

SECOND REGULAR SESSION

# SENATE BILL NO. 779

89TH GENERAL ASSEMBLY

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INTRODUCED BY SENATORS JACOB, McKENNA, SCHNEIDER AND DePASCO.

Read 1st time January 20, 1998, and 1,000 copies ordered printed.

TERRY L. SPIELER, Secretary.

S3308.011

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## AN ACT

Relating to financing of certain election campaigns, with penalty provisions.

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

**Section 1. As used in sections 1 to 21 of this act, the following terms mean:**

- (1) "Commission", the Missouri ethics commission;
- (2) "Excess expenditure", money spent by a nonparticipating candidate in excess of the public funding amount available to a participating candidate;
- (3) "Excess qualifying contributions", qualifying contributions accepted by a candidate beyond the number or dollar amount of contributions required to qualify a candidate for public funding;
- (4) "Exploratory period", the period that begins after the date of a general election and ends at the beginning of the public funding qualifying period for the subsequent election for the same office;
- (5) "Fair election credit card", a credit card issued by the state treasurer in accordance with subsection 2 of section 15 of this act entitling a candidate and designated members of the candidate's staff to draw money from a commission account to pay all campaign costs and expenses;
- (6) "Full home address", the principal place of residence, including a street number and name or post office box, city, state, and zip code. Such term shall not mean an individual's business address, vacation home address, rental property address or any address not the principal residence of the person;
- (7) "Full name", full first name, middle name or initial, if any, and full legal last name, making the identify of the person apparent by unambiguous reference;
- (8) "General election campaign period", the period beginning the day after the primary or runoff election and ending on the day of the general election;

**(9) "Immediate family", the candidate's spouse and children;**

**(10) "Independent expenditure", an expenditure by a person directly or indirectly advocating the election or defeat of a clearly identified candidate which is made without co-operation or consultation with any candidate, or any authorized committee or agent of a candidate, and which is not made in concert with, or at the request or suggestion of, any candidate, or any authorized committee or agent of a candidate;**

**(11) "Mass mailing", mailing of newsletters, pamphlets, brochures or other similar items of more than one hundred pieces in which the content of the matter mailed is substantially identical. "Mass mailing" does not include a mailing made in direct response to communication from a person to whom the matter is mailed, mailing to federal, state, or local government officials, and news releases to the communications media;**

**(12) "Nonparticipating candidate", a candidate who chooses to run in an election subject to the provisions of this act using campaign contributions raised from private sources, or who otherwise is ineligible or fails to qualify for public funding under sections 1 to 21 of this act;**

**(13) "Participating candidate", a candidate who qualifies for public funding by collecting the required number of qualifying contributions, making all required reports and disclosures, and being certified as being in compliance with the provisions of sections 1 to 21 of this act;**

**(14) "Personal funds", funds contributed by a candidate or a member of the candidate's immediate family;**

**(15) "Primary election campaign period", the period beginning thirty days after filing for the pertinent office closes and ending on the day of the primary election;**

**(16) "Principal place of employment", the primary organization or employer from which an individual derives his or her principal income, including the employer's official name and post office address. The employer's post office address shall include street number and name or post office box, city, state and zip code;**

**(17) "Public funding qualifying period", the period prior to the primary election campaign period during which candidates may collect qualifying contributions in order to qualify for public funding. The period begins on the first day of January of an election year and ends with the start of the primary election campaign period;**

**(18) "Qualifying contribution", a contribution of five dollars made during the designated public funding qualifying period by a voter registered within the candidate's district, in the case of a candidate for state senator or state representative, or voter registered in Missouri, in the case of a candidate for statewide office, and acknowledged by written receipt identifying the contributor;**

**(19) "Seed money contribution", a contribution of no more than one hundred**

dollars, made during the exploratory period or the public funding qualifying period, by a voter registered in Missouri, or of personal funds within the limits set forth in section 7 of this act.

