept for publication or
139 printing nor shall such work be completed until the printed matter is properly
140 identified as required by this subsection.

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

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

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

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

158 **13. No person, committee, organization, or other entity shall**
159 **contribute more than five thousand dollars per year to any political**
160 **party committee in aggregate.**

130.200. As used in sections 130.200 to 130.220, the following
2 terms mean:

3 (1) "Clearly identified candidate", a candidate whose name,
4 photograph, drawing, or likeness is, or whose identity is, apparent by
5 unambiguous reference;

6 (2) "Commission", the Missouri ethics commission;

7 (3) "Excess qualifying contributions", qualifying contributions
8 accepted by a candidate beyond the number or dollar amount of
9 contributions required to qualify a candidate for public funding;

10 (4) "Exploratory period", the period that begins after the date of
11 a general election and ends at the beginning of the public financing
12 qualifying period for the subsequent election for the same office;

13 (5) "Fair election debit card", a debit card issued by the state
14 treasurer under section 130.208 entitling a candidate and designated
15 members of the candidate's staff to draw money from a commission
16 account to pay all campaign costs and expenses;

17 (6) "Full home address", the principal place of residence,
18 including a street number and name or post office box, city, state, and
19 zip code. Such term shall not mean an individual's business address,
20 vacation home address, rental property address, or any address not the
21 principal residence of the person;

22 (7) "Full name", full first name, middle name or initial, if any, and
23 full legal last name, making the identity of the person apparent by
24 unambiguous reference;

25 (8) "General election campaign period", the period beginning the
26 day after the primary or runoff election and ending on the day of the
27 general election;

28 (9) "Immediate family", the candidate's spouse and children;

29 (10) "Independent expenditure", an expenditure by a person
30 expressly advocating the election or defeat of a clearly identified
31 candidate which is made without cooperation or consultation with any
32 candidate, or any authorized committee or agent of such a candidate,
33 and which is not made in concert with, or at the request or suggestion
34 of, any candidate, or any authorized committee or agent of such a
35 candidate;

36 (11) "Mass mailing", mailing of newsletters, pamphlets, brochures,
37 or other similar items of more than one hundred pieces in which the
38 content of the matter mailed is substantially identical. Mass mailing
39 shall not include:

40 (a) A mailing made in direct response to communication from a
41 person to whom the matter is mailed;

42 (b) A mailing to federal, state, or local government officials; or

43 (c) News releases to the communications media;

44 (12) "Nonparticipating candidate", a candidate who chooses to
45 run in an election using campaign contributions raised from private
46 sources instead of public financing pursuant to sections 130.200 to
47 130.220, or who otherwise is ineligible or fails to qualify for public
48 financing under such sections;

49 (13) "Participating candidate", a candidate who qualifies for

50 public financing by collecting the required number of qualifying
51 contributions, making all required reports and disclosures, and is
52 certified as complying with the provisions of sections 130.200 to
53 130.220;

54 (14) "Personal funds", funds contributed by a candidate or a
55 member of the candidate's immediate family;

56 (15) "Primary election campaign period", the period beginning
57 thirty days after filing for the pertinent office closes and ending on the
58 day of the primary election;

59 (16) "Principal place of employment", the primary organization
60 or employer from which an individual derives the individual's principal
61 income, including the employer's official name and post office
62 address. The employer's post office address shall include street number
63 and name or post office box, city, state, and zip code;

64 (17) "Public financing qualifying period", the period before the
65 primary election campaign period during which candidates may collect
66 qualifying contributions in order to qualify for public financing. The
67 period shall begin on the first day of January of an election year and
68 end with the start of the primary election campaign period;

69 (18) "Qualifying contribution", a contribution of five dollars made
70 during the designated public financing qualifying period by a voter
71 registered within the candidate's district, in the case of a candidate for
72 state senator or state representative, or voter registered in this state,
73 in the case of a candidate for statewide office, and acknowledged by
74 written receipt identifying the contributor;

75 (19) "Seed money contribution", a contribution of no more than
76 one hundred dollars, made during the exploratory period or the public
77 financing qualifying period, within the limits set forth in sections
78 130.206 and 130.207.

