

SECOND REGULAR SESSION

# SENATE BILL NO. 520

96TH GENERAL ASSEMBLY

INTRODUCED BY SENATOR SCHAAF.

Pre-filed December 6, 2011, and ordered printed.

TERRY L. SPIELER, Secretary.

4359S.011

## AN ACT

To repeal section 130.016, RSMo, and to enact in lieu thereof one new section relating to political committee filing requirements.

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

Section A. Section 130.016, RSMo, is repealed and one new section  
2 enacted in lieu thereof, to be known as section 130.016, 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, provided that:

9 (1) The candidate files a sworn exemption statement with the appropriate  
10 officer that the candidate does not intend to either receive contributions or make  
11 expenditures in the aggregate of more than five hundred dollars or receive  
12 contributions from any single contributor, other than the candidate, that  
13 aggregate more than three hundred twenty-five dollars, and that the total of all  
14 contributions received or expenditures made by the candidate and all committees  
15 or any other person with the candidate's knowledge and consent in support of the  
16 candidacy will not exceed five hundred dollars and that the aggregate of  
17 contributions received from any single contributor will not exceed the amount of  
18 the limitation on contributions to elect an individual to the office of state  
19 representative as calculated in subsection 2 of section 130.032. Such exemption  
20 statement shall be filed no later than the date set forth in section 130.046 on

21 which a disclosure report would otherwise be required if the candidate does not  
22 file the exemption statement. The exemption statement shall be filed on a form  
23 furnished to each appropriate officer by the executive director of the Missouri  
24 ethics commission. Each appropriate officer shall make the exemption statement  
25 available to candidates and shall direct each candidate's attention to the  
26 exemption statement and explain its purpose to the candidate; and

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

35 2. Any candidate who has filed an exemption statement as provided in  
36 subsection 1 of this section shall not accept any contribution or make any  
37 expenditure in support of the person's candidacy, either directly or indirectly or  
38 by or through any committee or any other person acting with the candidate's  
39 knowledge and consent, which would cause such contributions or expenditures to  
40 exceed the limits specified in subdivision (1) of subsection 1 of this section unless  
41 the candidate later rejects the exemption pursuant to subsection 3 of this  
42 section. Any contribution received in excess of such limits shall be returned to  
43 the donor or transmitted to the state treasurer to escheat to the state.

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

52 4. A primary election and the immediately succeeding general election are  
53 separate elections, and restrictions on contributions and expenditures set forth  
54 in subsection 2 of this section shall apply to each election; however, if a successful  
55 primary candidate has correctly filed an exemption statement prior to the  
56 primary election and has not filed a notice of rejection prior to the date on which

57 the first disclosure report applicable to the succeeding general election is required  
58 to be filed, the candidate shall not be required to file an exemption statement for  
59 that general election if the limitations set forth in subsection 1 of this section  
60 apply to the succeeding general election.

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

72         6. No candidate for supreme court, circuit court, or associate circuit court,  
73 or candidate for political party office, or for county office or municipal office in a  
74 city of one hundred thousand or less, or for any special purpose district office  
75 shall be required to file an exemption statement pursuant to this section in order  
76 to be exempted from forming a committee and filing disclosure reports required  
77 of committees pursuant to this chapter if the aggregate of contributions received  
78 or expenditures made by the candidate and any other person with the candidate's  
79 knowledge and consent in support of the person's candidacy does not exceed one  
80 thousand dollars and the aggregate of contributions from any single contributor  
81 does not exceed three hundred twenty-five dollars. No candidate for any office  
82 listed in this subsection shall be excused from complying with the provisions of  
83 any section of this chapter, other than the filing of an exemption statement under  
84 the conditions specified in this subsection.

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

90         8. No member of or candidate for the general assembly shall form a  
91 candidate committee for the office of speaker of the house of representatives or  
92 president pro tem of the senate.

93           **9. Any candidate forming any committee, with the exception of**  
94 **a debt service committee, shall designate the office to which the**  
95 **candidate is seeking to be nominated or elected when filing to form**  
96 **such committee.**

✓

Unofficial

Bill

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