

SENATE AMENDMENT NO. _____

Offered by _____ Of _____

Amend SS/SCS/HCS/House Bill No. 1871, Page 1, Section TITLE, Line 6,

2 by inserting after "provisions" the following: "and a
3 severability clause"; and

4 Further amend said bill and page, section 9.515, line
5 6, by inserting after all of said line the following:

6 "105.465. 1. Any person who registers as a lobbyist
7 shall dissolve his or her candidate committee. In the
8 course of dissolving such committee, such person shall not
9 disburse moneys from such committee, except for the purpose
10 of:

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

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

17 (3) Transferring moneys to a political party committee.

18 2. Notwithstanding subsection 1 of this section to the
19 contrary, a person who registers as a lobbyist shall not be
20 prohibited from maintaining a candidate committee designated
21 to seek election to a county, municipal, or school board
22 office, provided such person is not registered to lobby the
23 county, municipality, or school district for which that
24 person's candidate committee is designated to seek office.
25 Nothing in this subsection shall prohibit a person from

26 changing the designated office sought by his or her
27 candidate committee, provided such person is never
28 simultaneously registered to lobby the public office for
29 which such person's committee is designated to seek office.
30 A candidate committee maintained under this subsection shall
31 make no expenditures or disbursements except to support the
32 candidacy of the person maintaining the committee or for any
33 purpose authorized by subdivisions (1) to (3) of subsection
34 1 of this section.

35 3. For purposes of this section, the term "lobbyist"
36 shall have the same meaning given to such term under section
37 105.470, and the terms "committee", "candidate committee",
38 "contribution", "office", "public office", and "political
39 party committee" shall have the same meanings given to such
40 terms under section 130.011."; and

41 Further amend said bill, page 39, section 115.646, line
42 16, by inserting after all of said line the following:

43 "130.031. 1. No contribution of cash in an amount of
44 more than one hundred dollars shall be made by or accepted
45 from any single contributor for any election by a continuing
46 committee, a campaign committee, a political party
47 committee, an exploratory committee or a candidate committee.

48 2. Each expenditure of more than fifty dollars, except
49 an in-kind expenditure, shall be made by check signed by the
50 committee treasurer, deputy treasurer, or candidate or by
51 other electronic means authorized by the treasurer, deputy
52 treasurer, or candidate and drawn on the committee's
53 depository or credit card in the name of the committee and
54 authorized by the treasurer, deputy treasurer, or
55 candidate. A single expenditure of cash shall not exceed
56 fifty dollars, and the aggregate of all expenditures of cash
57 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

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

103 6. Notwithstanding the provisions of subsection 5 of
104 this section, contributions from individuals whose names and
105 addresses cannot be ascertained which are received from a
106 fund-raising activity or event, such as defined in section
107 130.011, shall not be deemed anonymous contributions,
108 provided the following conditions are met:

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

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

117 (3) The person responsible for conducting the activity
118 or event does not knowingly accept payment from any single
119 person of more than one hundred dollars unless the name and
120 address of the person making such payment is obtained and
121 recorded pursuant to the record-keeping requirements of
122 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.

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

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

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

209 (4) In regard to any printed matter paid for by an
210 individual or individuals, it shall be sufficient
211 identification to print the name of the individual or
212 individuals and the respective mailing address or addresses,
213 except that if more than five individuals join in paying for
214 printed matter it shall be sufficient identification to
215 print the words "For a list of other sponsors contact:"
216 followed by the name and address of one such individual
217 responsible for causing the matter to be printed, and the
218 individual identified shall maintain a record of the names
219 and amounts paid by other individuals and shall make such
220 record available for review upon the request of any person.
221 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, except those from a connected organization of a continuing committee, 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

255 donation will be received by the committee and any business,
256 corporation, or other entity that will receive any part of
257 the contribution.

258 14. (1) A committee soliciting a recurring
259 contribution for an expenditure or printed or broadcast
260 matter may accept the recurring contribution only if the
261 contributor gives affirmative consent for the recurring
262 contribution. The passive action of a contributor,
263 including but not limited to failing to uncheck a prechecked
264 box authorizing a recurring contribution, shall not
265 constitute affirmative consent.

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

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

271 a. The frequency of the recurring contributions;
272 b. The duration of the recurring contributions; and
273 c. All information needed to cancel recurring
274 contributions; and

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

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

285 (4) The Missouri ethics commission may impose a civil
286 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. This section shall not apply to any candidate for a judicial office.