130.201. 1. Before a candidate for a political party's nomination
2 for office in the primary election shall be certified as a participating
3 candidate for public financing for the primary, the candidate shall
4 apply to the commission for public financing for the primary and file
5 a sworn statement that the candidate has complied and will comply
6 with all requirements of sections 130.200 to 130.220 throughout the
7 applicable election cycle, which includes the primary and general
8 elections for that office. Filing for certification shall be made before

9 the first day of the primary election campaign period.

10 2. A candidate shall be certified by the commission as a
11 participating candidate for receipt of full public financing for the
12 primary election if the candidate complies with subsection 1 of this
13 section and meets the following qualifying contribution requirements
14 before the close of the public financing qualifying period:

15 (1) Two hundred fifty qualifying contributions in the case of a
16 candidate for state representative;

17 (2) Five hundred qualifying contributions in the case of a
18 candidate for state senator;

19 (3) Two hundred fifty qualifying contributions in six or more of
20 the United States congressional districts in this state in the case of a
21 candidate for a statewide elected office other than governor;

22 (4) Five hundred qualifying contributions in six or more of the
23 United States congressional districts in this state in the case of a
24 candidate for governor.

25 3. Each qualifying contribution shall be acknowledged by a
26 receipt listing the contributor's full name and full home address. The
27 candidate shall present each contributor with a copy of the receipt and
28 shall retain a copy of each receipt for presentation to the commission
29 in compliance with subsection 1 of section 130.208.

30 4. The commission shall determine a candidate's compliance with
31 the requirements of subsections 2 and 3 of this section by using such
32 verification techniques, including the use of sampling techniques, as
33 the commission deems appropriate.

34 5. Qualifying contributions and excess qualifying contributions
35 may be retained, but if retained, shall be spent only as seed money
36 contributions under the terms and limitations in section 130.207.

37 6. No candidate or person acting on behalf of a candidate shall
38 solicit or accept qualifying contributions unless the candidate has first
39 registered with the commission as seeking to qualify for public
40 financing.

130.202. 1. Before a political party candidate shall be certified
2 as eligible for full or proportional public financing for the general
3 election, the candidate shall apply to the commission for public
4 financing for the general election, and file a sworn statement that the
5 candidate has fulfilled all the requirements of sections 130.200 to

6 130.220 in the primary election and will comply with such requirements
7 for the general election. Filing for certification shall be made not later
8 than two days after the date of the certification of the results of the
9 primary election, except in the case of a candidate selected by the
10 party nominating committee under section 115.363, in which case filing
11 for certification shall be made not later than two days after the date on
12 which the candidate is so selected.

13 2. A political party candidate shall be certified by the
14 commission as a participating candidate for receipt of full public
15 financing for the general election if the candidate complies with
16 subsection 1 of this section and meets the following requirements:

17 (1) The candidate:

18 (a) Was a participating candidate during the primary election,
19 and won the party's nomination;

20 (b) Has been selected by the party nominating committee as a
21 party candidate under section 115.363; or

22 (c) Has been selected to replace a candidate who was a
23 participating candidate during the primary election; and

24 (2) In the previous general election, the nominee of the
25 candidate's party for the office sought received more than five percent
26 of the total votes cast for all candidates for that office.

130.203. 1. An independent candidate shall receive public
2 financing for the general election if such candidate raises one hundred
3 fifty percent of the number of qualifying contributions required for a
4 candidate running in a party primary for the office sought.

5 2. An independent candidate who qualifies for public financing
6 on the basis of qualifying contributions shall receive the line of credit
7 for total public financing in the general election on the first day of the
8 primary election campaign period, or when qualified, whichever occurs
9 later.

10 3. The qualifying contributions of an independent candidate
11 shall be raised between the beginning of the public financing qualifying
12 period and the date thirty days after the filing deadline date for
13 independent candidates.

130.204. A participating candidate for the primary election shall
2 comply with all requirements of sections 130.200 to 130.220 throughout
3 the general election during the same election cycle and shall not elect

4 to accept private contributions in violation of sections 130.200 to
5 130.220 during such corresponding general election.

130.205. 1. A participating candidate shall not accept private
2 contributions other than seed money contributions and qualifying
3 contributions during the exploratory period and the public financing
4 qualifying period.

