

FIRST REGULAR SESSION

# SENATE JOINT RESOLUTION NO. 15

100TH GENERAL ASSEMBLY

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INTRODUCED BY SENATOR HOLSMAN.

Pre-filed January 4, 2019, and ordered printed.

ADRIANE D. CROUSE, Secretary.

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## JOINT RESOLUTION

Submitting to the qualified voters of Missouri, an amendment repealing section 23 of article VIII of the Constitution of Missouri, and adopting two new sections in lieu thereof relating to financial disclosure for entities engaging in certain political campaign activities.

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*Be it resolved by the Senate, the House of Representatives concurring therein:*

That at the next general election to be held in the state of Missouri, on  
2 Tuesday next following the first Monday in November, 2020, or at a special  
3 election to be called by the governor for that purpose, there is hereby submitted  
4 to the qualified voters of this state, for adoption or rejection, the following  
5 amendment to article VIII of the Constitution of the state of Missouri:

Section A. Section 23, article VIII, Constitution of Missouri, is repealed  
2 and two new sections adopted in lieu thereof, to be known as sections 23 and 24,  
3 to read as follows:

Section 23. 1. This section shall be known as the "Missouri Campaign  
2 Contribution Reform Initiative."

3 2. The people of the state of Missouri hereby find and declare that  
4 excessive campaign contributions to political candidates create the potential for  
5 corruption and the appearance of corruption; that large campaign contributions  
6 made to influence election outcomes allow wealthy individuals, corporations and  
7 special interest groups to exercise a disproportionate level of influence over the  
8 political process; that the rising costs of campaigning for political office prevent  
9 qualified citizens from running for political office; that political contributions  
10 from corporations and labor organizations are not necessarily an indication of  
11 popular support for the corporation's or labor organization's political ideas and

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

12 can unfairly influence the outcome of Missouri elections; and that the interests  
13 of the public are best served by limiting campaign contributions, providing for full  
14 and timely disclosure of campaign contributions, and strong enforcement of  
15 campaign finance requirements.

16 3. (1) Except as provided in subdivisions (2), (3) and (4) of this subsection,  
17 the amount of contributions made by or accepted from any person other than the  
18 candidate in any one election shall not exceed the following:

19 (a) To elect an individual to the office of governor, lieutenant governor,  
20 secretary of state, state treasurer, state auditor, attorney general, office of state  
21 senator, office of state representative or any other state or judicial office, two  
22 thousand six hundred dollars.

23 (2) (a) No political party shall accept aggregate contributions from any  
24 person that exceed twenty-five thousand dollars per election at the state, county,  
25 municipal, district, ward, and township level combined.

26 (b) No political party shall accept aggregate contributions from any  
27 committee that exceed twenty-five thousand dollars per election at the state,  
28 county, municipal, district, ward, and township level combined.

29 (3) (a) It shall be unlawful for a corporation or labor organization to make  
30 contributions to a campaign committee, candidate committee, exploratory  
31 committee, political party committee or a political party; except that a corporation  
32 or labor organization may establish a continuing committee which may accept  
33 contributions or dues from members, officers, directors, employees or security  
34 holders.

35 (b) The prohibition contained in subdivision (a) of this subsection shall not  
36 apply to a corporation that:

37 (i) Is formed for the purpose of promoting political ideas and cannot  
38 engage in business activities; and

39 (ii) Has no security holders or other persons with a claim on its assets or  
40 income; and

41 (iii) Was not established by and does not accept contributions from  
42 business corporations or labor organizations.

43 (4) No candidate's candidate committee shall accept contributions from,  
44 or make contributions to, another candidate committee, including any candidate  
45 committee, or equivalent entity, established under federal law.

46 (5) Notwithstanding any other subdivision of this subsection to the  
47 contrary, a candidate's candidate committee may receive a loan from a financial

48 institution organized under state or federal law if the loan bears the usual and  
49 customary interest rate, is made on a basis that assures repayments, is evidenced  
50 by a written instrument, and is subject to a due date or amortization  
51 schedule. The contribution limits described in this subsection shall not apply to  
52 a loan as described in this subdivision.

53 (6) No campaign committee, candidate committee, continuing committee,  
54 exploratory committee, political party committee, and political party shall accept  
55 a contribution in cash exceeding one hundred dollars per election.

56 (7) No contribution shall be made or accepted, directly or indirectly, in a  
57 fictitious name, in the name of another person, or by or through another person  
58 in such a manner as to conceal the identity of the actual source of the  
59 contribution or the actual recipient. Any person who receives contributions for  
60 a committee shall disclose to that committee's treasurer, deputy treasurer or  
61 candidate the recipient's own name and address and the name and address of the  
62 actual source of each contribution such person has received for that committee.