**Section 2. 1. Before a candidate for a political party's nomination for office in the primary election may be certified as a participating candidate for public funding for the primary, the candidate must apply to the commission for public funding for the primary and file a sworn statement that the candidate has complied and will comply with all requirements of sections 1 to 21 of this act throughout the applicable election cycle, which includes the primary and general elections for that office. Filing for certification shall be made prior to the first day of the primary election campaign period.**

**2. A candidate shall be certified by the commission as a participating candidate for receipt of full public funding for the primary election if the candidate complies with subsection 1 of this section and meets the following qualifying contribution requirements before the close of the public funding qualifying period:**

**(1) Two hundred qualifying contributions in the case of a candidate for state representative;**

**(2) Five hundred qualifying contributions in the case of a candidate for state senator;**

**(3) Two hundred and fifty qualifying contributions in each of six congressional districts in the case of a candidate for a statewide elected office other than governor;**

**(4) Five hundred qualifying contributions in each of six congressional districts in the case of a candidate for governor.**

**3. Each qualifying contribution shall be acknowledged by a receipt listing the contributor's full name and full home address. The candidate shall present each contributor with a copy of the receipt, and shall retain a copy of each receipt for presentation to the commission in compliance with subsection 1 of section 9 of this act.**

**4. The commission shall determine a candidate's compliance with the requirements of subsections 2 and 3 of this section by utilizing such verification techniques, including the use of sampling techniques, as the commission deems appropriate.**

**5. Qualifying contributions and excess qualifying contributions may be retained and spent as seed money contributions under the terms and limitations in section 8 of this act.**

**6. No candidate or person acting on behalf of a candidate may solicit or accept qualifying contributions unless the candidate has first registered with the commission as seeking to qualify for public funding.**

**Section 3. 1. Before a political party candidate may be certified as eligible for**

**full or proportional public funding for the general election, the candidate shall apply to the commission for public funding for the general election, and file a sworn statement that the candidate has fulfilled all the requirements of sections 1 to 21 of this act in the primary election and will comply with such requirements for the general election. Filing for certification shall be made not later than two days after the date of the primary election.**

**2. A political party candidate shall be certified by the commission as a participating candidate for receipt of full public funding for the general election if the candidate complies with subsection 1 of this section and meets the following requirements:**

**(1) (a) The candidate was a participating candidate during the primary election, and won the party's nomination; or**

**(b) The candidate has been selected by the party nominating committee as a party candidate in compliance with section 115.363, RSMo; and**

**(2) The candidate's party meets at least one of the following qualifications:**

**(a) In the most recent primary election for the office sought, the combined vote received by all candidates for that party's nomination for that office was not less than fifteen percent of the total votes cast for the candidates of all parties for that office; or**

**(b) In the previous general election, the nominee of that party for the office sought received the greatest or second greatest number of votes cast or at least fifteen percent of the total votes cast for all candidates for that office.**

**3. A party candidate shall be certified by the commission as a participating candidate for receipt of proportional public funding for the general election if the candidate complies with subsection 1 of this section and meets the following requirements:**

**(1) The candidate does not qualify for full public funding under subsection 2 of this section; and**

**(2) (a) The candidate was a participating candidate during the primary election, and won the party's nomination; or**

**(b) The candidate has been selected by the party nominating committee as a party candidate in compliance with section 115.363, RSMo; and**

**(3) The candidate's party meets at least one of the following qualifications:**

**(a) In the most recent primary election for the office sought, the combined vote received by all candidates for that party's nomination for that office was more than five percent but less than fifteen percent of the total vote cast for all candidates for that office; or**

**(b) In the previous general election, the nominee of that party for the office sought received more than five percent but less than fifteen percent of the total vote**

cast for all candidates for that office.

**Section 4. 1. An independent candidate shall receive public funding for the general election if such candidate raises one hundred fifty percent of the number of qualifying contributions required for a candidate running in a party primary for the office sought.**

**2. An independent candidate who qualifies for public funding on the basis of qualifying contributions shall receive that candidate's line of credit for total public funding in the general election on the first day of the primary election campaign period, or when qualified, whichever occurs later.**

**3. The qualifying contributions of an independent candidate must be raised between the beginning of the public funding qualifying period and the date thirty days after the filing deadline for independent candidates.**

**Section 5. A participating candidate who accepts any benefits under sections 1 to 21 of this act during the primary election must comply with all requirements of sections 1 to 21 of this act throughout the general election during the same election cycle. A participating candidate who accepts benefits during a primary may not elect to accept private contributions in violation of sections 1 to 21 of this act during the corresponding general election.**

**Section 6. 1. A participating candidate may not accept private contributions other than seed money contributions and qualifying contributions during the exploratory period and the public financing qualifying period.**

**2. Each candidate must furnish a complete campaign finance report, including a record of all campaign contributions, all seed money contributions, qualifying contributions and expenditures to the commission on the fifteenth or on the last day of the month which immediately follows receipt of the contribution or expenditure, whichever comes first, except that during January, February and March records need only be furnished on the last day of the month. A candidate must cooperate with any audit or examination by the commission.**

