

FIRST REGULAR SESSION

# SENATE BILL NO. 449

90TH GENERAL ASSEMBLY

INTRODUCED BY SENATOR JACOB.

Read 1st time February 15, 1999, and 1,000 copies ordered printed.

L1958.011

TERRY L. SPIELER, Secretary.

## AN ACT

Relating to financing of certain election campaigns, with a referendum clause and penalty provisions.

*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) "Clearly identified candidate", a candidate whose name, photograph, drawing or likeness is, or whose identity is, apparent by unambiguous reference;**

**(2) "Commission", the Missouri ethics commission;**

**(3) "Excess expenditure", money spent by a nonparticipating candidate in excess of the public funding amount available to a participating candidate;**

**(4) "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;**

**(5) "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;**

**(6) "Fair election credit card", a credit card issued by the state treasurer pursuant to 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;**

**(7) "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;**

**(8) "Full name", full first name, middle name or initial, if any, and full legal last**

name, making the identity of the person apparent by unambiguous reference;

(9) "General election campaign period", the period beginning the day after the primary or runoff election and ending on the day of the general election;

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

(11) "Independent expenditure", an expenditure by a person expressly advocating the election or defeat of a clearly identified candidate which is made without cooperation or consultation with any candidate, or any authorized committee or agent of such 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 such a candidate;

(12) "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 shall not include:

(a) A mailing made in direct response to communication from a person to whom the matter is mailed;

(b) A mailing to federal, state or local government officials; or

(c) News releases to the communications media;

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

(14) "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 complying with the provisions of sections 1 to 21 of this act;

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

(16) "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;

(17) "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;

(18) "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 shall begin on the first day of January of an election year and end with the start of the primary election campaign period;

(19) "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 this state, in the case of a candidate for statewide office, and acknowledged by written receipt identifying the contributor;

(20) "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 this state, 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 shall be certified as a participating candidate for public funding for the primary, the candidate shall 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 fifty qualifying contributions in six or more of the United States congressional districts in this state in the case of a candidate for a statewide elected office other than governor;

(4) Five hundred qualifying contributions in six or more of the United States congressional districts in this state 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,

but if retained, shall be spent only as seed money contributions pursuant to the terms and limitations in section 8 of this act.

**6. No candidate or person acting on behalf of a candidate shall 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 shall 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 certification of the results of the primary election, except in the case of a candidate selected by the party nominating committee pursuant to section 115.363, RSMo, in which case filing for certification shall be made not later than two days after the date on which the candidate is so selected.**

**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) The candidate:**

**(a) Was a participating candidate during the primary election, and won the party's nomination;**

**(b) Has been selected by the party nominating committee as a party candidate pursuant to section 115.363, RSMo; or**

**(c) Has been selected to replace a candidate who was a participating candidate during the primary election; 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 votes received by all candidates for that party's nomination for that office was more 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 and more than 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 pursuant to subsection**

**2 of this section; and**

**(2) The candidate:**

**(a) Was a participating candidate during the primary election, and won the party's nomination;**

**(b) Has been selected by the party nominating committee as a party candidate pursuant to section 115.363, RSMo; or**

**(c) Has been selected to replace a candidate who was a participating candidate during the primary election; 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 votes received by all candidates for that party's nomination for that office were more than five percent but less than fifteen percent of the total votes 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 votes 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 his or her 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 shall be raised between the beginning of the public funding qualifying period and the date thirty days after the filing deadline date for independent candidates.**

**Section 5. A participating candidate who accepts any benefits pursuant to sections 1 to 21 of this act during the primary election shall 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 shall 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 shall not accept private contributions other than seed money contributions and qualifying contributions during the exploratory period and the public financing qualifying period.**

**2. In an election year, each candidate in a primary election for an office subject to sections 1 to 21 of this act, whether participating or nonparticipating, shall furnish**

**a complete campaign finance report, including a record of all campaign contributions, all seed money contributions, qualifying contributions and expenditures to the commission by the first day of March, the first day of May, the first day of June, the first day of July, the fifteenth day of July and by the day seven business days before the date of the primary election.**

**3. In an election year, each candidate in a general election for an office subject to sections 1 to 21 of this act, whether participating or nonparticipating, shall furnish a complete campaign finance report, including a record of all campaign contributions, all seed money contributions, qualifying contributions and expenditures to the commission by the first day of September, the fifteenth day of September, the first day of October, the fifteenth day of October and by the day seven business days before the date of the general election.**

**4. A candidate shall keep a record of any campaign contribution of more than twenty-five dollars, including seed money contributions and qualifying contributions, which shall 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 sections 1 to 21 of this act exceed twenty-five dollars for any election cycle, the record shall also include the contributor's business or employment and the contributor's principal place of employment. A candidate shall cooperate with any audit or examination by the commission.**

