

SECOND REGULAR SESSION

# SENATE BILL NO. 1452

102ND GENERAL ASSEMBLY

INTRODUCED BY SENATOR MOON.

5882S.011

KRISTINA MARTIN, Secretary

## AN ACT

To repeal section 130.041, RSMo, and to enact in lieu thereof one new section relating to disclosure of political consultant services in connection with political campaigns, with penalty provisions.

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

Section A. Section 130.041, RSMo, is repealed and one new  
2 section enacted in lieu thereof, to be known as section 130.041,  
3 to read as follows:

130.041. 1. Except as provided in subsection 5 of  
2 section 130.016, the candidate, if applicable, treasurer or  
3 deputy treasurer of every committee which is required to  
4 file a statement of organization, shall file a legibly  
5 printed or typed disclosure report of receipts and  
6 expenditures. The reports shall be filed with the  
7 appropriate officer designated in section 130.026 at the  
8 times and for the periods prescribed in section 130.046.  
9 Except as provided in sections 130.049 and 130.050, each  
10 report shall set forth:

11 (1) The full name, as required in the statement of  
12 organization pursuant to subsection 5 of section 130.021,  
13 and mailing address of the committee filing the report and  
14 the full name, mailing address and telephone number of the  
15 committee's treasurer and deputy treasurer if the committee  
16 has named a deputy treasurer;

17           (2) The amount of money, including cash on hand at the  
18 beginning of the reporting period;

19           (3) Receipts for the period, including:

20           (a) Total amount of all monetary contributions  
21 received which can be identified in the committee's records  
22 by name and address of each contributor. In addition, the  
23 candidate committee shall make a reasonable effort to obtain  
24 and report the employer, or occupation if self-employed or  
25 notation of retirement, of each person from whom the  
26 committee received one or more contributions which in the  
27 aggregate total in excess of one hundred dollars and shall  
28 make a reasonable effort to obtain and report a description  
29 of any contractual relationship over five hundred dollars  
30 between the contributor and the state if the candidate is  
31 seeking election to a state office or between the  
32 contributor and any political subdivision of the state if  
33 the candidate is seeking election to another political  
34 subdivision of the state;

35           (b) Total amount of all anonymous contributions  
36 accepted;

37           (c) Total amount of all monetary contributions  
38 received through fund-raising events or activities from  
39 participants whose names and addresses were not obtained  
40 with such contributions, with an attached statement or copy  
41 of the statement describing each fund-raising event as  
42 required in subsection 6 of section 130.031;

43           (d) Total dollar value of all in-kind contributions  
44 received;

45           (e) A separate listing by name and address and  
46 employer, or occupation if self-employed or notation of  
47 retirement, of each person from whom the committee received  
48 contributions, in money or any other thing of value,

49 aggregating more than one hundred dollars, together with the  
50 date and amount of each such contribution;

51 (f) A listing of each loan received by name and  
52 address of the lender and date and amount of the loan. For  
53 each loan of more than one hundred dollars, a separate  
54 statement shall be attached setting forth the name and  
55 address of the lender and each person liable directly,  
56 indirectly or contingently, and the date, amount and terms  
57 of the loan;

58 (4) Expenditures for the period, including:

59 (a) The total dollar amount of expenditures made by  
60 check drawn on the committee's depository;

61 (b) The total dollar amount of expenditures made in  
62 cash;

63 (c) The total dollar value of all in-kind expenditures  
64 made;

65 (d) The full name and mailing address of each person  
66 to whom an expenditure of money or any other thing of value  
67 in the amount of more than one hundred dollars has been  
68 made, contracted for or incurred, together with the date,  
69 amount and purpose of each expenditure. Expenditures of one  
70 hundred dollars or less may be grouped and listed by  
71 categories of expenditure showing the total dollar amount of  
72 expenditures in each category, except that the report shall  
73 contain an itemized listing of each payment made to campaign  
74 workers by name, address, date, amount and purpose of each  
75 payment and the aggregate amount paid to each such worker;

76 (e) **The total dollar amount of expenditures made for**  
77 **the purpose of procuring political consulting services, with**  
78 **the amount paid to each individual consultant itemized,**  
79 **provided that if the expenditures were paid to an entity**  
80 **that is not a natural person, the name of the natural person**

81 **whose services have been retained shall be listed in**  
82 **addition to the entity that was paid;**

83 (f) A list of each loan made, by name and mailing  
84 address of the person receiving the loan, together with the  
85 amount, terms and date;

86 (5) The total amount of cash on hand as of the closing  
87 date of the reporting period covered, including amounts in  
88 depository accounts and in petty cash fund;

89 (6) The total amount of outstanding indebtedness as of  
90 the closing date of the reporting period covered;

91 (7) The amount of expenditures for or against a  
92 candidate or ballot measure during the period covered and  
93 the cumulative amount of expenditures for or against that  
94 candidate or ballot measure, with each candidate being  
95 listed by name, mailing address and office sought. For the  
96 purpose of disclosure reports, expenditures made in support  
97 of more than one candidate or ballot measure or both shall  
98 be apportioned reasonably among the candidates or ballot  
99 measure or both. In apportioning expenditures to each  
100 candidate or ballot measure, political party committees and  
101 continuing committees need not include expenditures for  
102 maintaining a permanent office, such as expenditures for  
103 salaries of regular staff, office facilities and equipment  
104 or other expenditures not designed to support or oppose any  
105 particular candidates or ballot measures; however, all such  
106 expenditures shall be listed pursuant to subdivision (4) of  
107 this subsection;

