

FIRST REGULAR SESSION

# SENATE BILL NO. 134

98TH GENERAL ASSEMBLY

INTRODUCED BY SENATOR HOLSMAN.

Pre-filed December 8, 2014, and ordered printed.

ADRIANE D. CROUSE, Secretary.

0628S.011

## AN ACT

To repeal section 130.031 as enacted by senate bills nos. 31 & 285, ninetieth 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. Section 130.031 as enacted by senate bills nos. 31 & 285, 2 ninetieth general assembly, first regular session, RSMo, is repealed and twenty- 3 two new sections enacted in lieu thereof, to be known as sections 130.031, 4 130.200, 130.201, 130.202, 130.203, 130.204, 130.205, 130.206, 130.207, 130.208, 5 130.209, 130.210, 130.211, 130.212, 130.213, 130.215, 130.216, 130.217, 130.218, 6 130.219, 130.220, and 143.1021, to read as follows:

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 seven  
12 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 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, 2016, 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 30.170  
6 and 30.180, the state treasurer may approve disbursements. Upon  
7 appropriation, money in the fund shall be used solely for the  
8 administration of sections 130.200 to 130.220. Any moneys remaining  
9 in the fund at the end of the biennium shall revert to the credit of the  
10 general revenue fund. The state treasurer shall invest moneys in the  
11 fund in the same manner as other funds are invested. Any interest and  
12 moneys earned on such investments shall be credited to the fund.

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

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

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

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

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

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

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

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

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

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

40           **5. Upon a determination of a candidate's eligibility for public**  
41 **financing under sections 130.200 to 130.220, the state treasurer shall**  
42 **issue to the eligible candidate a debit card, known as the fair election**  
43 **debit card, entitling the candidate and designated members of the**  
44 **candidate's staff to draw money from a commission account to pay all**  
45 **campaign costs and expenses.**

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

17 (2) 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 2015, 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 2016, 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.

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