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

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

**7. A candidate shall 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 shall 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 shall be expended by a qualifying candidate after the close of the public financing qualifying period.**

**3. Personal funds shall 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 pursuant to 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 shall 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 credit of the democracy trust fund created pursuant to section 14 of this act at the beginning of the primary period.**

**Section 9. 1. To apply for public financing, a candidate shall certify to the commission that:**

**(1) Such candidate has complied and will comply, throughout the applicable election cycle, with all requirements of sections 1 to 21 of this act;**

**(2) All disclosures required as of the time of application have been made;**

**(3) The requisite number of qualifying contributions pursuant to section 2 or 4 of this act have been obtained, including evidence of such contributions.**

**2. 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.**

**3. The commission's determination shall be subject to prompt judicial review, on an expedited basis, in any district of the court of appeals of this state.**

**4. A participating candidate for the primary election shall receive his or her line of credit and fair election credit card pursuant to sections 1 to 21 of this act promptly after demonstrating eligibility and, in any event, not later than five days after the date of the end of the public financing qualifying period; however, funds shall not be spent until the beginning of the primary election campaign period.**

**5. 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 the results of the primary election are certified, 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.

**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. Such line of credit may 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 line of credit shall not be used to repay any loan, and shall not be used 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 shall be:

- (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.

**3.** The general election campaign public financing amounts for full public financing shall be:

- (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 all votes for that office in the primary and the previous general election, such candidate shall receive a portion of the public funding amount that is equal to the percentage of votes out of such fifteen percent that such candidate's party received for that office in the previous general election. 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 shall 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 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 sections 1 to 21 of this act, in an election year a nonparticipating candidate shall file a report with the commission detailing that candidate's total of funds raised, spent or obligated to be spent to date if that candidate's total receipts, expenditures or obligations of expenditure exceed the primary or general election campaign finance amount applicable to a participating candidate in the same race by an amount equal to:

(1) Five hundred dollars, in the case of a candidate for state representative;  
(2) Two thousand five hundred dollars, in the case of a candidate for state senator;

(3) Twenty-five thousand dollars, in the case of a candidate for statewide office.

2. Such a report shall be filed by the candidate:

(1) At the next regular reporting date pursuant to sections 1 to 21 of this act, if funds which cause the candidate to exceed such an amount are received, spent or obligated to be spent before the fifteenth day of July of an election year;

(2) Within forty-eight hours, if such funds are raised, spent or obligated to be spent between the fifteenth day of July of an election year and the day seven business days prior to the primary election, or during a period beginning with the day after a primary election and ending on the day seven business days prior to the general election; or

(3) Within twenty-four hours, if such funds are raised, spent or obligated to be spent within the period seven business days prior to either the primary or general election.

3. A candidate who has been required to file a report pursuant to subsections 1 and 2 of this section shall file an additional report detailing all funds raised, spent or obligated to be spent since that candidate's most recent previous report for each instance in which that candidate raises, spends or obligates to be spent:

(1) Five hundred dollars, in the case of a candidate for state representative;  
(2) Two thousand five hundred dollars, in the case of a candidate for state senator;

(3) Twenty-five thousand dollars, in the case of a candidate for statewide office.

**4. Additional reports required by subsection 3 of this section shall be filed by the candidate:**

**(1) At the next regular reporting date pursuant to sections 1 to 21 of this act, if funds which cause the candidate to be required to file such a report are received, spent or obligated to be spent before the fifteenth day of July of an election year;**

**(2) Within forty-eight hours, if such funds are raised, spent or obligated to be spent between the fifteenth day of July of an election year and the day seven business days prior to the primary election, or during a period beginning with the day after a primary election and ending on the day seven business days prior to the general election; or**

**(3) Within twenty-four hours, if such funds are raised, spent or obligated to be spent within the period seven business days prior to either the primary or general election.**

**5. Upon receipt of a report required by subsections 1 to 5 of this section, the commission shall immediately credit an opposing participating candidate's account with an additional amount equivalent to the reported amount in excess of the public financing amount applicable to the office sought. Such matching credit shall be limited to three times the public financing limit for the applicable office, and such credit shall be in addition to the base amount of public funding otherwise provided.**

**6. The total amount of matching credit awarded to a candidate pursuant to this section and section 12 of this act shall be limited to an amount equaling three times the public financing limit for the applicable office.**

**7. At the end of both the primary and general election campaign periods, excess public funds shall be returned to the democracy trust fund created pursuant to section 14 of this act, 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. 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 public funding qualifying period.**