63 (8) No anonymous contribution of more than twenty-five dollars shall be  
64 made by any person, and no anonymous contribution of more than twenty-five  
65 dollars shall be accepted by any candidate or committee. If any anonymous  
66 contribution of more than twenty-five dollars is received, it shall be returned  
67 immediately to the contributor, if the contributor's identity can be ascertained,  
68 and if the contributor's identity cannot be ascertained, the candidate, committee  
69 treasurer or deputy treasurer shall immediately transmit that portion of the  
70 contribution which exceeds twenty-five dollars to the state treasurer and it shall  
71 escheat to the state.

72 (9) The maximum aggregate amount of anonymous contributions which  
73 shall be accepted per election by any committee shall be the greater of five  
74 hundred dollars or one percent of the aggregate amount of all contributions  
75 received by that committee in the same election. If any anonymous contribution  
76 is received which causes the aggregate total of anonymous contributions to exceed  
77 the foregoing limitation, it shall be returned immediately to the contributor, if the  
78 contributor's identity can be ascertained, and, if the contributor's identity cannot  
79 be ascertained, the committee treasurer, deputy treasurer or candidate shall  
80 immediately transmit the anonymous contribution to the state treasurer to  
81 escheat to the state.

82 (10) Notwithstanding the provisions of subdivision (9) of this subsection,  
83 contributions from individuals whose names and addresses cannot be ascertained

84 which are received from a fund-raising activity or event[, such as defined in  
85 section 130.011, RSMo, as amended from time to time,] shall not be deemed  
86 anonymous contributions, provided the following conditions are met:

87 (a) There are twenty-five or more contributing participants in the activity  
88 or event;

89 (b) The candidate, committee treasurer, deputy treasurer or the person  
90 responsible for conducting the activity or event makes an announcement that it  
91 is illegal for anyone to make or receive a contribution in excess of one hundred  
92 dollars unless the contribution is accompanied by the name and address of the  
93 contributor;

94 (c) The person responsible for conducting the activity or event does not  
95 knowingly accept payment from any single person of more than one hundred  
96 dollars unless the name and address of the person making such payment is  
97 obtained and recorded pursuant to the record-keeping requirements of section  
98 130.036, RSMo, as amended from time to time;

99 (d) A statement describing the event shall be prepared by the candidate  
100 or the treasurer of the committee for whom the funds were raised or by the  
101 person responsible for conducting the activity or event and attached to the  
102 disclosure report of contributions and expenditures required by section 130.041,  
103 RSMo, as amended from time to time. The following information to be listed in  
104 the statement is in addition to, not in lieu of, the requirements elsewhere in [this  
105 chapter] **Missouri law** relating to the recording and reporting of contributions  
106 and expenditures:

107 (i) The name and mailing address of the person or persons responsible for  
108 conducting the event or activity and the name and address of the candidate or  
109 committee for whom the funds were raised;

110 (ii) The date on which the event occurred;

111 (iii) The name and address of the location where the event occurred and  
112 the approximate number of participants in the event;

113 (iv) A brief description of the type of event and the fund-raising methods  
114 used;

115 (v) The gross receipts from the event and a listing of the expenditures  
116 incident to the event;

117 (vi) The total dollar amount of contributions received from the event from  
118 participants whose names and addresses were not obtained with such  
119 contributions and an explanation of why it was not possible to obtain the names

120 and addresses of such participants;

121 (vii) The total dollar amount of contributions received from contributing  
122 participants in the event who are identified by name and address in the records  
123 required to be maintained pursuant to section 130.036, RSMo, as amended from  
124 time to time.

125 (11) No candidate or committee in this state shall accept contributions  
126 from any out-of-state committee unless the out-of-state committee from whom the  
127 contributions are received has filed a statement of organization pursuant to  
128 section 130.021, RSMo, as amended from time to time, or has filed the reports  
129 required by sections 130.049 and 130.050, RSMo, as amended from time to time,  
130 whichever is applicable to that committee.

131 (12) [Political action] **Continuing** committees shall only receive  
132 contributions from individuals; unions; federal political action committees; and  
133 corporations, associations, and partnerships formed under chapters 347 to 360,  
134 RSMo, as amended from time to time, and shall be prohibited from receiving  
135 contributions from other [political action] **continuing** committees, candidate  
136 committees, political party committees, campaign committees, exploratory  
137 committees, or debt service committees. However, candidate committees, political  
138 party committees, campaign committees, exploratory committees, and debt service  
139 committees shall be allowed to return contributions to a donor [political action]  
140 **continuing** committee that is the origin of the contribution.

