

SECOND REGULAR SESSION

[P E R F E C T E D]

SENATE BILL NO. 1038

94TH GENERAL ASSEMBLY

INTRODUCED BY SENATOR SHIELDS.

Read 1st time January 28, 2008, and ordered printed.

Read 2nd time January 30, 2008, and referred to the Committee on Financial and Governmental Organizations and Elections.

Reported from the Committee February 18, 2008, with recommendation that the bill do pass.

Taken up for Perfection February 20, 2008. Bill declared Perfected and Ordered Printed, as amended.

TERRY L. SPIELER, Secretary.

4464S.01P

AN ACT

To repeal sections 130.016, 130.021, 130.037, 130.050 and 130.072, RSMo, and section 130.032 as enacted by conference committee substitute no. 2 for house substitute for house committee substitute for senate committee substitute for senate bill no. 16, eighty-ninth general assembly, first regular session, and section 130.032 as enacted by conference committee substitute for senate substitute for house committee substitute for house bill no. 1900, ninety-third general assembly, second regular session, and to enact in lieu thereof six new sections relating to campaign finance, with an emergency clause.

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

Section A. Sections 130.016, 130.021, 130.037, 130.050 and 130.072, 2 RSMo, and section 130.032 as enacted by conference committee substitute no. 2 3 for house substitute for house committee substitute for senate committee 4 substitute for senate bill no. 16, eighty-ninth general assembly, first regular 5 session, and section 130.032 as enacted by conference committee substitute for 6 senate substitute for house committee substitute for house bill no. 1900, ninety- 7 third general assembly, second regular session, are repealed and six new sections 8 enacted in lieu thereof, to be known as sections 130.016, 130.021, 130.037, 9 130.044, 130.050 and 130.072 to read as follows:

130.016. 1. No candidate for statewide elected office, general assembly, 2 or municipal office in a city with a population of more than one hundred thousand 3 shall be required to comply with the requirements to file a statement of 4 organization or disclosure reports of contributions and expenditures for any

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

5 election in which neither the aggregate of contributions received nor the
6 aggregate of expenditures made on behalf of such candidate exceeds five hundred
7 dollars and no single contributor, other than the candidate, has contributed more
8 than [the amount of the limitation on contributions to elect an individual to the
9 office of state representative as calculated in subsection 2 of section 130.032]
10 **three hundred twenty-five dollars**, provided that:

11 (1) The candidate files a sworn exemption statement with the appropriate
12 officer that the candidate does not intend to either receive contributions or make
13 expenditures in the aggregate of more than five hundred dollars or receive
14 contributions from any single contributor, other than the candidate, that
15 aggregate more than [the amount of the limitation on contributions to elect an
16 individual to the office of state representative as calculated in subsection 2 of
17 section 130.032] **three hundred twenty-five dollars**, and that the total of all
18 contributions received or expenditures made by the candidate and all committees
19 or any other person with the candidate's knowledge and consent in support of the
20 candidacy will not exceed five hundred dollars and that the aggregate of
21 contributions received from any single contributor will not exceed the amount of
22 the limitation on contributions to elect an individual to the office of state
23 representative as calculated in subsection 2 of section 130.032. Such exemption
24 statement shall be filed no later than the date set forth in section 130.046 on
25 which a disclosure report would otherwise be required if the candidate does not
26 file the exemption statement. The exemption statement shall be filed on a form
27 furnished to each appropriate officer by the executive director of the Missouri
28 ethics commission. Each appropriate officer shall make the exemption statement
29 available to candidates and shall direct each candidate's attention to the
30 exemption statement and explain its purpose to the candidate; and

31 (2) The sworn exemption statement includes a statement that the
32 candidate understands that records of contributions and expenditures must be
33 maintained from the time the candidate first receives contributions or makes
34 expenditures and that an exemption from filing a statement of organization or
35 disclosure reports does not exempt the candidate from other provisions of this
36 chapter. Each candidate described in this subsection who files a statement of
37 exemption shall file a statement of limited activity for each reporting period
38 described in section 130.046.