**3. A candidate shall keep a record of any campaign contribution of more than twenty-five dollars, including seed money contributions and qualifying contributions, which must include the full name of the contributor and the contributor's full home address. In addition, if a contributor's aggregate contributions to any candidate for an office subject to the provisions of this act exceed twenty-five dollars for any election cycle, the record also must include the contributor's business or employment and the contributor's principal place of employment.**

**4. In the case of a qualifying contribution, the failure to record or provide complete disclosure information as specified in subsection 3 of this section disqualifies the contribution from counting as a qualifying contribution.**

**5. A candidate or anyone acting on a candidate's behalf may not accept any contribution not complying with the requirements of subsection 3 of this section.**

**6. A candidate may not accept more than twenty-five dollars in cash from any given contributor.**

**Section 7. 1. A participating candidate's personal funds contributed as seed money contributions may not exceed an aggregate amount of five hundred dollars for a state representative election, one thousand dollars for a senate election, and five thousand dollars for an election for statewide office.**

**2. No personal funds may be expended by a qualifying candidate after the close of the public financing qualifying period.**

**3. Personal funds may not be used to meet the qualifying contribution requirement, except that each registered voter may make one five-dollar contribution.**

**Section 8. 1. A participating candidate may accept seed money contributions from any individual, business, association or other organization prior to the end of the public financing qualifying period, so long as the total contributions from one contributor, except personal funds otherwise permitted under sections 1 to 21 of this act, do not exceed one hundred dollars, and the aggregate contributions, including personal funds, do not exceed one thousand dollars for a state representative race, two thousand dollars for a state senate race, five thousand dollars for a statewide race other than governor, and ten thousand dollars for a race for governor.**

**2. Seed money may only be spent during the exploratory period and the public financing qualifying period.**

**3. Full disclosure of seed money contributions as well as expenditures shall be made to the commission in the manner and at the times provided for reporting of other contributions in section 6 of this act.**

**4. In the event that excess qualifying contributions are received on an aggregate basis, such amounts may be retained and spent, with such amounts to be deducted from the candidate's public financing. In no event shall the total amount of qualifying contributions exceed the public financing to which the candidate would be entitled.**

**5. Any seed money and qualifying contributions received by a participating candidate and not spent by the start of the primary period shall be deposited to the democracy trust fund at the beginning of the primary period.**

**Section 9. 1. To apply for public financing, a candidate shall certify to the commission that the candidate has complied and will comply, throughout the applicable election cycle, with all requirements of sections 1 to 21 of this act, that all disclosures required as of the time of application have been made, and shall present evidence of the requisite number of qualifying contributions. The candidate's application for certification shall be signed by the candidate and the candidate's treasurer. Eligibility**

may be revoked if the candidate violates the requirements of sections 1 to 21 of this act, in which case all public funds shall be repaid.

2. The commission's determination shall be subject to prompt judicial review, on an expedited basis, in the Missouri court of appeals.

3. A participating candidate for the primary election shall receive his or her line of credit and fair election credit card promptly after demonstrating eligibility and, in any event, not later than five days after the end of the public financing qualifying period; however, funds may not be spent until the beginning of the primary election campaign period.

4. A participating candidate for a general election shall receive his or her line of credit and fair election credit card promptly after demonstrating eligibility and, in any event, not later than five days after the date of the primary election, except that no candidate for a particular office shall receive funds until all candidates for the office who have requested certification have either been certified or denied certification by the commission.

5. An independent candidate shall receive his or her line of credit for the general election at the same time as party candidates who are competing in the primary election receive their line of credit for the primary election.

Section 10. 1. A candidate who qualifies for public financing in the primary or general election shall receive a line of credit for each election, the amount of which is specified in sections 1 to 21 of this act. This credit can be used to finance any and all proper campaign expenditures during the primary and general election periods, to further the election of the candidate in that particular election. The credit shall not be used to repay any loan, or in violation of sections 1 to 21 of this act or any other applicable law.

2. The primary election campaign public financing amounts for full public financing are:

- (1) For a state representative candidate, fifteen thousand dollars;
- (2) For a state senate candidate, fifty thousand dollars;
- (3) For a candidate for state wide office other than governor, five hundred thousand dollars;
- (4) For a candidate for governor, one million dollars.