5 2. In an election year, each candidate in a primary election for
6 an office subject to sections 130.200 to 130.220, whether participating
7 or nonparticipating, shall furnish a complete campaign finance report,
8 including a record of all campaign contributions, all seed money
9 contributions, qualifying contributions, and expenditures to the
10 commission by the first day of March, the first day of May, the first day
11 of June, the first day of July, the fifteenth day of July, and by the day
12 seven business days before the date of the primary election.

13 3. In an election year, each candidate in a general election for an
14 office subject to sections 130.200 to 130.220, whether participating or
15 nonparticipating, shall furnish a complete campaign finance report,
16 including a record of all campaign contributions, all seed money
17 contributions, qualifying contributions, and expenditures to the
18 commission by the first day of September, the fifteenth day of
19 September, the first day of October, the fifteenth day of October, and
20 by the day seven business days before the date of the general election.

21 4. A candidate shall keep a record of any campaign contribution
22 of more than twenty-five dollars, which shall include the full name of
23 the contributor and the contributor's full home address. In addition,
24 if a contributor's aggregate contributions to any candidate for an office
25 subject to the provisions of sections 130.200 to 130.220 exceed
26 twenty-five dollars for any election cycle, the record shall also include
27 the contributor's business or employment and the contributor's
28 principal place of employment. A candidate shall cooperate with any
29 audit or examination by the commission.

30 5. In the case of a qualifying contribution, the failure to record
31 or provide complete disclosure information under subsection 3 of this
32 section disqualifies the contribution from counting as a qualifying
33 contribution.

130.206. 1. A participating candidate's personal funds
2 contributed as seed money contributions shall not exceed an aggregate

3 amount of five hundred dollars for a state representative election, one
4 thousand dollars for a senate election, and five thousand dollars for an
5 election for statewide office.

6 2. No personal funds shall be expended by a qualifying candidate
7 after the close of the public financing qualifying period.

8 3. Personal funds shall not be used to meet the qualifying
9 contribution requirement, except that each registered voter may make
10 one five-dollar contribution.

130.207. 1. A candidate seeking to qualify may accept seed
2 money contributions from any individual, business, association, or
3 other organization before the end of the public financing qualifying
4 period, so long as the total contributions from one contributor, except
5 personal funds otherwise permitted under sections 130.200 to 130.220,
6 do not exceed one hundred dollars, and the aggregate contributions,
7 including personal funds, do not exceed one thousand dollars for a
8 state representative race, two thousand dollars for a state senate race,
9 five thousand dollars for a statewide race other than governor, and ten
10 thousand dollars for a race for governor.

11 2. Seed money shall only be spent during the exploratory period
12 and the public financing qualifying period.

13 3. Full disclosure of seed money contributions as well as
14 expenditures shall be made to the commission in the manner and at the
15 times provided for reporting of other contributions in section 130.205.

16 4. In the event that excess qualifying contributions are received
17 on an aggregate basis, such amounts may be retained and spent, before
18 the start of the primary period, with such amounts to be deducted from
19 the candidate's public financing amount. In no event shall the total
20 amount of qualifying contributions exceed the public financing to
21 which the candidate would be entitled.

22 5. Any seed money and qualifying contributions received by a
23 participating candidate and not spent by the start of the primary
24 period, as well as any funds held by any candidate committee organized
25 to support the election of such a candidate in prior elections, shall be
26 deposited to the credit of the fair elections trust fund created under
27 section 130.213 at the beginning of the primary period.

130.208. 1. To apply for public financing, a candidate shall
2 certify to the commission that:

3 **(1) Such candidate has complied and will comply, throughout the**
4 **applicable election cycle, with all requirements of sections 130.200 to**
5 **130.220;**

6 **(2) All disclosures required as of the time of application have**
7 **been made;**

8 **(3) The requisite number of qualifying contributions under**
9 **section 130.201 or 130.203 have been obtained, including evidence of**
10 **such contributions.**

11 **2. The candidate's application for certification shall be signed by**
12 **the candidate and the treasurer of the candidate's candidate**
13 **committee. Eligibility may be revoked if the candidate violates the**
14 **requirements of sections 130.200 to 130.220, in which case all public**
15 **funds shall be repaid.**