141 (13) The prohibited committee transfers described in subdivision (12) of  
142 this subsection shall not apply to the following committees:

143 (a) The state house committee per political party designated by the  
144 respective majority or minority floor leader of the house of representatives or the  
145 chair of the state party if the party does not have majority or minority party  
146 status;

147 (b) The state senate committee per political party designated by the  
148 respective majority or minority floor leader of the senate or the chair of the state  
149 party if the party does not have majority or minority party status.

150 (14) No person shall transfer anything of value to any committee with the  
151 intent to conceal, from the Missouri ethics commission, the identity of the actual  
152 source. Any violation of this subdivision shall be punishable as follows:

153 (a) For the first violation, the Missouri ethics commission shall notify such  
154 person that the transfer to the committee is prohibited under this section within  
155 five days of determining that the transfer is prohibited, and that such person

156 shall notify the committee to which the funds were transferred that the funds  
157 must be returned within ten days of such notification;

158 (b) For the second violation, the person transferring the funds shall be  
159 guilty of a class C misdemeanor;

160 (c) For the third and subsequent violations, the person transferring the  
161 funds shall be guilty of a class D felony.

162 (15) No person shall make a contribution to a campaign committee,  
163 candidate committee, continuing committee, exploratory committee, political party  
164 committee, and political party with the expectation that some or all of the  
165 amounts of such contribution will be reimbursed by another person. No person  
166 shall be reimbursed for a contribution made to any campaign committee,  
167 candidate committee, continuing committee, exploratory committee, political party  
168 committee, and political party, nor shall any person make such reimbursement  
169 **[expect] except** as provided in subdivision (5) of this subsection.

170 (16) No campaign committee, candidate committee, continuing committee,  
171 exploratory committee, political party committee, and political party shall  
172 knowingly accept contributions from:

173 (a) Any natural person who is not a citizen of the United States;

174 (b) A foreign government; or

175 (c) Any foreign corporation that does not have the authority to transact  
176 business in this state pursuant to chapter 347, RSMo, as amended from time to  
177 time.

178 (17) Contributions from persons under fourteen years of age shall be  
179 considered made by the parents or guardians of such person and shall be  
180 attributed toward any contribution limits prescribed in this chapter. Where the  
181 contributor under fourteen years of age has two custodial parents or guardians,  
182 fifty percent of the contribution shall be attributed to each parent or guardian,  
183 and where such contributor has one custodial parent or guardian, all such  
184 contributors shall be attributed to the custodial parent or guardian.

185 (18) Each limit on contributions described in subdivisions (1), (2)(a), and  
186 (2)(b) of this subsection shall be adjusted by an amount based upon the average  
187 of the percentage change over a four-year period in the United States Bureau of  
188 Labor Statistics Consumer Price Index for Kansas City, all items, all consumers,  
189 or its successor index, rounded to the nearest lowest twenty-five dollars and the  
190 percentage change over a four-year period in the United States Bureau of Labor  
191 Statistics Consumer Price Index for St. Louis, all items, all consumers, or its

192 successor index, rounded to the nearest lowest twenty-five dollars. The first  
193 adjustment shall be done in the first quarter of 2019, and then every four years  
194 thereafter. The secretary of state shall calculate such an adjustment in each  
195 limit and specify the limits in rules promulgated in accordance with chapter 536,  
196 RSMo, as amended from time to time.

197 4. (1) [Notwithstanding the provisions of subsection 3 of section 105.957,  
198 RSMo, as amended from time to time,] Any natural person may file a complaint  
199 with the Missouri ethics commission alleging a violation of the provisions of  
200 [Section] **subsection 3** of this [Article] **section** by any candidate for elective  
201 office, within sixty days prior to the primary election at which such candidate is  
202 running for office, until after the general election. Any such complaint shall be  
203 in writing, shall state all facts known by the complainant which have given rise  
204 to the complaint, and shall be sworn to, under penalty of perjury, by the  
205 complainant.

206 (2) Within the first business day after receipt of a complaint pursuant to  
207 this section, the executive director shall supply a copy of the complaint to the  
208 person or entity named in the complaint. The executive director of the Missouri  
209 ethics commission shall notify the complainant and the person or entity named  
210 in the complaint of the date and time at which the commission shall audit and  
211 investigate the allegations contained in the complaint pursuant to subdivision (3)  
212 of this subsection.

213 (3) Within fifteen business days of receipt of a complaint pursuant to this  
214 section, the commission shall audit and investigate the allegations contained in  
215 the complaint and shall determine by a vote of at least four members of the  
216 commission that there are reasonable grounds to believe that a violation of law  
217 has occurred within the jurisdiction of the commission. The respondent may  
218 reply in writing or in person to the allegations contained in the complaint and  
219 may state justifications to dismiss the complaint. The complainant may also  
220 present evidence in support of the allegations contained in the complaint, but  
221 such evidence shall be limited in scope to the allegations contained in the original  
222 complaint, and such complaint may not be supplemented or otherwise enlarged  
223 in scope.