108 (8) A separate listing by full name and address of any  
109 committee including a candidate committee controlled by the  
110 same candidate for which a transfer of funds or a  
111 contribution in any amount has been made during the

112 reporting period, together with the date and amount of each  
113 such transfer or contribution;

114 (9) A separate listing by full name and address of any  
115 committee, including a candidate committee controlled by the  
116 same candidate from which a transfer of funds or a  
117 contribution in any amount has been received during the  
118 reporting period, together with the date and amount of each  
119 such transfer or contribution;

120 (10) Each committee that receives a contribution which  
121 is restricted or designated in whole or in part by the  
122 contributor for transfer to a particular candidate,  
123 committee or other person shall include a statement of the  
124 name and address of that contributor in the next disclosure  
125 report required to be filed after receipt of such  
126 contribution, together with the date and amount of any such  
127 contribution which was so restricted or designated by that  
128 contributor, together with the name of the particular  
129 candidate or committee to whom such contribution was so  
130 designated or restricted by that contributor and the date  
131 and amount of such contribution.

132 2. For the purpose of this section and any other  
133 section in this chapter except sections 130.049 and 130.050  
134 which requires a listing of each contributor who has  
135 contributed a specified amount, the aggregate amount shall  
136 be computed by adding all contributions received from any  
137 one person during the following periods:

138 (1) In the case of a candidate committee, the period  
139 shall begin on the date on which the candidate became a  
140 candidate according to the definition of the term  
141 "candidate" in section 130.011 and end at 11:59 p.m. on the  
142 day of the primary election, if the candidate has such an  
143 election or at 11:59 p.m. on the day of the general

144 election. If the candidate has a general election held  
145 after a primary election, the next aggregating period shall  
146 begin at 12:00 midnight on the day after the primary  
147 election day and shall close at 11:59 p.m. on the day of the  
148 general election. Except that for contributions received  
149 during the thirty-day period immediately following a primary  
150 election, the candidate shall designate whether such  
151 contribution is received as a primary election contribution  
152 or a general election contribution;

153 (2) In the case of a campaign committee, the period  
154 shall begin on the date the committee received its first  
155 contribution and end on the closing date for the period for  
156 which the report or statement is required;

157 (3) In the case of a political party committee or a  
158 continuing committee, the period shall begin on the first  
159 day of January of the year in which the report or statement  
160 is being filed and end on the closing date for the period  
161 for which the report or statement is required; except, if  
162 the report or statement is required to be filed prior to the  
163 first day of July in any given year, the period shall begin  
164 on the first day of July of the preceding year.

165 3. The disclosure report shall be signed and attested  
166 by the committee treasurer or deputy treasurer and by the  
167 candidate in case of a candidate committee.

168 4. The words "consulting or consulting services, fees,  
169 or expenses", or similar words, shall not be used to  
170 describe the purpose of a payment as required in this  
171 section. The reporting of any payment to such an  
172 independent contractor shall be on a form supplied by the  
173 appropriate officer, established by the ethics commission  
174 and shall include identification of the specific service or  
175 services provided including, but not limited to, public

176 opinion polling, research on issues or opposition  
177 background, print or broadcast media production, print or  
178 broadcast media purchase, computer programming or data  
179 entry, direct mail production, postage, rent, utilities,  
180 phone solicitation, or fund raising, and the dollar amount  
181 prorated for each service.

182       **5. (1) If a committee hires, retains, employs, or**  
183 **otherwise receives the services of a person who is a**  
184 **political consultant who has been convicted of a state or**  
185 **federal felony, the treasurer of such committee shall file**  
186 **with the Missouri ethics commission an affidavit declaring**  
187 **that the committee has knowingly hired, retained, employed,**  
188 **or otherwise received the services of such person. The**  
189 **Missouri ethics commission shall create a form for such**  
190 **affidavit, which shall include, at minimum, the following**  
191 **information with respect to the political consultant:**

- 192       **(a) Name;**  
193       **(b) Address;**  
194       **(c) Employer or employers;**  
195       **(d) Phone number; and**  
196       **(e) Felony of which the person was convicted.**

197       **(2) Prior to being hired, retained, employed, or**  
198 **otherwise providing services to a committee, any person**  
199 **seeking to provide political consulting services shall**  
200 **disclose to the committee any felony conviction. Failure to**  
201 **disclose such felony conviction is punishable as a class B**  
202 **misdemeanor. The attorney general shall have concurrent**  
203 **jurisdiction with any prosecuting attorney or circuit**  
204 **attorney to prosecute under this section.**

205       **(3) The Missouri ethics commission shall maintain a**  
206 **list of political consultants who have been hired, retained,**  
207 **employed, or otherwise provided services to a committee and**

208 who have been convicted of a state or federal felony. Such  
209 list shall be made publicly available in a searchable format  
210 on the commission's website. The list shall identify the  
211 name of the consultant, the felony for which the person was  
212 convicted, and the date of the conviction.

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