16 **3. The commission's determination shall be subject to prompt**
17 **judicial review, on an expedited basis, in any district of the court of**
18 **appeals of this state.**

19 **4. A participating candidate for the primary election shall**
20 **receive the line of credit and fair election debit card under sections**
21 **130.200 to 130.220 promptly after demonstrating eligibility and, in any**
22 **event, not later than five days after the date of the end of the public**
23 **financing qualifying period. No such funds shall be spent until the**
24 **beginning of the primary election campaign period.**

25 **5. A participating candidate for a general election shall receive**
26 **the line of credit and fair election debit card promptly after**
27 **demonstrating eligibility and, in any event, not later than five days**
28 **after the date the results of the primary election are certified, except**
29 **that no candidate for a particular office shall receive funds until all**
30 **candidates for the office who have requested certification have either**
31 **been certified or denied certification by the commission.**

130.209. 1. A candidate who qualifies for public financing in the
2 **primary or general election shall receive a line of credit for each**
3 **election, in the amount specified in sections 130.209. Such line of credit**
4 **may be used to finance any and all proper campaign expenditures**
5 **during the primary and general election periods, to further the election**
6 **of the candidate in that particular election. The line of credit shall not**
7 **be used to repay any loan, and shall not be used in violation of sections**
8 **130.200 to 130.220 or any other applicable law.**

9 2. By July 1, 2015, and at least every two years thereafter, the
10 commission shall determine the amount of funds to be distributed to
11 participating candidates based on the type of election and office as
12 follows:

13 (1) For contested legislative primary and contested
14 nongubernatorial statewide primary elections, the amount of revenues
15 to be distributed shall be the average amount of campaign expenditures
16 made by each candidate during all contested primary election races for
17 the immediately preceding two primary elections for the respective
18 offices;

19 (2) For uncontested legislative primary and uncontested
20 nongubernatorial statewide primary elections, the amount of revenues
21 distributed shall be the average amount of campaign expenditures
22 made by each candidate during all uncontested primary election races
23 for the immediately preceding two primary elections for the respective
24 offices;

25 (3) For contested legislative general and contested
26 nongubernatorial general elections, the amount of revenues distributed
27 shall be the average amount of campaign expenditures made by each
28 candidate during all contested general election races for the
29 immediately preceding two general elections for the respective offices;

30 (4) For uncontested legislative general and uncontested
31 nongubernatorial general elections, the amount of revenues to be
32 distributed from the fund shall be forty percent of the amount that
33 would have been distributed under subdivision (3) of this subsection to
34 the participating candidate had the election been contested;

35 (5) For gubernatorial primary elections, the amount of revenues
36 distributed shall be five hundred thousand dollars per candidate in the
37 primary election;

38 (6) For gubernatorial general elections, the amount of revenues
39 distributed shall be one million dollars per candidate in the general
40 election.

41 If the immediately preceding election cycles do not contain sufficient
42 electoral data, the commission shall use information from the most
43 recent applicable elections.

44 3. A candidate certified as a participating candidate who wins
45 the primary election shall be required to be a participating candidate

46 for the general election.

130.210. 1. In addition to other reports required by sections
2 130.200 to 130.220, in an election year, a nonparticipating candidate
3 shall file a report with the commission detailing that candidate's total
4 of funds raised, spent, or obligated to be spent to date if that
5 candidate's total receipts, expenditures, or obligations of expenditures
6 exceed the primary or general election campaign finance amount
7 distributed pursuant to section 130.209 applicable to a participating
8 candidate in the same race by an amount equal to:

9 (1) Five hundred dollars, in the case of a candidate for state
10 representative;

11 (2) Two thousand five hundred dollars, in the case of a candidate
12 for state senator; or

13 (3) Twenty-five thousand dollars, in the case of a candidate for
14 statewide office.

15 2. Such a report shall be filed by the candidate:

16 (1) At the next regular reporting date pursuant to sections
17 130.200 to 130.220, if funds which cause the candidate to exceed such an
18 amount are received, spent, or obligated to be spent before the fifteenth
19 day of July of an election year;

20 (2) Within forty-eight hours, if such funds are raised, spent, or
21 obligated to be spent between the fifteenth day of July of an election
22 year and the day seven business days before the primary election, or
23 during a period beginning with the day after a primary election and
24 ending on the day seven business days before the general election; or

25 (3) Within twenty-four hours, if such funds are raised, spent, or
26 obligated to be spent within the period seven business days before
27 either the primary or general election.