224 (4) If, after audit and investigation of the complaint and upon a vote of  
225 at least four members of the commission, the commission determines that there  
226 are reasonable grounds to believe that a violation of law has occurred within the  
227 jurisdiction of the commission, the commission shall proceed with such complaint

228 as provided by sections 105.957 to 105.963, RSMo, as amended from time to time.  
229 If the commission does not determine that there are reasonable grounds to believe  
230 that such a violation of law has occurred, the complaint shall be dismissed. If a  
231 complaint is dismissed, the fact that such complaint was dismissed, with a  
232 statement of the nature of the complaint, shall be made public within twenty-four  
233 hours of the commission's action.

234 (5) Any complaint made pursuant to this section, and all proceedings and  
235 actions concerning such a complaint, shall be subject to the provisions of  
236 subsection 15 of section 105.961, RSMo, as amended from time to time.

237 (6) No complaint shall be accepted by the commission within fifteen days  
238 prior to the primary or general election at which such candidate is running for  
239 office.

240 5. Any person who knowingly and willfully accepts or makes a  
241 contribution in violation of any provision of [Section 3 of this Article] **subsection**  
242 **3 of this section** or who knowingly and willfully conceals a contribution by filing  
243 a false or incomplete report or by not filing a required report under chapter 130,  
244 RSMo, as amended from time to time, shall be held liable to the state in civil  
245 penalties in an amount of at least double and up to five times the amount of any  
246 such contribution.

247 6. (1) Any person who purposely violates the provisions of [Section 3 of  
248 this Article is] **this section shall be** guilty of a class A misdemeanor.

249 (2) Notwithstanding any other provision of law which bars prosecutions  
250 for any offenses other than a felony unless commenced within one year after the  
251 commission of the offense, any offense under the provisions of this section may  
252 be prosecuted if the indictment be found or prosecution be instituted within three  
253 years after the commission of the alleged offense.

254 (3) Any prohibition to the contrary notwithstanding, no person shall be  
255 deprived of the rights, guarantees, protections or privileges accorded by sections  
256 130.011 to 130.026, 130.031 to 130.068, 130.072, and 130.081, RSMo, as amended  
257 from time to time, by any person, corporation, entity or political subdivision.

258 7. As used in this [section] **article**, the following terms [have the  
259 following meanings] **shall mean**:

260 (1) ["Appropriate officer" or "appropriate officers", the person or persons  
261 designated in section 130.026, RSMo, or any successor section, to receive certain  
262 required statements and reports;

263 (2)] "Candidate", an individual who seeks nomination or election to public



264 office. The term "candidate" includes an elected officeholder who is the subject  
265 of a recall election, an individual who seeks nomination by the individual's  
266 political party for election to public office, an individual standing for retention in  
267 an election to an office to which the individual was previously appointed, an  
268 individual who seeks nomination or election whether or not the specific elective  
269 public office to be sought has been finally determined by such individual at the  
270 time the individual meets the conditions described in paragraph (a) or (b) of this  
271 subdivision, and an individual who is a write-in candidate [as defined in  
272 subdivision (26) of this section]. A candidate shall be deemed to seek nomination  
273 or election when the person first:

274 (a) Receives contributions or makes expenditures or reserves space or  
275 facilities with intent to promote the person's candidacy for office; or

276 (b) Knows or has reason to know that contributions are being received or  
277 expenditures are being made or space or facilities are being reserved with the  
278 intent to promote the person's candidacy for office; except that, such individual  
279 shall not be deemed a candidate if the person files a statement with the  
280 [appropriate officer] **commission** within five days after learning of the receipt  
281 of contributions, the making of expenditures, or the reservation of space or  
282 facilities disavowing the candidacy and stating that the person will not accept  
283 nomination or take office if elected; provided that, if the election at which such  
284 individual is supported as a candidate is to take place within five days after the  
285 person's learning of the above-specified activities, the individual shall file the  
286 statement disavowing the candidacy within one day; or

287 (c) Announces or files a declaration of candidacy for office.

288 [(3)] **(2)** "Cash", currency, coin, United States postage stamps, or any  
289 negotiable instrument which can be transferred from one person to another  
290 person without the signature or endorsement of the transferor.