39 2. Any candidate who has filed an exemption statement as provided in
40 subsection 1 of this section shall not accept any contribution or make any

41 expenditure in support of the person's candidacy, either directly or indirectly or
42 by or through any committee or any other person acting with the candidate's
43 knowledge and consent, which would cause such contributions or expenditures to
44 exceed the limits specified in subdivision (1) of subsection 1 of this section unless
45 the candidate later rejects the exemption pursuant to subsection 3 of this
46 section. Any contribution received in excess of such limits shall be returned to
47 the donor or transmitted to the state treasurer to escheat to the state.

48 3. If, after filing the exemption statement provided for in this section, the
49 candidate subsequently determines the candidate wishes to exceed any of the
50 limits in subdivision (1) of subsection 1 of this section, the candidate shall file a
51 notice of rejection of the exemption with the appropriate officer; however, such
52 rejection shall not be filed later than thirty days before election. A notice of
53 rejection of exemption shall be accompanied by a statement of organization as
54 required by section 130.021 and any other statements and reports which would
55 have been required if the candidate had not filed an exemption statement.

56 4. A primary election and the immediately succeeding general election are
57 separate elections, and restrictions on contributions and expenditures set forth
58 in subsection 2 of this section shall apply to each election; however, if a successful
59 primary candidate has correctly filed an exemption statement prior to the
60 primary election and has not filed a notice of rejection prior to the date on which
61 the first disclosure report applicable to the succeeding general election is required
62 to be filed, the candidate shall not be required to file an exemption statement for
63 that general election if the limitations set forth in subsection 1 of this section
64 apply to the succeeding general election.

65 5. A candidate who has an existing candidate committee formed for a prior
66 election for which all statements and reports required by this chapter have been
67 properly filed shall be eligible to file the exemption statement as provided in
68 subsection 1 of this section and shall not be required to file the disclosure reports
69 pertaining to the election for which the candidate is eligible to file the exemption
70 statement if the candidate and the treasurer or deputy treasurer of such existing
71 candidate committee continue to comply with the requirements, limitations and
72 restrictions set forth in subsections 1, 2, 3 and 4 of this section. The exemption
73 permitted by this subsection does not exempt a candidate or the treasurer of the
74 candidate's existing candidate committee from complying with the requirements
75 of subsections 6 and 7 of section 130.046 applicable to a prior election.

76 6. No candidate for supreme court, circuit court, or associate circuit court,

77 or candidate for political party office, or for county office or municipal office in a
78 city of one hundred thousand or less, or for any special purpose district office
79 shall be required to file an exemption statement pursuant to this section in order
80 to be exempted from forming a committee and filing disclosure reports required
81 of committees pursuant to this chapter if the aggregate of contributions received
82 or expenditures made by the candidate and any other person with the candidate's
83 knowledge and consent in support of the person's candidacy does not exceed one
84 thousand dollars and the aggregate of contributions from any single contributor
85 does not exceed [the amount of the limitation on contributions to elect an
86 individual to the office of state representative as calculated in subsection 2 of
87 section 130.032] **three hundred twenty-five dollars**. No candidate for any
88 office listed in this subsection shall be excused from complying with the
89 provisions of any section of this chapter, other than the filing of an exemption
90 statement under the conditions specified in this subsection.

91 7. If any candidate for an office listed in subsection 6 of this section
92 exceeds the limits specified in subsection 6 of this section, the candidate shall
93 form a committee no later than thirty days prior to the election for which the
94 contributions were received or expended which shall comply with all provisions
95 of this chapter for committees.

96 8. No member of or candidate for the general assembly shall form a
97 candidate committee for the office of speaker of the house of representatives or
98 president pro tem of the senate.

130.021. 1. Every committee shall have a treasurer who, except as
2 provided in subsection 10 of this section, shall be a resident of this state **and**
3 **reside in the district or county in which the committee sits**. A committee
4 may also have a deputy treasurer who, except as provided in subsection 10 of this
5 section, shall be a resident of this state **and reside in the district or county**
6 **in which the committee sits**, to serve in the capacity of committee treasurer
7 in the event the committee treasurer is unable for any reason to perform the
8 treasurer's duties.