28 3. A candidate who has been required to file a report under
29 subsections 1 and 2 of this section shall file an additional report
30 detailing all funds raised, spent, or obligated to be spent since that
31 candidate's most recent previous report for each instance in which that
32 candidate raises, spends, or obligates to be spent:

33 (1) Five hundred dollars, in the case of a candidate for state
34 representative;

35 (2) Two thousand five hundred dollars, in the case of a candidate
36 for state senator;

37 **(3) Twenty-five thousand dollars, in the case of a candidate for**
38 **statewide office.**

39 **4. Additional reports required by subsection 3 of this section**
40 **shall be filed by the candidate:**

41 **(1) At the next regular reporting date under sections 130.200 to**
42 **130.220, if funds which cause the candidate to be required to file such**
43 **a report are received, spent, or obligated to be spent before the**
44 **fifteenth day of July of an election year;**

45 **(2) Within forty-eight hours, if such funds are raised, spent, or**
46 **obligated to be spent between the fifteenth day of July of an election**
47 **year and the day seven business days before the primary election, or**
48 **during a period beginning with the day after a primary election and**
49 **ending on the day seven business days before the general election; or**

50 **(3) Within twenty-four hours, if such funds are raised, spent, or**
51 **obligated to be spent within the period seven business days before**
52 **either the primary or general election.**

53 **5. Upon receipt of a report required by subsections 1 to 4 of this**
54 **section, the commission shall immediately credit an opposing**
55 **participating candidate's account with an additional amount equivalent**
56 **to the reported amount in excess of the public financing amount**
57 **applicable to the office sought.**

58 **6. The total amount of matching credit awarded to a candidate**
59 **under this section and section 130.211 shall be limited to an amount**
60 **equaling two times the public financing amount for the applicable**
61 **office established under section 130.209.**

62 **7. At the end of both the primary and general election campaign**
63 **periods, excess public funds shall be returned to the fair elections trust**
64 **fund created under section 130.213, provided that a candidate may**
65 **retain and use for campaign expenses an amount equal to twenty**
66 **dollars multiplied by the number of qualifying contributions necessary**
67 **to qualify for the office for which the candidate was a candidate. Any**
68 **funds which are retained in this manner, and remain unexpended, shall**
69 **be returned to the fair elections trust fund at the beginning of the next**
70 **public funding qualifying period.**

130.211. 1. If any person, corporation, committee, or other entity
2 **makes, or becomes obligated to make, by oral or written agreement, an**
3 **independent expenditure in excess of five hundred dollars in a state**

4 representative race, two thousand five hundred dollars in a state
5 senate race, or twenty-five thousand dollars in a statewide office race,
6 such person or entity shall file with the commission a notice of such
7 expenditure or obligations to make such expenditure. Reports of such
8 expenditures or obligations to make such expenditures shall be made:

9 (1) At the next regular reporting date for candidates under
10 sections 130.200 to 130.220, if such an expenditure or obligation of
11 expenditure is made before the fifteenth day of July of an election year;

12 (2) Within forty-eight hours, if such an expenditure or obligation
13 of expenditure is made between the fifteenth day of July of an election
14 year and the day seven business days before the primary election or
15 during a period beginning with the day after a primary election and
16 ending on the day seven business days before the general election; or

17 (3) Within twenty-four hours, if such an expenditure or
18 obligation of expenditure is made within the period seven business
19 days before either the primary or general election.

20 2. An additional report shall be filed after each additional
21 independent expenditure of five hundred dollars in a state
22 representative race, two thousand five hundred dollars in a state
23 senate race, or ten thousand dollars in a statewide office race. Such an
24 additional report shall be made:

25 (1) At the next regular reporting date for candidates under
26 sections 130.200 to 130.220, if such an expenditure or obligation of
27 expenditure is made before the fifteenth day of July of an election year;

28 (2) Within forty-eight hours, if such an expenditure or obligation
29 of expenditure is made between the fifteenth day of July of an election
30 year and the day seven business days before the primary election or
31 during a period beginning with the day after a primary election and
32 ending on the day seven business days before the general election; or

33 (3) Within twenty-four hours, if such an expenditure or
34 obligation of expenditure is made within the period seven business
35 days before either the primary or general election.