291 **(3) "Commission", the Missouri ethics commission.**

292 (4) "Committee", a person or any combination of persons, who accepts  
293 contributions or makes expenditures for the primary or incidental purpose of  
294 influencing or attempting to influence the action of voters for or against the  
295 nomination or election to public office of one or more candidates or the  
296 qualification, passage or defeat of any ballot measure or for the purpose of paying  
297 a previously incurred campaign debt or obligation of a candidate or the debts or  
298 obligations of a committee or for the purpose of contributing funds to another  
299 committee.

300 (5) "Committee", does not include:

301 (a) A person or combination of persons, if neither the aggregate of  
302 expenditures made nor the aggregate of contributions received during a calendar  
303 year exceeds five hundred dollars and if no single contributor has contributed  
304 more than two hundred fifty dollars of such aggregate contributions;

305 (b) An individual, other than a candidate, who accepts no contributions  
306 and who deals only with the individual's own funds or property;

307 (c) A corporation, cooperative association, partnership, proprietorship, or  
308 joint venture organized or operated for a primary or principal purpose other than  
309 that of influencing or attempting to influence the action of voters for or against  
310 the nomination or election to public office of one or more candidates or the  
311 qualification, passage or defeat of any ballot measure, and it accepts no  
312 contributions, and all expenditures it makes are from its own funds or property  
313 obtained in the usual course of business or in any commercial or other transaction  
314 and which are not contributions [as defined by subdivision (7) of this section];

315 (d) A labor organization organized or operated for a primary or principal  
316 purpose other than that of influencing or attempting to influence the action of  
317 voters for or against the nomination or election to public office of one or more  
318 candidates, or the qualification, passage, or defeat of any ballot measure, and it  
319 accepts no contributions, and expenditures made by the organization are from its  
320 own funds or property received from membership dues or membership fees which  
321 were given or solicited for the purpose of supporting the normal and usual  
322 activities and functions of the organization and which are not contributions [as  
323 defined by subdivision (7) of this section];

324 (e) A person who acts as an authorized agent for a committee in soliciting  
325 or receiving contributions or in making expenditures or incurring indebtedness  
326 on behalf of the committee if such person renders to the committee treasurer or  
327 deputy treasurer or candidate, if applicable, an accurate account of each receipt  
328 or other transaction in the detail required by the treasurer to comply with all  
329 record-keeping and reporting requirements; or

330 (f) Any department, agency, board, institution or other entity of the state  
331 or any of its subdivisions or any officer or employee thereof, acting in the person's  
332 official capacity.

333 (6) The term "committee" includes, but is not limited to, each of the  
334 following committees: campaign committee, candidate committee, continuing  
335 committee and political party committee:

336 (a) "Campaign committee", a committee, other than a candidate  
337 committee, which shall be formed by an individual or group of individuals to  
338 receive contributions or make expenditures and whose sole purpose is to support  
339 or oppose the qualification and passage of one or more particular ballot measures  
340 in an election or the retention of judges under the nonpartisan court plan, such  
341 committee shall be formed no later than thirty days prior to the election for which  
342 the committee receives contributions or makes expenditures, and which shall  
343 terminate the later of either thirty days after the general election or upon the  
344 satisfaction of all committee debt after the general election, except that no  
345 committee retiring debt shall engage in any other activities in support of a  
346 measure for which the committee was formed;

347 (b) "Candidate committee", a committee which shall be formed by a  
348 candidate to receive contributions or make expenditures in behalf of the person's  
349 candidacy and which shall continue in existence for use by an elected candidate  
350 or which shall terminate the later of either thirty days after the general election  
351 for a candidate who was not elected or upon the satisfaction of all committee debt  
352 after the election, except that no committee retiring debt shall engage in any  
353 other activities in support of the candidate for which the committee was  
354 formed. Any candidate for elective office shall have only one candidate committee  
355 for the elective office sought, which is controlled directly by the candidate for the  
356 purpose of making expenditures. A candidate committee is presumed to be under  
357 the control and direction of the candidate unless the candidate files an affidavit  
358 with the [appropriate officer] **commission** stating that the committee is acting  
359 without control or direction on the candidate's part;

360 (c) "Continuing committee", a committee of continuing existence which is  
361 not formed, controlled or directed by a candidate, and is a committee other than  
362 a candidate committee or campaign committee, whose primary or incidental  
363 purpose is to receive contributions or make expenditures to influence or attempt  
364 to influence the action of voters whether or not a particular candidate or  
365 candidates or a particular ballot measure or measures to be supported or opposed  
366 has been determined at the time the committee is required to file any statement  
367 or report pursuant to the provisions of this chapter. "Continuing committee"  
368 includes, but is not limited to, any committee organized or sponsored by a  
369 business entity, a labor organization, a professional association, a trade or  
370 business association, a club or other organization and whose primary purpose is  
371 to solicit, accept and use contributions from the members, employees or