9 2. Every candidate for offices listed in subsection 1 of section 130.016 who
10 has not filed a statement of exemption pursuant to that subsection and every
11 candidate for offices listed in subsection 6 of section 130.016 who is not excluded
12 from filing a statement of organization and disclosure reports pursuant to
13 subsection 6 shall form a candidate committee and appoint a
14 treasurer. Thereafter, all contributions on hand and all further contributions

15 received by such candidate and any of the candidate's own funds to be used in
16 support of the person's candidacy shall be deposited in a candidate committee
17 depository account established pursuant to the provisions of subsection 4 of this
18 section, and all expenditures shall be made through the candidate, treasurer or
19 deputy treasurer of the person's candidate committee. Nothing in this chapter
20 shall prevent a candidate from appointing himself or herself as a committee of
21 one and serving as the person's own treasurer, maintaining the candidate's own
22 records and filing all the reports and statements required to be filed by the
23 treasurer of a candidate committee.

24 3. A candidate who has more than one candidate committee supporting
25 the person's candidacy shall designate one of those candidate committees as the
26 committee responsible for consolidating the aggregate contributions to all such
27 committees under the candidate's control and direction as required by section
28 130.041.

29 4. (1) Every committee shall have a single official fund depository within
30 this state which shall be a federally or state-chartered bank, a federally or
31 state-chartered savings and loan association, or a federally or state-chartered
32 credit union in which the committee shall open and thereafter maintain at least
33 one official depository account in its own name. An "official depository account"
34 shall be a checking account or some type of negotiable draft or negotiable order
35 of withdrawal account, and the official fund depository shall, regarding an official
36 depository account, be a type of financial institution which provides a record of
37 deposits, canceled checks or other canceled instruments of withdrawal evidencing
38 each transaction by maintaining copies within this state of such instruments and
39 other transactions. All contributions which the committee receives in money,
40 checks and other negotiable instruments shall be deposited in a committee's
41 official depository account. Contributions shall not be accepted and expenditures
42 shall not be made by a committee except by or through an official depository
43 account and the committee treasurer, deputy treasurer or
44 candidate. Contributions received by a committee shall not be commingled with
45 any funds of an agent of the committee, a candidate or any other person, except
46 that contributions from a candidate of the candidate's own funds to the person's
47 candidate committee shall be deposited to an official depository account of the
48 person's candidate committee. No expenditure shall be made by a committee
49 when the office of committee treasurer is vacant except that when the office of a
50 candidate committee treasurer is vacant, the candidate shall be the treasurer

51 until the candidate appoints a new treasurer.

52 (2) A committee treasurer, deputy treasurer or candidate may withdraw
53 funds from a committee's official depository account and deposit such funds in one
54 or more savings accounts in the committee's name in any bank, savings and loan
55 association or credit union within this state, and may also withdraw funds from
56 an official depository account for investment in the committee's name in any
57 certificate of deposit, bond or security. Proceeds from interest or dividends from
58 a savings account or other investment or proceeds from withdrawals from a
59 savings account or from the sale of an investment shall not be expended or
60 reinvested, except in the case of renewals of certificates of deposit, without first
61 redepositing such proceeds in an official depository account. Investments, other
62 than savings accounts, held outside the committee's official depository account at
63 any time during a reporting period shall be disclosed by description, amount, any
64 identifying numbers and the name and address of any institution or person in
65 which or through which it is held in an attachment to disclosure reports the
66 committee is required to file. Proceeds from an investment such as interest or
67 dividends or proceeds from its sale, shall be reported by date and amount. In the
68 case of the sale of an investment, the names and addresses of the persons
69 involved in the transaction shall also be stated. Funds held in savings accounts
70 and investments, including interest earned, shall be included in the report of
71 money on hand as required by section 130.041.