36 3. When the aggregate independent expenditures against a
37 participating candidate or for the opponents of that same candidate
38 exceed twenty percent of the public financing amount for that office in
39 that election cycle, the commission shall immediately credit that
40 candidate's account with an additional line of credit equal to the total

41 independent expenditures made against that candidate or for that
42 candidate's opponents, except that in the event that the aggregate
43 funds raised by all other candidates for the office in question do not
44 equal the public financing amount for that office, the funds credited to
45 the candidate receiving a matching amount under this section shall be
46 reduced by an amount equal to such public financing amount minus the
47 aggregate of funds raised by those other candidates.

130.212. 1. Notwithstanding any provision of this chapter or any
2 other provision of law to the contrary, contributions and expenditures
3 made by political party committees shall be reported to the commission
4 on a quarterly basis, provided that, after the first day of January of an
5 election year, such contributions and expenditures shall be reported on
6 the same basis as a candidate. Such reports and all other campaign
7 finance reports required by sections 130.011 to 130.160 shall be
8 submitted in electronic format as directed by the commission.

9 2. No participating candidate shall accept more than the
10 equivalent of five percent of the public financing amount for that office
11 from any political party committee.

12 3. For purposes of this section and section 130.211, in-kind
13 contributions by a ward, township, city, county, or state political party
14 committee made on behalf of a group of the party's candidates shall not
15 be considered an improper party contribution or count against the five
16 percent limit established in subsection 2 of this section, if such group
17 includes at least thirty percent of the candidates whose names will
18 appear on the primary election ballot, or at least fifty percent of the
19 candidates whose names will appear on the general election ballot in
20 the political subdivision represented by the party committee making
21 such in-kind contribution.

22 4. Political party committee contributions reports shall comply
23 with candidate requirements in subsections 2 and 3 of section 130.205.

130.213. 1. There is hereby created in the state treasury the "Fair
2 Elections Trust Fund", to publicly finance the election campaigns of
3 participating candidates, and to pay administrative and enforcement
4 costs of the commission related to sections 130.200 to 130.220. The state
5 treasurer shall be custodian of the fund. In accordance with sections
6 30.170 and 30.180, the state treasurer may approve
7 disbursements. Upon appropriation, money in the fund shall be used

8 solely for the administration of sections 130.200 to 130.220. Any moneys
9 remaining in the fund at the end of the biennium shall revert to the
10 credit of the general revenue fund. The state treasurer shall invest
11 moneys in the fund in the same manner as other funds are
12 invested. Any interest and moneys earned on such investments shall be
13 credited to the fund.

14 2. The following shall be deposited in the fund:

15 (1) The qualifying contributions required under subsection 2 of
16 section 130.201 when those contributions are submitted to the
17 commission;

18 (2) Revenue from the tax check off program established under
19 section 143.1021;

20 (3) Seed money contributions remaining unspent after a
21 candidate has been certified as a Missouri clean election act candidate;

22 (4) Fund revenues that were distributed to a participating
23 candidate and that remain unspent after the candidate has lost a
24 primary election or after all general elections;

25 (5) Other unspent fund revenues distributed to any participating
26 candidate who does not remain a candidate throughout a primary or
27 general election cycle;

28 (6) Voluntary donations made directly to the fund. Any
29 individual may make donations directly to the fund at any time without
30 limitation;

31 (7) Fines collected under sections 130.072 and 130.216.

32 3. By September first preceding each general election year, the
33 commission shall publish an estimate of revenue in the fund available
34 for distribution to certified candidates during the upcoming year's
35 elections and an estimate of the likely demand for clean election
36 funding during that election.

37 4. The state treasurer may place public funds in one or more
38 accounts with a central banking facility and may contract for the
39 disbursement of funds to eligible candidates with a private credit card
40 company.

41 5. Upon a determination of a candidate's eligibility for public
42 financing under sections 130.200 to 130.220, the state treasurer shall
43 issue to the eligible candidate a debit card, known as the fair election
44 debit card, entitling the candidate and designated members of the

45 candidate's staff to draw money from a commission account to pay all
46 campaign costs and expenses.