3. The general election campaign public financing amounts for full public financing are:

- (1) For a state representative candidate, fifteen thousand dollars;
- (2) For a state senate candidate, fifty thousand dollars;
- (3) For a candidate for statewide office other than governor, five hundred thousand dollars;

**(4) For a candidate for governor, one million dollars.**

**4. If a participating candidate or that candidate's party received at least fifteen percent of all votes for that office in the primary or previous general election, the candidate shall receive the full amount of public funding for that office. If a participating candidate or that candidate's party received less than fifteen percent of the vote, the candidate shall receive a portion of the public funding amount that is equal to the ratio that their vote percentage is to fifteen percent. A candidate who has attempted to qualify for public financing in the primary election and whose party received less than five percent of the vote in the primary election does not qualify for any public financing in the general election.**

**5. A participating candidate running in a primary election where there is no other candidate in any primary for that office, and no opposing independent candidate who has filed to run or raised or spent more than one thousand dollars to seek that office, shall receive twenty-five percent of the public financing benefit.**

**6. A participating candidate running in a general election in which there are no other competing candidates shall receive a credit line valued at twenty-five percent of the public financing benefit.**

**7. Every two years, the commission shall modify the public financing amounts provided for in this section based on the corresponding change in the consumer price index published by the United States Department of Labor.**

**Section 11. 1. In addition to other reports required by law, a nonparticipating candidate who receives, spends, or obligates to spend more than five percent in excess of the primary or general election campaign finance amount applicable to a participating candidate in the same race shall file a report with the commission detailing the total contributions and expenditures to date. Copies of the report shall be mailed by the commission to all candidates in the affected race. If such funds are received, spent or obligated to be spent more than three weeks prior to the date of the election, such reports shall be made at the next regular reporting interval established by sections 1 to 21 of this act. If such funds are received, spent or obligated to be spent within three weeks prior to the date of the election, such reports shall be made within twenty-four hours after each instance in which one thousand dollars of such funds are received, spent or obligated to be spent.**

**2. Upon receipt of such information, the commission shall immediately credit an opposing eligible candidate's account with an additional amount equivalent to the reported excess. These matching credits shall be limited to three times the public financing limit for the applicable office, which shall be in addition to the base amount of public funding otherwise provided.**

**3. The total amount of matching credits awarded to a candidate pursuant to this**



section and to section 12 of this act shall be limited to an amount equaling three times the financing limit for the applicable office.

4. At the end of both the primary and general election campaign periods, excess public funds shall be returned to the democracy trust fund; provided that a candidate may retain and use for campaign expenses an amount equal to five dollars multiplied by the number of qualifying contributions necessary to qualify for the office for which he or she was a candidate, and further provided that any amounts so retained shall be deducted from the amount of public funding to be received by such candidate in the next election cycle. Any funds which are retained in this manner, and remain unexpended, shall be returned to the democracy trust fund at the beginning of the next primary election period. The obligation to return funds shall apply equally to cash, cash equivalents, property, equipment and other assets which are not consumed in their entirety during the campaign.

Section 12. 1. If anyone makes, or becomes obligated to make, by oral or written agreement, an independent expenditure in excess of five hundred dollars in a state representative or state senate race or, one thousand dollars in a statewide office race, such person or entity shall file with the commission a notice of such expenditure or obligations to make such expenditure. Reports of such expenditures or obligations to make such expenditures shall be made on the fifteenth or last day of the month which immediately follows the date of the expenditure or the date of the obligation to make the expenditure, whichever comes first, except that within six weeks or less prior to the date of the election, such reports shall be made within twenty-four hours after each instance in which such an independent expenditure is made or obligated to be made. Additional reports shall be filed after each additional one thousand dollars of expenditures are made or are obligated to be made.

2. When the aggregate independent expenditures against a participating candidate or for the opponents of that same candidate exceed twenty percent of the public financing amount for that office in that election cycle, the commission shall immediately credit that candidate's account with an additional equivalent line of credit, except that these matching credits shall be capped at three times the public financing amount per candidate, which shall be in addition to the base amount of public funding otherwise provided.

Section 13. 1. Notwithstanding the provisions of chapter 130, RSMo, to the contrary, contributions and expenditures made by political parties shall be reported to the commission on a quarterly basis; however, after January first of an election year, they shall be reported on the same basis as a candidate. Reports by parties and all other campaign finance reports required by chapter 130, RSMo, shall be submitted on computer disk as directed by the commission.