72 5. The treasurer or deputy treasurer acting on behalf of any person or
73 organization or group of persons which is a committee by virtue of the definitions
74 of "committee" in section 130.011 and any candidate who is not excluded from
75 forming a committee in accordance with the provisions of section 130.016 shall
76 file a statement of organization with the appropriate officer within twenty days
77 after the person or organization becomes a committee but no later than the date
78 for filing the first report required pursuant to the provisions of section
79 130.046. The statement of organization shall contain the following information:

80 (1) The name, mailing address and telephone number, if any, of the
81 committee filing the statement of organization. If the committee is deemed to be
82 affiliated with a connected organization as provided in subdivision (11) of section
83 130.011, the name of the connected organization, or a legally registered fictitious
84 name which reasonably identifies the connected organization, shall appear in the
85 name of the committee. If the committee is a candidate committee, the name of
86 the candidate shall be a part of the committee's name;

- 87 (2) The name, mailing address and telephone number of the candidate;
- 88 (3) The name, mailing address and telephone number of the committee
89 treasurer, and the name, mailing address and telephone number of its deputy
90 treasurer if the committee has named a deputy treasurer;
- 91 (4) The names, mailing addresses and titles of its officers, if any;
- 92 (5) The name and mailing address of any connected organizations with
93 which the committee is affiliated;
- 94 (6) The name and mailing address of its depository, and the name and
95 account number of each account the committee has in the depository;
- 96 (7) Identification of the major nature of the committee such as a candidate
97 committee, campaign committee, continuing committee, political party committee,
98 incumbent committee, or any other committee according to the definition of
99 "committee" in section 130.011;
- 100 (8) In the case of the candidate committee designated in subsection 3 of
101 this section, the full name and address of each other candidate committee which
102 is under the control and direction of the same candidate, together with the name,
103 address and telephone number of the treasurer of each such other committee;
- 104 (9) The name and office sought of each candidate supported or opposed by
105 the committee;
- 106 (10) The ballot measure concerned, if any, and whether the committee is
107 in favor of or opposed to such measure.
- 108 6. A committee may omit the information required in subdivisions (9) and
109 (10) of subsection 5 of this section if, on the date on which it is required to file a
110 statement of organization, the committee has not yet determined the particular
111 candidates or particular ballot measures it will support or oppose. [Any
112 contribution received over the allowable contribution limits described in section
113 130.032 shall be returned to the contributor by the committee within five
114 business days of the declaration of candidacy or position on a candidate or a
115 particular ballot measure of the committee.]
- 116 7. A committee which has filed a statement of organization and has not
117 terminated shall not be required to file another statement of organization, except
118 that when there is a change in any of the information previously reported as
119 required by subdivisions (1) to (8) of subsection 5 of this section an amended
120 statement of organization shall be filed within twenty days after the change
121 occurs, but no later than the date of the filing of the next report required to be
122 filed by that committee by section 130.046.

123 8. Upon termination of a committee, a termination statement indicating
124 dissolution shall be filed not later than ten days after the date of dissolution with
125 the appropriate officer or officers with whom the committee's statement of
126 organization was filed. The termination statement shall include: the distribution
127 made of any remaining surplus funds and the disposition of any deficits; and the
128 name, mailing address and telephone number of the individual responsible for
129 preserving the committee's records and accounts as required in section 130.036.

130 9. Any statement required by this section shall be signed and attested by
131 the committee treasurer or deputy treasurer, and by the candidate in the case of
132 a candidate committee.

133 10. A committee domiciled outside this state shall be required to file a
134 statement of organization and appoint a treasurer residing in this state and open
135 an account in a depository within this state; provided that either of the following
136 conditions prevails:

137 (1) The aggregate of all contributions received from persons domiciled in
138 this state exceeds twenty percent in total dollar amount of all funds received by
139 the committee in the preceding twelve months; or

140 (2) The aggregate of all contributions and expenditures made to support
141 or oppose candidates and ballot measures in this state exceeds one thousand five
142 hundred dollars in the current calendar year.

143 11. If a committee domiciled in this state receives a contribution of one
144 thousand five hundred dollars or more from any committee domiciled outside of
145 this state, the committee domiciled in this state shall file a disclosure report with
146 the commission. The report shall disclose the full name, mailing address,
147 telephone numbers and domicile of the contributing committee and the date and
148 amount of the contribution. The report shall be filed within forty-eight hours of
149 the receipt of such contribution if the contribution is received after the last
150 reporting date before the election.