47 6. Neither a participating candidate nor any other person on
48 behalf of a participating candidate shall pay campaign costs by cash,
49 check, money order, loan, or by any other financial means except
50 through the use of the fair election debit card, except that cash
51 amounts of one hundred dollars or less may be drawn on the fair
52 election debit card and used to pay expenses of no more than
53 twenty-five dollars each. This subsection shall not be construed to
54 prohibit costs for labor associated with the campaign from being paid
55 by a check written against the fair election debit card
56 account. Records of all such expenditures shall be maintained and
57 reported to the commission.

130.215. 1. Except where sections 130.200 to 130.220 specifically
2 provide otherwise, the duties of and authority for administering and
3 enforcing sections 130.200 to 130.220 shall be vested in the commission.

4 2. In administering and enforcing sections 130.200 to 130.220, the
5 commission shall have the duties and powers accorded to it under
6 section 105.955.

7 3. In furtherance of the commission's administration and
8 enforcement of sections 130.200 to 130.220, the administrative secretary
9 of the commission shall have and exercise the duties and powers
10 prescribed by section 130.056.

130.216. 1. If a participating candidate spends more than the
2 public financing amount allocated to the candidate for the election in
3 question, the candidate shall be subject to a civil fine of up to ten times
4 the amount by which the expenditures exceeded such.

5 2. Any candidate who accepts contributions in excess of the
6 limits imposed by sections 130.200 to 130.220, or the limits imposed by
7 any other applicable law, shall be subject to a civil fine of up to ten
8 times the amount by which the contribution exceeded the applicable
9 limit.

10 3. If the commission finds that there is reason to believe that
11 expenditures have been made or contributions have been accepted in
12 violation of the provisions of subsection 1 or 2 of this section, the
13 commission shall attempt, for a period of not more than fourteen days
14 after finding such violation, to correct the matter by informal methods

15 of conference and conciliation and to enter a conciliation agreement
16 with the person involved. A conciliation agreement made under this
17 section shall be a matter of public record. Unless violated, a
18 conciliation agreement shall be a bar to any civil proceeding under
19 subsection 4 of this section.

20 4. If, within the time prescribed in subsection 3 of this section,
21 the commission is unable to correct by informal methods any matter
22 which constitutes probable cause to believe that expenditures have
23 been made or contributions have been accepted in violation of
24 subsection 1 or 2 of this section, the commission shall make a public
25 finding of probable cause in the matter. After making a public finding,
26 the commission shall bring an action in the circuit court of Cole County
27 or, in the case of a legislative candidate, the circuit court of the county
28 in which the candidate resides, to impose a civil fine as prescribed by
29 the commission under subsection 1 or 2 of this section.

30 5. In the event that a registered voter believes that a candidate
31 has violated the provisions of sections 130.200 to 130.220, and such
32 registered voter is entitled to vote for or against such candidate in the
33 election at issue, such registered voter may file a complaint with the
34 commission requesting it to take remedial action. If, within thirty days
35 after the date of the filing of such a complaint, the commission has
36 refused or failed to take remedial action, such registered voter may
37 pursue a civil action in the appropriate circuit court to impose the civil
38 fines prescribed in subsection 1 or 2 of this section. If a complaint
39 brought under this subsection is resolved against the complainant, the
40 costs incurred by the other party or parties, including reasonable
41 attorney's fees, may be assessed against the complainant.

42 6. If the commission believes that a violation of sections 130.200
43 to 130.220 has occurred, and deems such a recommendation
44 appropriate, the commission may make a nonbinding recommendation
45 to the general assembly as to disciplinary action to be taken in light of
46 the violation, including forfeiture of office.

130.217. 1. If a candidate, or other person acting on behalf of a
2 candidate, knowingly accepts more contributions than the candidate is
3 entitled to receive, makes more expenditures than the amount of public
4 campaign funds received, or otherwise misuses such funds, such person
5 is guilty of a class D felony and shall be fined not more than twenty

6 thousand dollars, or imprisoned not more than five years, or both.