**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 race, two thousand five hundred dollars in a state senate race, or twenty-five 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:**

**(1) At the next regular reporting date for candidates pursuant to sections 1 to 21 of this act, if such an expenditure or obligation of expenditure is made before the**

**fifteenth day of July of an election year;**

**(2) Within forty-eight hours, if such an expenditure or obligation of expenditure is made between the fifteenth day of July of an election year and the day seven business days prior to the primary election or during a period beginning with the day after a primary election and ending on the day seven business days prior to the general election; or**

**(3) Within twenty-four hours, if such an expenditure or obligation of expenditure is made within the period seven business days prior to either the primary or general election.**

**2. An additional report shall be filed after each additional independent expenditure of five hundred dollars in a state representative race, two thousand five hundred dollars in a state senate race or twenty-five thousand dollars in a statewide office race. Such an additional report shall be made:**

**(1) At the next regular reporting date for candidates pursuant to sections 1 to 21 of this act, if such an expenditure or obligation of expenditure is made before the fifteenth day of July of an election year;**

**(2) Within forty-eight hours, if such an expenditure or obligation of expenditure is made between the fifteenth day of July of an election year and the day seven business days prior to the primary election or during a period beginning with the day after a primary election and ending on the day seven business days prior to the general election; or**

**(3) Within twenty-four hours, if such an expenditure or obligation of expenditure is made within the period seven business days prior to either the primary or general election.**

**3. 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 line of credit equal to the total independent expenditures made against that candidate or for that candidate's opponents, except that:**

**(1) Such 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; and**

**(2) In the event that the aggregate funds raised by all other candidates for the office in question do not equal the public financing amount for that office, the funds credited to the candidate receiving a matching amount pursuant to this section shall be reduced by an amount equal to such public funding amount minus the aggregate of funds raised by those other candidates.**

**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, provided that, after the first day of January of an election year, such contributions and expenditures 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 shall 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 subject to annual appropriation by 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. Notwithstanding the provisions of section 33.080, RSMo, all unexpended balances remaining in the democracy trust fund at the end of the biennium shall remain in such fund and shall not be transferred and placed to the credit of general revenue.**

**4. During each election cycle, the commission shall allocate the funds contained in the democracy trust fund among two subfunds to be established for the following purposes:**

**(1) Subfund one shall fund the public funding amounts provided for in section**

**10 of this act; and**

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

**5. The commission shall report to the speaker of the house of representatives, no later than the first day of April of each election year, on its estimate for the needs of the democracy trust fund in the coming election. Such report shall include an estimate of total funds needed for the democracy trust fund in order to fully fund participating candidates for the coming elections, the current balance of funds available to the fund and a request for appropriation to the fund in an amount which the commission estimates will render its funding adequate for the coming elections.**

**6. 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.**

**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 may 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 pursuant to 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 shall 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 provide 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 administrative secretary 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 the limits imposed 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 in violation of the provisions of subsection 1 or 2 of this section, the commission shall attempt, for a period of not more than fourteen days after finding such violation, 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 contributions accepted in violation of 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.**

**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 date of the filing of such a complaint, the commission has refused or failed to take remedial action, such registered voter may 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 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, the costs incurred by the other party or parties, 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, spends more than the amount of public campaign funds received or otherwise misuses the benefits of public financing, such person is 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 means other than the fair election credit card, except as permitted pursuant to subsection 3 of section 15 of this act, such person is 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 is 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 on 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 sections 1 to 21 of this act and who uses state funds to do a mass mailing after the first day of June in an election year shall declare his or her intent to do so by the first day of May of such year. Any such mailing shall be completed by the first day of July of such 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 such 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 shall be used to fund a mailing which:**

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

**(b) 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 shall be completed by the first day of August of such year.**

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

**Section 21. 1. Commission actions may be reviewed by any district of the court of appeals of this state. Petitions for review shall be filed within thirty days after final commission action.**

**2. Sections 1 to 21 of this act shall apply, following its passage and approval by the voters of this state, 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 all special elections and runoff elections following its passage and approval by the voters of this state, with governing time periods and deadlines regarding such special and runoff elections to be prescribed by the commission.**

**Section A. Sections 1 to 21 of this act are hereby submitted to the qualified voters of this state for approval or rejection at an election which is hereby ordered and which shall be held and conducted on the Tuesday immediately following the first Monday in November, 2000, or at a special election to be called by the governor for that purpose, pursuant to the laws and constitutional provisions of this state applicable to general elections and the submission of referendum measures by initiative petition, and it shall become effective when approved by a majority of the votes cast thereon at such election and not otherwise.**

✓