151 **12. Each legislative and senatorial district committee shall retain**
152 **only one address in the district it sits for the purpose of receiving**
153 **contributions.**

 130.037. Any candidate may file a supplemental report containing
2 information required pursuant to section 130.041, for the purposes of this
3 section. Candidates whose supplemental report filed within thirty days of August
4 28, 1997, or whose report filed pursuant to subdivision (2) of subsection 1 of
5 section 130.046 reflects outstanding obligations in excess of moneys on hand, may

6 convert their campaign committee to a debt service committee as provided in this
7 section. If a debt service committee is formed, the committee may accept
8 contributions from any person [as long as the aggregate contribution from such
9 person does not exceed the limits set, pursuant to section 130.032, for the
10 aggregating period, pursuant to subdivision (1) of subsection 2 of section 130.041,
11 in which the debt was incurred]. A person who contributes to a debt service
12 committee of a candidate may also contribute to the candidate's campaign
13 committee for a succeeding election [up to the amounts specified in section
14 130.032]. The treasurer and the candidate shall terminate the debt service
15 committee pursuant to section 130.021 when the contributions received exceed the
16 amount of the debt, and within thirty days the committee shall file disclosure
17 reports pursuant to section 130.041 and shall return any excess moneys received
18 to the contributor or contributors, if known, otherwise such moneys shall escheat
19 to the state. No debt service committee shall be in existence more than eighteen
20 months.

**130.044. 1. All individuals and committees required to file
2 disclosure reports under section 130.041 shall electronically report any
3 contribution by any single contributor which exceeds five thousand
4 dollars to the Missouri ethics commission within forty eight hours of
5 receiving the contribution. Such reports shall contain the same content
6 required under section 130.041 and shall be filed in accordance with
7 the standards established by the commission for electronic filing and
8 other rules the commission may deem necessary to promulgate for the
9 effective administration of this section.**

10 **2. Any rule or portion of a rule, as that term is defined in section
11 536.010, RSMo, that is created under the authority delegated in this
12 section shall become effective only if it complies with and is subject to
13 all of the provisions of chapter 536, RSMo, and, if applicable, section
14 536.028, RSMo. This section and chapter 536, RSMo, are nonseverable
15 and if any of the powers vested with the general assembly pursuant to
16 chapter 536, RSMo, to review, to delay the effective date, or to
17 disapprove and annul a rule are subsequently held unconstitutional,
18 then the grant of rulemaking authority and any rule proposed or
19 adopted after August 28, 2008, shall be invalid and void.**

130.050. 1. An out-of-state committee which, according to the provisions
2 of subsection 10 of section 130.021, is not required to file a statement of

3 organization and is not required to file the full disclosure reports required by
4 section 130.041 shall file reports with the Missouri ethics commission according
5 to the provisions of this subsection if the committee makes contributions or
6 expenditures in support of or in opposition to candidates or ballot measures in
7 this state in any election covered by this chapter or makes contributions to any
8 committee domiciled in this state. An initial report shall be filed on or within
9 fourteen days prior to the date such out-of-state committee first makes a
10 contribution or expenditure in this state, and thereafter reports shall be filed at
11 the times and for the reporting periods prescribed in subsection 1 of section
12 130.046. Each report shall contain:

13 (1) The full name, address and domicile of the committee making the
14 report and the name, residential and business addresses, domicile and telephone
15 numbers of the committee's treasurer;

16 (2) The name and address of any entity such as a labor union, trade or
17 business or professional association, club or other organization or any business
18 entity with which the committee is affiliated;

19 (3) A statement of the total dollar amount of all funds received by the
20 committee in the current calendar year and a statement of the total contributions
21 in the same period from persons domiciled in this state and a list by name,
22 address, date and amount of each Missouri resident who contributed an aggregate
23 of more than two hundred dollars in the current calendar year;

24 (4) A list by name, address, date and amount regarding any contributor
25 to the out-of-state committee, regardless of state of residency, who made a
26 contribution during the reporting period [which was restricted or designated in
27 whole or in part for use in supporting or opposing a candidate, ballot measure or
28 committee in this state or was restricted for use in this state at the committee's
29 discretion, or a statement that no such contributions were received];

30 (5) A statement as to whether the committee is required to file reports
31 with the Federal Election Commission, and a listing of agencies in other states
32 with which the committee files reports, if any;

33 (6) A separate listing showing contributions made in support of or
34 opposition to each candidate or ballot measure in this state, together with the
35 date and amount of each contribution;

36 (7) A separate listing showing contributions made to any committee
37 domiciled in this state with the date and amount of each contribution.

