

SECOND REGULAR SESSION

SENATE BILL NO. 648

95TH GENERAL ASSEMBLY

INTRODUCED BY SENATOR BRAY.

Pre-filed December 1, 2009, and ordered printed.

TERRY L. SPIELER, Secretary.

3527S.011

AN ACT

To repeal sections 130.016, 130.021, and 130.037, RSMo, and to enact in lieu thereof four new sections relating to campaign contribution limits.

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

Section A. Sections 130.016, 130.021, and 130.037, RSMo, are repealed
2 and four new sections enacted in lieu thereof, to be known as sections 130.016,
3 130.021, 130.032, and 130.037, 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
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 [three hundred twenty-five dollars] **the amount of the limitation on**
9 **contributions to elect an individual to the office of state representative**
10 **as calculated in subsection 2 of section 130.032**, 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 [three hundred twenty-five dollars] **the amount of the**
16 **limitation on contributions to elect an individual to the office of state**
17 **representative as calculated in subsection 2 of section 130.032**, and that
18 the total of all contributions received or expenditures made by the candidate and

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

19 all committees or any other person with the candidate's knowledge and consent
20 in support of the candidacy will not exceed five hundred dollars and that the
21 aggregate of contributions received from any single contributor will not exceed the
22 amount of the limitation on contributions to elect an individual to the office of
23 state representative as calculated in subsection 2 of section 130.032. Such
24 exemption statement shall be filed no later than the date set forth in section
25 130.046 on which a disclosure report would otherwise be required if the candidate
26 does not file the exemption statement. The exemption statement shall be filed
27 on a form furnished to each appropriate officer by the executive director of the
28 Missouri ethics commission. Each appropriate officer shall make the exemption
29 statement available to candidates and shall direct each candidate's attention to
30 the 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 [three hundred twenty-five dollars] **the amount of the**
86 **limitation on contributions to elect an individual to the office of state**
87 **representative as calculated in subsection 2 of section 130.032.** No
88 candidate for any office listed in this subsection shall be excused from complying
89 with the provisions of any section of this chapter, other than the filing of an
90 exemption 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 may
4 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 in
6 which the committee sits, to serve in the capacity of committee treasurer in the
7 event the committee treasurer is unable for any reason to perform the treasurer's
8 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 of section 130.016 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. The
96 account number of each account shall be redacted prior to disclosing the
97 statement to the public;

98 (7) Identification of the major nature of the committee such as a candidate
99 committee, campaign committee, continuing committee, political party committee,
100 incumbent committee, or any other committee according to the definition of

101 committee in section 130.011;

102 (8) In the case of the candidate committee designated in subsection 3 of
103 this section, the full name and address of each other candidate committee which
104 is under the control and direction of the same candidate, together with the name,
105 address and telephone number of the treasurer of each such other committee;

106 (9) The name and office sought of each candidate supported or opposed by
107 the committee;

108 (10) The ballot measure concerned, if any, and whether the committee is
109 in favor of or opposed to such measure.

110 6. A committee may omit the information required in subdivisions (9) and
111 (10) of subsection 5 of this section if, on the date on which it is required to file a
112 statement of organization, the committee has not yet determined the particular
113 candidates or particular ballot measures it will support or oppose. **Any**
114 **contribution received over the allowable contribution limits described**
115 **in section 130.032 shall be returned to the contributor by the committee**
116 **within five business days of the declaration of candidacy or position on**
117 **a candidate or a particular ballot measure of the committee.**

118 7. A committee which has filed a statement of organization and has not
119 terminated shall not be required to file another statement of organization, except
120 that when there is a change in any of the information previously reported as
121 required by subdivisions (1) to (8) of subsection 5 of this section an amended
122 statement of organization shall be filed within twenty days after the change
123 occurs, but no later than the date of the filing of the next report required to be
124 filed by that committee by section 130.046.

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

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

135 10. A committee domiciled outside this state shall be required to file a
136 statement of organization and appoint a treasurer residing in this state and open

137 an account in a depository within this state; provided that either of the following
138 conditions prevails:

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

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

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

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

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

6 (1) To elect an individual to the office of governor, lieutenant
7 governor, secretary of state, state treasurer, state auditor, or attorney
8 general, one thousand two hundred seventy-five dollars;

9 (2) To elect an individual to the office of state senator, six
10 hundred fifty dollars;

11 (3) To elect an individual to the office of state representative,
12 three hundred twenty-five dollars;

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

17 (5) To elect an individual to any other office, including judicial
18 office, if the population of the electoral district, ward, or other unit

19 according to the latest decennial census is at least one hundred
20 thousand but less than two hundred fifty thousand, six hundred fifty
21 dollars; and

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

26 2. For purposes of this subsection "base year amount" shall be the
27 contribution limits prescribed in this section on January 1, 2011. Such
28 limits shall be increased on the first day of January in each
29 even-numbered year by multiplying the base year amount by the
30 cumulative consumer price index, as defined in section 104.010, and
31 rounded to the nearest twenty-five dollar amount.

32 3. Contributions from persons under fourteen years of age shall
33 be considered made by the parents or guardians of such person and
34 shall be attributed toward any contribution limits prescribed in this
35 chapter. Where the contributor under fourteen years of age has two
36 custodial parents or guardians, fifty percent of the contribution shall
37 be attributed to each parent or guardian, and where such contributor
38 has one custodial parent or guardian, all such contributions shall be
39 attributed to the custodial parent or guardian.

40 4. Contributions received and expenditures made prior to August
41 28, 2010, shall be reported as a separate account and pursuant to the
42 laws in effect at the time such contributions are received or
43 expenditures made. Contributions received and expenditures made
44 after August 28, 2010, shall be reported as a separate account from the
45 aforementioned account and pursuant to the provisions of this
46 chapter. The account reported pursuant to the prior law shall be
47 retained as a separate account and any remaining funds in such
48 account may be used pursuant to this chapter and section 130.034.

49 5. Any committee which accepts or gives contributions other
50 than those allowed shall be subject to a surcharge of one thousand
51 dollars plus an amount equal to the contribution per nonallowable
52 contribution, to be paid to the ethics commission and which shall be
53 transferred to the director of revenue, upon notification of such
54 nonallowable contribution by the ethics commission, and after the
55 candidate has had ten business days after receipt of notice to return

56 **the contribution to the contributor. The candidate and the candidate**
57 **committee treasurer or deputy treasurer owing a surcharge shall be**
58 **personally liable for the payment of the surcharge or may pay such**
59 **surcharge only from campaign funds existing on the date of the receipt**
60 **of notice. Such surcharge shall constitute a debt to the state**
61 **enforceable under, but not limited to, the provisions of chapter 143.**

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

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