7 2. If a candidate receiving public financing, or other person
8 acting on behalf of such a candidate, knowingly pays for goods or
9 services received for campaign expenditures by cash, check, money
10 order, or any means other than the fair election debit card, except as
11 permitted under subsection 6 of section 130.213, such person is guilty
12 of a class D felony and shall be fined not more than twenty thousand
13 dollars, or imprisoned not more than five years, or both.

14 3. If, in connection with the receipt or expenditure of public
15 financing for an election campaign, any person knowingly provides
16 false information to the commission or knowingly conceals or withholds
17 information from the commission, such person is guilty of a class D
18 felony and shall be fined up to twenty thousand dollars, or imprisoned
19 for five years, or both.

20 4. All prosecutions under sections 130.200 to 130.220 which relate
21 to elections for state senator or state representative shall be conducted
22 by the prosecuting attorney for the county where the violation is
23 alleged to have occurred, except that if such prosecuting attorney
24 refuses to act upon a sworn complaint, or fails to act upon such a
25 complaint within sixty days of the date on which such a complaint is
26 received, the attorney general shall then conduct the prosecution under
27 this section. All prosecutions under sections 130.200 to 130.220 which
28 relate to elections for other offices shall be conducted by the attorney
29 general, except that, if a violation concerns the attorney general or a
30 candidate for such office, the governor may appoint a special
31 prosecutor to conduct the prosecution on behalf of the state. The
32 special prosecutor shall be independent of the attorney general and
33 need not be a state employee at the time of appointment.

130.218. 1. Any state officeholder who is a candidate for an office
2 covered by the provisions of sections 130.200 to 130.220 and who uses
3 state funds to do a mass mailing after the first day of June in an
4 election year shall declare the intent to do so by the first day of May of
5 such year. Any such mailing shall be completed by the first day of July
6 of such year.

7 2. Any participating candidate for the same office who is of the
8 same political party as the candidate sending out such a mailing shall
9 be entitled to receive additional credit equal to the cost of state

10 expenditures for such mailing. A participating candidate shall make
11 application for such a credit to the commission by the fifteenth day of
12 May of that year.

13 3. Additional credit awarded to a participating candidate under
14 this section shall be used to fund a mailing which:

15 (a) Does not explicitly call upon the recipient of the mailing to
16 vote for the participating candidate; and

17 (b) Does not mention the participating candidate's opponent or
18 opponents by name.

19 4. All mailings funded by additional credits awarded under this
20 section shall be reviewed and approved by the commission for
21 compliance with the requirements of this section in advance of the
22 mailing, and shall be completed by the first day of August of such year.

130.219. A candidate who is a nonparticipating candidate, either
2 by choice or failure to qualify, shall be allowed to raise and spend
3 unlimited amounts of money from private sources, except as otherwise
4 provided by law.

130.220. 1. Commission actions may be reviewed by any district
2 of the court of appeals of this state. Petitions for review shall be filed
3 within thirty days after final commission action.

4 2. Sections 130.200 to 130.220 shall apply to elections after the
5 general election in November of 2014.

6 3. Sections 130.200 to 130.220 shall apply to all special elections
7 with governing time periods and deadlines regarding such special and
8 runoff elections to be prescribed by the commission.

143.1021. In each taxable year beginning on or after January 1,
2 2014, each individual or corporation entitled to a tax refund of three
3 dollars or more may designate that three dollars of such refund shall
4 be paid over to the fair elections trust fund as provided in section
5 130.213. In the case of a husband and wife with a filing status of
6 married filing combined entitled to an income tax refund of six dollars
7 or more, each spouse may designate that three dollars shall be paid to
8 the fund. The designation authorized by this section shall be clearly
9 and unambiguously printed on the same page of each income tax return
10 form provided by the state upon which the amount of the refund is
11 indicated, and shall provide a line to show the amount by which the
12 refund will be reduced. The department of revenue shall deposit such

13 **amount to the Missouri clean election fund as provided in section**
14 **130.213.**

Section B. This act is hereby submitted to the qualified voters of this state
2 for approval or rejection at an election which is hereby ordered and which shall
3 be held and conducted on Tuesday next following the first Monday in November,
4 2014, pursuant to the laws and constitutional provisions of this state for the
5 submission of referendum measures by the general assembly, and this act shall
6 become effective when approved by a majority of the votes cast thereon at such
7 election and not otherwise.

Unofficial ✓

Bill

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