38 2. In the case of a political party committee's selection of an individual to

39 be the party's nominee for public office in an election covered by this chapter, any
40 individual who seeks such nomination and who is a candidate according to the
41 definition of the term candidate in section 130.011 shall be required to comply
42 with all requirements of this chapter; except that, for the purposes of this
43 subsection, the reporting dates and reporting periods in section 130.046 shall not
44 apply, and the first reporting date shall be no later than the fifteenth day after
45 the date on which a nomination covered by this subsection was made and for the
46 period beginning on the date the individual became a candidate, as the term
47 candidate is defined in section 130.011, and closing on the tenth day after the
48 date the nomination was made, with subsequent reports being made as closely as
49 practicable to the times required in section 130.046.

50 3. The receipt of any late contribution or loan of more than two hundred
51 fifty dollars by a candidate committee supporting a candidate for statewide office
52 or by any other committee shall be reported to the appropriate officer no later
53 than twenty-four hours after receipt. For purposes of this subsection the term
54 "late contribution or loan" means a contribution or loan received after the closing
55 date of the last disclosure report required to be filed before an election but
56 received prior to the date of the election itself. The disclosure report of a late
57 contribution may be made by any written means of communication, setting forth
58 the name and address of the contributor or lender and the amount of the
59 contribution or loan and need not contain the signatures and certification
60 required for a full disclosure report described in section 130.041. A late
61 contribution or loan shall be included in subsequent disclosure reports without
62 regard to any special reports filed pursuant to this subsection.

130.072. Any person who knowingly accepts or makes a contribution or
2 makes an expenditure in violation of any provision of this chapter or who
3 knowingly conceals a contribution or expenditure by filing a false or incomplete
4 report or by not filing a required report, in addition to or in the alternative to any
5 other penalty imposed by this chapter, **[may] shall** be held liable to the state in
6 civil penalties in **[twice the] an amount [of] equal to** any such contribution or
7 expenditure**[, not to exceed a total amount of five thousand dollars].**

[130.032. 1. Monetary contributions shall not be made from
2 any political party committee as defined in subdivision (25) of
3 section 130.011 to any candidate committee, continuing committee,
4 or political party committee. Nothing in this section shall be
5 construed to limit any candidate committee from making

6 contributions to any other committee.

7 2. Any candidate for the office of state representative, the
8 office of state senator, or a statewide elected office shall not accept
9 any contributions from the first Wednesday after the first Monday
10 in January through the first Friday after the second Monday of
11 May of each year at 6:00 p.m. Only candidates for special election
12 to the house of representatives, senate, or statewide elected office
13 may, during such time, accept contributions from the date of the
14 candidate's nomination by his or her respective political party until
15 thirty days after the date of the election.]

[130.032. 1. In addition to the limitations imposed
2 pursuant to section 130.031, the amount of contributions made by
3 or accepted from any person other than the candidate in any one
4 election shall not exceed the following:

5 (1) To elect an individual to the office of governor,
6 lieutenant governor, secretary of state, state treasurer, state
7 auditor or attorney general, one thousand dollars;

8 (2) To elect an individual to the office of state senator, five
9 hundred dollars;

10 (3) To elect an individual to the office of state
11 representative, two hundred fifty dollars;

12 (4) To elect an individual to any other office, including
13 judicial office, if the population of the electoral district, ward, or
14 other unit according to the latest decennial census is under one
15 hundred thousand, two hundred fifty dollars;

16 (5) To elect an individual to any other office, including
17 judicial office, if the population of the electoral district, ward, or
18 other unit according to the latest decennial census is at least one
19 hundred thousand but less than two hundred fifty thousand, five
20 hundred dollars; and

21 (6) To elect an individual to any other office, including
22 judicial office, if the population of the electoral district, ward, or
23 other unit according to the latest decennial census is at least two
24 hundred fifty thousand, one thousand dollars.

