

SENATE COMMITTEE SUBSTITUTE

FOR

HOUSE COMMITTEE SUBSTITUTE

FOR

HOUSE BILL NO. 1788

AN ACT

To repeal sections 105.465 and 130.031, RSMo, and to enact in lieu thereof three new sections relating to campaign finance, with penalty provisions.

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

Section A. Sections 105.465 and 130.031, RSMo, are repealed and three new sections enacted in lieu thereof, to be known as sections 105.465, 130.031, and 130.039, to read as follows:

105.465. 1. Any person who registers as a lobbyist shall dissolve his or her candidate committee. In the course of dissolving such committee, such person shall not disburse moneys from such committee, except for the purpose of:

(1) Returning a contribution made to the candidate committee to the entity responsible for making the contribution to the committee;

(2) Donating moneys to a nonprofit entity qualified as exempt from federal taxation under Section 501(c)(3) of the Internal Revenue Code of 1986, as amended; or

(3) Transferring moneys to a political party committee.

2. Notwithstanding subsection 1 of this section to the contrary, no person who registers as a lobbyist shall be prohibited from maintaining a candidate committee designated to seek election to a county, municipal, or school board office, provided such person is not registered to lobby the county, municipality, or school district for which that

person's candidate committee is designated to seek office.
Nothing in this subsection shall prohibit a person from
changing the designated office sought by his or her
candidate committee, provided such person is never
simultaneously registered to lobby the public office for
which such person's committee is designated to seek office.
A candidate committee maintained under this subsection shall
make no expenditures or disbursements except to support the
candidacy of the person maintaining the committee or for any
purpose authorized by subdivisions (1) to (3) of subsection
1 of this section.

3. For purposes of this section, the term "lobbyist" shall have the same meaning given to such term under section 105.470, and the terms "committee", "candidate committee", "contribution", "office", "public office", and "political party committee" shall have the same meanings given to such terms under section 130.011.

130.031. 1. No contribution of cash in an amount of more than one hundred dollars shall be made by or accepted from any single contributor for any election by a continuing committee, a campaign committee, a political party committee, an exploratory committee or a candidate committee.

2. Each expenditure of more than fifty dollars, except an in-kind expenditure, shall be made by check signed by the committee treasurer, deputy treasurer, or candidate or by other electronic means authorized by the treasurer, deputy treasurer, or candidate and drawn on the committee's depository or credit card in the name of the committee and authorized by the treasurer, deputy treasurer, or candidate. A single expenditure of cash shall not exceed fifty dollars, and the aggregate of all expenditures of cash during a calendar year shall not exceed the lesser of five

thousand dollars or ten percent of all expenditures made by the committee during that calendar year.

3. No contribution shall be made or accepted and no expenditure shall be made or incurred, directly or indirectly, in a fictitious name, in the name of another person, or by or through another person in such a manner as to conceal the identity of the actual source of the contribution or the actual recipient and purpose of the expenditure. Any person who receives contributions for a committee shall disclose to that committee's treasurer, deputy treasurer or candidate the recipient's own name and address and the name and address of the actual source of each contribution such person has received for that committee. Any person who makes expenditures for a committee shall disclose to that committee's treasurer, deputy treasurer or candidate such person's own name and address, the name and address of each person to whom an expenditure has been made and the amount and purpose of the expenditures the person has made for that committee.

4. No anonymous contribution of more than twenty-five dollars shall be made by any person, and no anonymous contribution of more than twenty-five dollars shall be accepted by any candidate or committee. If any anonymous contribution of more than twenty-five dollars is received, it shall be returned immediately to the contributor, if the contributor's identity can be ascertained, and if the contributor's identity cannot be ascertained, the candidate, committee treasurer or deputy treasurer shall immediately transmit that portion of the contribution which exceeds twenty-five dollars to the state treasurer and it shall escheat to the state.

5. The maximum aggregate amount of anonymous contributions which shall be accepted in any calendar year

by any committee shall be the greater of five hundred dollars or one percent of the aggregate amount of all contributions received by that committee in the same calendar year. If any anonymous contribution is received which causes the aggregate total of anonymous contributions to exceed the foregoing limitation, it shall be returned immediately to the contributor, if the contributor's identity can be ascertained, and, if the contributor's identity cannot be ascertained, the committee treasurer, deputy treasurer or candidate shall immediately transmit the anonymous contribution to the state treasurer to escheat to the state.

6. Notwithstanding the provisions of subsection 5 of this section, contributions from individuals whose names and addresses cannot be ascertained which are received from a fund-raising activity or event, such as defined in section 130.011, shall not be deemed anonymous contributions, provided the following conditions are met:

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

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

(3) The person responsible for conducting the activity or event does not knowingly accept payment from any single person of more than one hundred dollars unless the name and address of the person making such payment is obtained and recorded pursuant to the record-keeping requirements of section 130.036;

(4) A statement describing the event shall be prepared by the candidate or the treasurer of the committee for whom the funds were raised or by the person responsible for conducting the activity or event and attached to the disclosure report of contributions and expenditures required by section 130.041. The following information to be listed in the statement is in addition to, not in lieu of, the requirements elsewhere in this chapter relating to the recording and reporting of contributions and expenditures:

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

(b) The date on which the event occurred;

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

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

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

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

(g) The total dollar amount of contributions received from contributing participants in the event who are identified by name and address in the records required to be maintained pursuant to section 130.036.