372 stockholders of such entity and any individual or group of individuals who accept  
373 and use contributions to influence or attempt to influence the action of  
374 voters. Such committee shall be formed no later than sixty days prior to the  
375 election for which the committee receives contributions or makes expenditures;  
376 and

377 (d) "Connected organization", any organization such as a corporation, a  
378 labor organization, a membership organization, a cooperative, or trade or  
379 professional association which expends funds or provides services or facilities to  
380 establish, administer or maintain a committee or to solicit contributions to a  
381 committee from its members, officers, directors, employees or security holders. An  
382 organization shall be deemed to be the connected organization if more than fifty  
383 percent of the persons making contributions to the committee during the current  
384 calendar year are members, officers, directors, employees or security holders of  
385 such organization or their spouses.

386 (7) "Contribution", a payment, gift, loan, advance, deposit, or donation of  
387 money or anything of value for the purpose of supporting or opposing the  
388 nomination or election of any candidate for public office or the qualification,  
389 passage or defeat of any ballot measure, or for the support of any committee  
390 supporting or opposing candidates or ballot measures or for paying debts or  
391 obligations of any candidate or committee previously incurred for the above  
392 purposes. A contribution of anything of value shall be deemed to have a money  
393 value equivalent to the fair market value. "Contribution" includes, but is not  
394 limited to:

395 (a) A candidate's own money or property used in support of the person's  
396 candidacy other than expense of the candidate's food, lodging, travel, and  
397 payment of any fee necessary to the filing for public office;

398 (b) Payment by any person, other than a candidate or committee, to  
399 compensate another person for services rendered to that candidate or committee;

400 (c) Receipts from the sale of goods and services, including the sale of  
401 advertising space in a brochure, booklet, program or pamphlet of a candidate or  
402 committee and the sale of tickets or political merchandise;

403 (d) Receipts from fund-raising events including testimonial affairs;

404 (e) Any loan, guarantee of a loan, cancellation or forgiveness of a loan or  
405 debt or other obligation by a third party, or payment of a loan or debt or other  
406 obligation by a third party if the loan or debt or other obligation was contracted,  
407 used, or intended, in whole or in part, for use in an election campaign or used or

408 intended for the payment of such debts or obligations of a candidate or committee  
409 previously incurred, or which was made or received by a committee;

410 (f) Funds received by a committee which are transferred to such  
411 committee from another committee or other source, except funds received by a  
412 candidate committee as a transfer of funds from another candidate committee  
413 controlled by the same candidate but such transfer shall be included in the  
414 disclosure reports;

415 (g) Facilities, office space or equipment supplied by any person to a  
416 candidate or committee without charge or at reduced charges, except gratuitous  
417 space for meeting purposes which is made available regularly to the public,  
418 including other candidates or committees, on an equal basis for similar purposes  
419 on the same conditions; and

420 (h) The direct or indirect payment by any person, other than a connected  
421 organization, of the costs of establishing, administering, or maintaining a  
422 committee, including legal, accounting and computer services, fund raising and  
423 solicitation of contributions for a committee.

424 (8) "Contribution" does not include:

425 (a) Ordinary home hospitality or services provided without compensation  
426 by individuals volunteering their time in support of or in opposition to a  
427 candidate, committee or ballot measure, nor the necessary and ordinary personal  
428 expenses of such volunteers incidental to the performance of voluntary activities,  
429 so long as no compensation is directly or indirectly asked or given;

430 (b) An offer or tender of a contribution which is expressly and  
431 unconditionally rejected and returned to the donor within ten business days after  
432 receipt or transmitted to the state treasurer;

433 (c) Interest earned on deposit of committee funds; or

434 (d) The costs incurred by any connected organization listed pursuant to  
435 subdivision (4) of subsection 5 of section 130.021, RSMo, as amended from time  
436 to time, for establishing, administering or maintaining a committee, or for the  
437 solicitation of contributions to a committee which solicitation is solely directed or  
438 related to the members, officers, directors, employees or security holders of the  
439 connected organization.

440 (9) "County", any one of the several counties of this state or the City of St.  
441 Louis.

442 (10) "Disclosure report", an itemized report of receipts, expenditures and  
443 incurred indebtedness which is prepared on forms approved by the Missouri

444 ethics commission and filed at the times and places prescribed.

445 (11) "Election", any primary, general or special election held to nominate  
446 or elect an individual to public office, to retain or recall an elected officeholder or  
447 to submit a ballot measure to the voters, and any caucus or other meeting of a  
448 political party or a political party committee at which that party's candidate or  
449 candidates for public office are officially selected. A primary election and the  
450 succeeding general election shall be considered separate elections.