130.170. For purposes of sections 130.170 to 130.188, the following terms mean:

(1) "Committee", the same meaning as otherwise provided in section 130.011, except it shall not include candidate committees or continuing committees, provided that if a continuing committee makes an expenditure that is subject to subsection 3 of section 130.176 or makes a contribution to a committee that has made an expenditure that is subject to subsection 3 of section 130.176, that continuing committee shall be considered a committee for purposes of sections 130.170 to 130.188;

(2) "Directly or indirectly", acting either alone or jointly with, through, or on behalf of any other committee, organization, person, or other entity;

(3) "Foreign national", any of the following:

(a) An individual who is not a citizen or lawful permanent resident of the United States of America;

(b) A government, or subdivision, of a foreign country or municipality thereof;

320 (c) A foreign political party;

321 (d) Any entity, such as a partnership, association,
322 corporation, organization, or other combination of persons,
323 that is organized under the laws of, or has its principal
324 place of business in, a foreign country; or

325 (e) Any entity organized pursuant to the laws of the
326 United States of America or any state thereof that is wholly
327 or majority owned by a person or entity described in
328 paragraphs (a) to (d) of this subdivision, unless:

329 a. Any contribution or expenditure it makes derives
330 entirely from funds generated by the entity's United States
331 operations; and

332 b. All decisions concerning the contribution or
333 expenditure are made by individuals who are United States
334 citizens or lawful permanent residents, except for setting
335 overall budget amounts;

336 (4) "Funds obtained through the usual course of
337 business", funds generated entirely by the entity's United
338 States operations;

339 (5) "Lobbyist", the same meaning as in section 105.470;

340 (6) "Prohibited sources", contributions from or
341 expenditures by a foreign national made with the intent to
342 use such funds to influence an election on a ballot measure;

343 (7) "Preliminary activity", includes, but is not
344 limited to, conducting a poll, drafting ballot measure
345 language, conducting a focus group, making telephone calls,
346 and travel;

347 (8) "Tax-exempt organization", an organization that is
348 described in Section 501(c) of the Internal Revenue Code of
349 1986 and is exempt from taxation under Section 501(a) of
350 such code. A political organization organized pursuant to
351 Section 527 of such code shall not be considered a tax-
352 exempt organization.

130.176. 1. Upon a committee's receipt of a contribution of more than two thousand dollars, the treasurer [shall obtain] may request from the donor an affirmation that the donor is not a foreign national and has not knowingly or willfully accepted funds, directly or indirectly, aggregating in excess of ten thousand dollars from one or more prohibited sources within the two-year period immediately preceding the date the contribution is made, in the case of an individual, or within the four-year period immediately preceding the date the contribution is made, in case of any other entity. Receipt of an affirmation by a committee pursuant to this subsection shall create a rebuttable presumption of compliance with this subsection on the part of the committee. Nothing in this subsection shall prohibit the attorney general from pursuing any action pursuant to section 130.188 if the attorney general has found a willful violation of this subsection.

2. Each disclosure report filed pursuant to section 130.041 shall require the treasurer of a committee to affirm that the donor associated with each contribution is not a foreign national and has not knowingly or willfully received, solicited, or accepted, whether directly or indirectly, contributions from one or more prohibited sources aggregating in excess of ten thousand dollars within the four-year period immediately preceding the date of the contribution.

3. Within forty-eight hours of making [one or more expenditures] an initial expenditure supporting or opposing a ballot measure, and in every disclosure report filed thereafter pursuant to section 130.041, the entity making the expenditure shall affirm to the Missouri ethics commission that it has not knowingly or willfully accepted funds, directly or indirectly, aggregating in excess of ten

thousand dollars from one or more prohibited sources within the four-year period immediately preceding the date the expenditure is made and that it will not do so through the remainder of the calendar year in which the ballot measure will appear on the ballot. Each disclosure report filed pursuant to section 130.041 shall require the entity making the expenditure to affirm that it has not knowingly or willfully accepted funds, directly or indirectly, aggregating in excess of ten thousand dollars from one or more prohibited sources within the four-year period immediately preceding the date the expenditure is made. Receipt of an affirmation from a donor that it is not a foreign national shall create a rebuttable presumption that the entity has not knowingly or willingly accepted funds, directly or indirectly, aggregating in excess of ten thousand dollars from one or more prohibited sources. Nothing in this subsection shall prohibit the attorney general from pursuing any action pursuant to section 130.188 if the attorney general has found a willful violation of this subsection.

4. Notwithstanding any provision of this section to the contrary, a donor or entity that makes a contribution to a committee or an expenditure in support of or in opposition to a ballot measure from its own funds obtained through the usual course of business or in any commercial or other transaction from any source and which are not contributions does not violate this section.

5. A committee shall not accept an in-kind contribution from any foreign national or from any individual or entity that has knowingly or willfully accepted funds, directly or indirectly, aggregating in excess of ten thousand dollars from one or more foreign nationals within the four-year period immediately preceding

419 the date the in-kind contribution is made. A foreign
420 national shall not make an in-kind expenditure for the
421 purpose of supporting or opposing any ballot measure.

422 Section B. In the event that any section, provision,
423 clause, phrase, or word of this act or the application
424 thereof is declared invalid under the Constitution of the
425 United States or the Constitution of the State of Missouri,
426 whether on procedural or substantive grounds, it is the
427 intent of the general assembly that the remaining sections
428 of this act remain in force and effect as far as they are
429 capable of being carried into execution as intended by the
430 general assembly. The general assembly hereby declares that
431 it would have passed each section, provision, clause,
432 phrase, or word thereof, irrespective of the fact that any
433 one or more sections, provisions, clauses, phrases, or words
434 of this act or the application of this act would be declared
435 unenforceable, unconstitutional, or invalid."; and

436 Further amend the title and enacting clause accordingly.