7. No candidate or committee in this state shall accept contributions from any out-of-state committee unless the out-of-state committee from whom the contributions are

received has filed a statement of organization pursuant to section 130.021 or has filed the reports required by sections 130.049 and 130.050, whichever is applicable to that committee.

8. Any person publishing, circulating, or distributing any printed matter relative to any candidate for public office or any ballot measure shall on the face of the printed matter identify in a clear and conspicuous manner the person who paid for the printed matter with the words "Paid for by" followed by the proper identification of the sponsor pursuant to this section. For the purposes of this section, "printed matter" shall be defined to include any pamphlet, circular, handbill, sample ballot, advertisement, including advertisements in any newspaper or other periodical, sign, including signs for display on motor vehicles, or other imprinted or lettered material; but printed matter is defined to exclude materials printed and purchased prior to May 20, 1982, if the candidate or committee can document that delivery took place prior to May 20, 1982; any sign personally printed and constructed by an individual without compensation from any other person and displayed at that individual's place of residence or on that individual's personal motor vehicle; any items of personal use given away or sold, such as campaign buttons, pins, pens, pencils, book matches, campaign jewelry, or clothing, which is paid for by a candidate or committee which supports a candidate or supports or opposes a ballot measure and which is obvious in its identification with a specific candidate or committee and is reported as required by this chapter; and any news story, commentary, or editorial printed by a regularly published newspaper or other periodical without charge to a candidate, committee or any other person.

(1) In regard to any printed matter paid for by a candidate from the candidate's personal funds, it shall be sufficient identification to print the first and last name by which the candidate is known.

(2) In regard to any printed matter paid for by a committee, it shall be sufficient identification to print the name of the committee as required to be registered by subsection 5 of section 130.021 and the name and title of the committee treasurer who was serving when the printed matter was paid for.

(3) In regard to any printed matter paid for by a corporation or other business entity, labor organization, or any other organization not defined to be a committee by subdivision (7) of section 130.011 and not organized especially for influencing one or more elections, it shall be sufficient identification to print the name of the entity, the name of the principal officer of the entity, by whatever title known, and the mailing address of the entity, or if the entity has no mailing address, the mailing address of the principal officer.

(4) In regard to any printed matter paid for by an individual or individuals, it shall be sufficient identification to print the name of the individual or individuals and the respective mailing address or addresses, except that if more than five individuals join in paying for printed matter it shall be sufficient identification to print the words "For a list of other sponsors contact:" followed by the name and address of one such individual responsible for causing the matter to be printed, and the individual identified shall maintain a record of the names and amounts paid by other individuals and shall make such record available for review upon the request of any person. No person shall accept for publication or printing nor shall

such work be completed until the printed matter is properly identified as required by this subsection.

9. Any broadcast station transmitting any matter relative to any candidate for public office or ballot measure as defined by this chapter shall identify the sponsor of such matter as required by federal law.

10. The provisions of subsection 8 or 9 of this section shall not apply to candidates for elective federal office, provided that persons causing matter to be printed or broadcast concerning such candidacies shall comply with the requirements of federal law for identification of the sponsor or sponsors.

11. It shall be a violation of this chapter for any person required to be identified as paying for printed matter pursuant to subsection 8 of this section or paying for broadcast matter pursuant to subsection 9 of this section to refuse to provide the information required or to purposely provide false, misleading, or incomplete information.

12. It shall be a violation of this chapter for any committee to offer chances to win prizes or money to persons to encourage such persons to endorse, send election material by mail, deliver election material in person or contact persons at their homes; except that, the provisions of this subsection shall not be construed to prohibit hiring and paying a campaign staff.

13. All solicitations shall state, in a clear and conspicuous manner, the continuing committee, campaign committee, political party committee, exploratory committee, or candidate committee that will benefit from any funds received as a result of the solicitation. The solicitation shall also indicate what percentage of the donation will be

received by the committee and any business, corporation, or other entity that will receive any part of the contribution.

14. (1) A committee soliciting a recurring contribution for an expenditure or printed or broadcast matter may accept the recurring contribution only if the contributor gives affirmative consent for the recurring contribution. The passive action of a contributor, including but not limited to failing to uncheck a prechecked box authorizing a recurring contribution, shall not constitute affirmative consent.

(2) If a contributor affirmatively consents to making a recurring contribution, the committee soliciting the recurring contribution shall:

(a) Provide a receipt to the contributor for each contribution that clearly and conspicuously discloses:

- a. The frequency of the recurring contributions;
- b. The duration of the recurring contributions; and
- c. All information needed to cancel recurring contributions; and

(b) At the request of the contributor, terminate any future scheduled deductions prior to the next scheduled deduction date.

(3) A committee that solicits and receives a contribution in violation of this section shall return the contribution to the contributor immediately after receiving the contribution. The amount of any contribution received in violation of this section is an outstanding obligation of the committee that solicited and received the contribution until the contribution is repaid to the contributor.

(4) The Missouri ethics commission may impose a civil penalty on committees violating this subsection of up to one hundred times the amount of the contribution received in violation of this subsection.

(5) Recurring contributions made under this subsection to support or oppose a candidate or ballot measure shall automatically end after the election at which the candidate or measure appeared on the ballot, except that recurring contributions made to any candidate who wins a primary election may continue until the general election.

130.039. A candidate for a state office shall not make contributions to his or her own candidate committee in excess of the contribution limitation applicable to the elective office sought pursuant to the Missouri Constitution or statute, whichever is applicable.