451 (12) "Expenditure", a payment, advance, conveyance, deposit, donation or  
452 contribution of money or anything of value for the purpose of supporting or  
453 opposing the nomination or election of any candidate for public office or the  
454 qualification or passage of any ballot measure or for the support of any committee  
455 which in turn supports or opposes any candidate or ballot measure or for the  
456 purpose of paying a previously incurred campaign debt or obligation of a  
457 candidate or the debts or obligations of a committee; a payment, or an agreement  
458 or promise to pay, money or anything of value, including a candidate's own money  
459 or property, for the purchase of goods, services, property, facilities or anything of  
460 value for the purpose of supporting or opposing the nomination or election of any  
461 candidate for public office or the qualification or passage of any ballot measure  
462 or for the support of any committee which in turn supports or opposes any  
463 candidate or ballot measure or for the purpose of paying a previously incurred  
464 campaign debt or obligation of a candidate or the debts or obligations of a  
465 committee. An expenditure of anything of value shall be deemed to have a money  
466 value equivalent to the fair market value. "Expenditure" includes, but is not  
467 limited to:

468 (a) Payment by anyone other than a committee for services of another  
469 person rendered to such committee;

470 (b) The purchase of tickets, goods, services or political merchandise in  
471 connection with any testimonial affair or fund-raising event of or for candidates  
472 or committees, or the purchase of advertising in a brochure, booklet, program or  
473 pamphlet of a candidate or committee;

474 (c) The transfer of funds by one committee to another committee; and

475 (d) The direct or indirect payment by any person, other than a connected  
476 organization for a committee, of the costs of establishing, administering or  
477 maintaining a committee, including legal, accounting and computer services, fund  
478 raising and solicitation of contributions for a committee.

479 (13) "Expenditure" does not include:

480 (a) Any news story, commentary or editorial which is broadcast or  
481 published by any broadcasting station, newspaper, magazine or other periodical  
482 without charge to the candidate or to any person supporting or opposing a  
483 candidate or ballot measure;

484 (b) The internal dissemination by any membership organization,  
485 proprietorship, labor organization, corporation, association or other entity of  
486 information advocating the election or defeat of a candidate or candidates or the  
487 passage or defeat of a ballot measure or measures to its directors, officers,  
488 members, employees or security holders, provided that the cost incurred is  
489 reported pursuant to subsection 2 of section 130.051, RSMo, as amended from  
490 time to time;

491 (c) Repayment of a loan, but such repayment shall be indicated in  
492 required reports;

493 (d) The rendering of voluntary personal services by an individual of the  
494 sort commonly performed by volunteer campaign workers and the payment by  
495 such individual of the individual's necessary and ordinary personal expenses  
496 incidental to such volunteer activity, provided no compensation is, directly or  
497 indirectly, asked or given;

498 (e) The costs incurred by any connected organization listed pursuant to  
499 subdivision (4) of subsection 5 of section 130.021, RSMo, as amended from time  
500 to time, for establishing, administering or maintaining a committee, or for the  
501 solicitation of contributions to a committee which solicitation is solely directed or  
502 related to the members, officers, directors, employees or security holders of the  
503 connected organization; or

504 (f) The use of a candidate's own money or property for expense of the  
505 candidate's personal food, lodging, travel, and payment of any fee necessary to the  
506 filing for public office, if such expense is not reimbursed to the candidate from  
507 any source.

508 (14) "Exploratory committees", a committee which shall be formed by an  
509 individual to receive contributions and make expenditures on behalf of this  
510 individual in determining whether or not the individual seeks elective  
511 office. Such committee shall terminate no later than December thirty-first of the  
512 year prior to the general election for the possible office.

513 (15) "Fund-raising event", an event such as a dinner, luncheon, reception,  
514 coffee, testimonial, rally, auction or similar affair through which contributions are  
515 solicited or received by such means as the purchase of tickets, payment of

516 attendance fees, donations for prizes or through the purchase of goods, services  
517 or political merchandise.

518 (16) "In-kind contribution" or "in-kind expenditure", a contribution or  
519 expenditure in a form other than money.

520 (17) "Labor organization", any organization of any kind, or any agency or  
521 employee representation committee or plan, in which employees participate and  
522 which exists for the purpose, in whole or in part, of dealing with employers  
523 concerning grievances, labor disputes, wages, rates of pay, hours of employment,  
524 or conditions of work.

525 (18) "Loan", a transfer of money, property or anything of ascertainable  
526 monetary value in exchange for an obligation, conditional or not, to repay in  
527 whole or in part and which was contracted, used, or intended for use in an  
528 election campaign, or which was made or received by a committee or which was  
529 contracted, used, or intended to pay previously incurred campaign debts or  
530 obligations of a candidate or the debts or obligations of a committee.