**2. No person, committee, organization or other entity shall contribute on an aggregate basis, including dues, fees or other charges, more than five thousand dollars per year to any state or local political party or any of its subdivisions.**

**3. No participating candidate may accept more than the equivalent of five percent of the public financing amount for that office from all political parties.**

**4. For purposes of this section and section 12 of this act, in-kind contributions by a ward, township, city, county or state political party committee made on behalf of a group of the party's candidates shall not be considered an improper party contribution or count against the five percent limit established in subsection 3 of this section, if such group includes at least thirty percent of the candidates whose names will appear on the primary election ballot, or at least fifty percent of the candidates whose names will appear on the general election ballot in the political subdivision represented by the party committee making such in-kind contribution.**

**5. Party contributions reports shall comply with candidate requirements in subsections 2 and 3 of section 6 of this act.**

**Section 14. 1. There is hereby created in the state treasury a special trust fund to be known as the "Democracy Trust Fund", which shall be funded by annual appropriation of the general assembly.**

**2. The democracy trust fund shall be used to provide the public financing benefits provided for in sections 1 to 21 of this act, and for the costs of administering the provisions of sections 1 to 21 of this act. No expenditure shall be made from the democracy trust fund for any purpose other than that authorized by sections 1 to 21 of this act.**

**3. The provisions of section 33.080, RSMo, requiring all unexpended balances remaining in state funds to be transferred and placed to the credit of the ordinary revenue fund at the end of each biennium shall not apply to the democracy trust fund.**

**4. During each election cycle, the commission shall allocate the funds contained in the democracy trust fund among two subfunds:**

**(1) A fund to fund the public funding amounts provided for in section 10 of this act; and**

**(2) A fund to fund the additional matching credits provided for in sections 11 and 12 of this act.**

**5. Notwithstanding any other provision of law to the contrary, in the event that at any time the funds contained within the democracy trust fund are insufficient to fund the full amounts of public funding provided for in sections 1 to 21 of this act, the commission shall proportionately reduce the levels of funding provided to participating candidates and, in that event, a participating candidate shall be permitted to raise campaign funds from private sources in such amounts that the aggregate of the private**

and public funds equals the applicable level of public funding.

**Section 15. 1. The democracy trust fund shall be administered by the state treasurer. The state treasurer may place public funds in one or more accounts with a central banking facility and to contract for the disbursement of funds to eligible candidates with a private credit card company.**

**2. Upon a determination of a candidate's eligibility for public financing as provided for in sections 1 to 21 of this act, the state treasurer shall issue to the eligible candidate a credit card, known as the fair election credit card, entitling the candidate and designated members of the candidate's staff to draw money from a commission account to pay all campaign costs and expenses.**

**3. Neither a participating candidate nor any other person on behalf of a participating candidate may pay campaign costs by cash, check, money order, loan, or by any other financial means except through the use of the fair election credit card, except that cash amounts of one hundred dollars or less may be drawn on the fair election credit card and used to pay expenses of no more than twenty-five dollars each. Records of all such expenditures shall be maintained and reported to the commission.**

**Section 16. 1. Except where sections 1 to 21 of this act specifically provides otherwise, the duties of and authority for administering and enforcing sections 1 to 21 of this act shall be vested in the commission.**

**2. In administering and enforcing sections 1 to 21 of this act, the commission shall have the duties and powers accorded to it pursuant to section 105.955, RSMo.**

**3. In furtherance of the commission's administration and enforcement of sections 1 to 21 of this act, the executive director of the commission shall have and exercise the duties and powers prescribed by section 130.056, RSMo.**

**Section 17. 1. If a participating candidate spends more than the public funds allocated to the candidate for the election in question, the candidate shall be subject to a civil fine of up to ten times the amount by which the expenditures exceeded the applicable limit.**

**2. Any candidate who accepts contributions in excess of the limits imposed by sections 1 to 21 of this act, or by any other applicable law, shall be subject to a civil fine of up to ten times the amount by which the contribution exceeded the applicable limit.**

**3. If the commission finds that there is reason to believe that excess expenditures have been made or excess contributions accepted contrary to the provisions of subsection 1 or 2 of this section, the commission shall attempt for a period of not more than fourteen days after its finding to correct the matter by informal methods of conference and conciliation and to enter a conciliation agreement with the person involved. A conciliation agreement made pursuant to this section shall be a**

**matter of public record. Unless violated, a conciliation agreement shall be a bar to any civil proceeding pursuant to subsection 4 of this section.**