25 2. For purposes of this subsection "base year amount" shall
26 be the contribution limits prescribed in this section on January 1,

27 1995. Such limits shall be increased on the first day of January in
28 each even-numbered year by multiplying the base year amount by
29 the cumulative consumer price index, as defined in section 104.010,
30 RSMo, and rounded to the nearest twenty-five-dollar amount, for
31 all years since January 1, 1995.

32 3. Candidate committees, exploratory committees, campaign
33 committees and continuing committees, other than those continuing
34 committees which are political party committees, shall be subject
35 to the limits prescribed in subsection 1 of this section. The
36 provisions of this subsection shall not limit the amount of
37 contributions which may be accumulated by a candidate committee
38 and used for expenditures to further the nomination or election of
39 the candidate who controls such candidate committee, except as
40 provided in section 130.052.

41 4. Except as limited by this subsection, the amount of cash
42 contributions, and a separate amount for the amount of in-kind
43 contributions, made by or accepted from a political party committee
44 in any one election shall not exceed the following:

45 (1) To elect an individual to the office of governor,
46 lieutenant governor, secretary of state, state treasurer, state
47 auditor or attorney general, ten thousand dollars;

48 (2) To elect an individual to the office of state senator, five
49 thousand dollars;

50 (3) To elect an individual to the office of state
51 representative, two thousand five hundred dollars; and

52 (4) To elect an individual to any other office of an electoral
53 district, ward or unit, ten times the allowable contribution limit for
54 the office sought. The amount of contributions which may be made
55 by or accepted from a political party committee in the primary
56 election to elect any candidate who is unopposed in such primary
57 shall be fifty percent of the amount of the allowable contributions
58 as determined in this subsection.

59 5. Contributions from persons under fourteen years of age
60 shall be considered made by the parents or guardians of such
61 person and shall be attributed toward any contribution limits
62 prescribed in this chapter. Where the contributor under fourteen

63 years of age has two custodial parents or guardians, fifty percent
64 of the contribution shall be attributed to each parent or guardian,
65 and where such contributor has one custodial parent or guardian,
66 all such contributions shall be attributed to the custodial parent or
67 guardian.

68 6. Contributions received and expenditures made prior to
69 January 1, 1995, shall be reported as a separate account and
70 pursuant to the laws in effect at the time such contributions are
71 received or expenditures made. Contributions received and
72 expenditures made after January 1, 1995, shall be reported as a
73 separate account from the aforementioned account and pursuant to
74 the provisions of this chapter. The account reported pursuant to
75 the prior law shall be retained as a separate account and any
76 remaining funds in such account may be used pursuant to this
77 chapter and section 130.034.

78 7. Any committee which accepts or gives contributions other
79 than those allowed shall be subject to a surcharge of one thousand
80 dollars plus an amount equal to the contribution per nonallowable
81 contribution, to be paid to the ethics commission and which shall
82 be transferred to the director of revenue, upon notification of such
83 nonallowable contribution by the ethics commission, and after the
84 candidate has had ten business days after receipt of notice to
85 return the contribution to the contributor. The candidate and the
86 candidate committee treasurer or deputy treasurer owing a
87 surcharge shall be personally liable for the payment of the
88 surcharge or may pay such surcharge only from campaign funds
89 existing on the date of the receipt of notice. Such surcharge shall
90 constitute a debt to the state enforceable under, but not limited to,
91 the provisions of chapter 143, RSMo.]

Section B. Because of the need to expediently settle the law regarding
2 campaign finance prior to any subsequent election, section A of this act is deemed
3 necessary for the immediate preservation of the public health, welfare, peace and
4 safety, and is hereby declared to be an emergency act within the meaning of the
5 constitution, and section A of this act shall be in full force and effect upon its
6 passage and approval.

✓