531 (19) "Person", an individual, group of individuals, corporation,  
532 partnership, committee, proprietorship, joint venture, any department, agency,  
533 board, institution or other entity of the state or any of its political subdivisions,  
534 [union,] labor organization, trade or professional or business association,  
535 association, political party or any executive committee thereof, or any other club  
536 or organization however constituted or any officer or employee of such entity  
537 acting in the person's official capacity.

538 (20) ["Political action committee", a committee of continuing existence  
539 which is not formed, controlled or directed by a candidate, and is a committee  
540 other than a candidate committee, political party committee, campaign committee,  
541 exploratory committee, or debt service committee, whose primary or incidental  
542 purpose is to receive contributions or make expenditures to influence or attempt  
543 to influence the action of voters whether or not a particular candidate or  
544 candidates or a particular ballot measure or measures to be supported or opposed  
545 has been determined at the time the committee is required to file any statement  
546 or report pursuant to the provisions of this chapter. Such a committee includes,  
547 but is not limited to, any committee organized or sponsored by a business entity,  
548 a labor organization, a professional association, a trade or business association,  
549 a club or other organization and whose primary purpose is to solicit, accept and  
550 use contributions from the members, employees or stockholders of such entity and  
551 any individual or group of individuals who accept and use contributions to



552 influence or attempt to influence the action of voters. Such committee shall be  
553 formed no later than sixty days prior to the election for which the committee  
554 receives contributions or makes expenditures.

555       (21)] "Political merchandise", goods such as bumper stickers, pins, hats,  
556 ties, jewelry, literature, or other items sold or distributed at a fund-raising event  
557 or to the general public for publicity or for the purpose of raising funds to be used  
558 in supporting or opposing a candidate for nomination or election or in supporting  
559 or opposing the qualification, passage or defeat of a ballot measure.

560       [(22)] (21) "Political party", a political party which has the right under  
561 law to have the names of its candidates listed on the ballot in a general election.

562       [(23)] (22) "Political party committee", a state, district, county, city, or  
563 area committee of a political party, [as defined in section 115.603, RSMo,] as  
564 amended from time to time, which may be organized as a not-for-profit  
565 corporation under Missouri law, and which committee is of continuing existence,  
566 and has the primary or incidental purpose of receiving contributions and making  
567 expenditures to influence or attempt to influence the action of voters on behalf  
568 of the political party.

569       [(24)] (23) "Public office" or "office", any state, judicial, county,  
570 municipal, school or other district, ward, township, or other political subdivision  
571 office or any political party office which is filled by a vote of registered voters.

572       [(25)] (24) "Write-in candidate", an individual whose name is not printed  
573 on the ballot but who otherwise meets the definition of candidate [in subdivision  
574 (2) of this section].

575       8. The provisions of this section are self-executing. All of the provisions  
576 of this section are severable. If any provision of this section is found by a court  
577 of competent jurisdiction to be unconstitutional or unconstitutionally enacted, the  
578 remaining provisions of this section shall be and remain valid.

**Section 24. 1. Any nonprofit organization exempt from taxation**  
2 **under section 501(c)4 of the Internal Revenue Code of 1986, as**  
3 **amended, that makes an expenditure in excess of one hundred dollars**  
4 **for the purpose of a communication that is in the form of radio,**  
5 **television, cable, or satellite broadcast, printed material, telephone**  
6 **communication, or paid internet advertising, and that includes the**  
7 **name, likeness, or voice of or otherwise clearly identifies any Missouri**  
8 **resident shall file a report with the commission setting forth the**  
9 **following:**

10 (1) The total amount of all anonymous contributions accepted;

11 (2) The total amount of all monetary contributions received  
12 through fund-raising events or activities from participants whose  
13 names and addresses were not obtained with such contributions, with  
14 an attached statement or copy of the statement describing each  
15 fund-raising event;

16 (3) The total dollar value of all in-kind contributions received;  
17 and

18 (4) A separate listing by name and address and employer, or  
19 occupation if self-employed or notation of retirement, of each person  
20 from whom the committee received contributions, in money or any  
21 other thing of value together with the date and amount of each such  
22 contribution.

23 2. The report required by subsection 1 of this section shall be  
24 filed with the commission not later than forty-eight hours after making  
25 the expenditure.

26 3. The expenditure threshold described in subsection 1 of this  
27 section shall be increased on the first day of January in each  
28 even-numbered year by multiplying the base year amount by the  
29 consumer price index, as defined in section 104.010 and rounded to the  
30 nearest twenty-five-dollar amount. For purposes of this subsection  
31 "base year amount" shall be the expenditure threshold prescribed in  
32 this section on January 1, 2020.

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