**4. If, within the time prescribed in subsection 3 of this section, the commission is unable to correct by informal methods any matter which constitutes probable cause to believe that excess expenditures have been made or excess contribution accepted contrary to subsection 1 or 2 of this section, the commission, shall make a public finding of probable cause in the matter. After making a public finding, the commission shall bring an action in the circuit court of Cole County or, in the case of a legislative candidate, the circuit court of the county in which the candidate resides, to impose a civil fine as prescribed by the commission pursuant to subsection 1 or 2 of this section. All money recovered pursuant to this section shall be deposited in the democracy trust fund.**

**5. In the event that a registered voter believes that a candidate has violated the provisions of sections 1 to 21 of this act and such registered voter is entitled to vote for or against such candidate in the election at issue, such registered voter may file a complaint with the commission requesting it to take remedial action. If within thirty days after the filing of such a complaint, the commission has refused or failed to take remedial action, such registered voter may initiate and pursue a civil action in the appropriate circuit court to impose the civil fines prescribed in subsection 1 or 2 of this section.**

**6. If the commission believes that a violation of sections 1 to 21 of this act has occurred, and deems such a recommendation appropriate, the commission may make a nonbinding recommendation to the Missouri general assembly as to disciplinary action to be taken in light of the violation, including forfeiture of office.**

**7. If a complaint brought pursuant to subsection 5 of this section is resolved against the complainant, costs, including reasonable attorney's fees, may be assessed against the complainant.**

**Section 18. 1. If a candidate, or other person acting on behalf of a candidate, knowingly accepts more benefits than the candidate is entitled to receive, or spends more than the amount of public campaign funds received, or otherwise misuses the benefits of public financing, such person shall be guilty of a class D felony and may be fined not more than twenty thousand dollars, or imprisoned not more than five years, or both.**

**2. If a candidate receiving public financing, or other person acting on behalf of such a candidate, knowingly pays for goods or services received for campaign expenditures by cash, check, money order, or any other means than the fair election credit card, except as permitted pursuant to subsection 3 of section 15 of this act, such person shall be guilty of a class D felony and may be fined not more than twenty**

thousand dollars, or imprisoned not more than five years, or both.

3. If, in connection with the receipt or expenditure of public financing for an election campaign, any person knowingly provides false information to the commission, or knowingly conceals or withholds information from the commission, such person shall be guilty of a class D felony and may be fined up to twenty thousand dollars, or imprisoned for five years, or both.

4. All prosecutions pursuant to sections 1 to 21 of this act which relate to elections for state senator or state representative shall be conducted by the prosecuting attorney for the county where the violation is alleged to have occurred; except that if such prosecuting attorney refuses to act upon a sworn complaint, or fails to act upon such a complaint within sixty days of the date on which such a complaint is received, the attorney general may then conduct the prosecution pursuant to this section. All prosecutions pursuant to sections 1 to 21 of this act which relate to elections for other offices shall be conducted by the attorney general, except, that if a violation concerns the attorney general or a candidate for such office, the governor may appoint a special prosecutor to conduct the prosecution in behalf of the state. The special prosecutor shall be independent of the attorney general and need not be a state employee at the time of appointment.

Section 19. 1. Any state officeholder who is a candidate for an office covered by the provisions of this act and who uses state funds to do a mass mailing after the first day of June in an election year, must declare his or her intent to do so by the first day of May of that year. Any such mailing must be completed by the first day of July of that year.

2. Any participating candidate for the same office who is of the same political party as the candidate sending out such a mailing shall be entitled to receive additional credit equal to the cost of state expenditures for that mailing. A participating candidate shall make application for such a credit to the commission by the fifteenth day of May of that year.

3. Additional credit awarded to a participating candidate pursuant to this section must be used to fund a mailing which:

(1) Does not explicitly call upon the recipient of the mailing to vote for the participating candidate;

(2) Does not mention the participating candidate's opponent or opponents by name.

4. All mailings funded by additional credits awarded pursuant to this section shall be reviewed and approved by the commission for compliance with the requirements of this section in advance of the mailing, and must be completed by the first day of August that year.

**Section 20. A candidate who is a nonparticipating candidate, either by choice or failure to qualify, may raise unlimited amounts of money from private sources, except as otherwise provided by law.**

**Section 21. 1. Commission actions may be reviewed by the Missouri court of appeals. Petitions for review must be filed within thirty days after final commission action.**

**2. Sections 1 to 21 of this act apply to state elections after November 8, 2000, for the offices of governor, lieutenant governor, attorney general, secretary of state, treasurer, auditor, state representative and state senator.**

**3. Sections 1 to 21 of this act shall apply to special elections and run-off elections, with governing time periods and deadlines to be prescribed by the commission.**

Unofficial ✓

Bill

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