

FIRST REGULAR SESSION
[TRULY AGREED TO AND FINALLY PASSED]

HOUSE BILL NO. 99

92ND GENERAL ASSEMBLY

0570L.01T

2003

AN ACT

To repeal section 130.016, RSMo, and to enact in lieu thereof one new section relating to campaign contribution filing requirements.

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

Section A. Section 130.016, RSMo, is repealed and one new section enacted in lieu thereof, to be known as section 130.016, to read as follows:

130.016. 1. No candidate for statewide elected office, general assembly, [judicial office other than municipal judge,] or municipal office in a city with a population of more than one hundred thousand shall be required to comply with the requirements to file a statement of organization or disclosure reports of contributions and expenditures for any election in which neither the aggregate of contributions received nor the aggregate of expenditures made on behalf of such candidate exceeds five hundred dollars and no single contributor, other than the candidate, has contributed more than [two hundred fifty dollars of the aggregate contributions received] **the amount of the limitation on contributions to elect an individual to the office of state representative as calculated in subsection 2 of section 130.032**, provided that:

(1) The candidate files a sworn exemption statement with the appropriate officer that the candidate does not intend to either receive contributions or make expenditures in the aggregate of more than five hundred dollars or receive contributions from any single contributor, other than [himself or herself] **the candidate**, that aggregate more than [two hundred fifty dollars] **the amount of the limitation on contributions to elect an individual to the office of state representative as calculated in subsection 2 of section 130.032**, and that the total of all contributions received or expenditures made by the candidate and all committees or any other person with [his] **the candidate's** knowledge and consent in support of [his] **the candidacy** will not exceed five hundred dollars and that the aggregate of contributions received from any single contributor will not exceed [two hundred fifty dollars] **the amount of the limitation on**

EXPLANATION — Matter enclosed in bold faced brackets [thus] in this bill is not enacted and is intended to be omitted in the law. Matter in boldface type in the above law is proposed language.

20 **contributions to elect an individual to the office of state representative as calculated in**
21 **subsection 2 of section 130.032.** Such exemption statement shall be filed no later than the date
22 set forth in section 130.046 on which a disclosure report would otherwise be required if the
23 candidate does not file the exemption statement. The exemption statement shall be filed on a
24 form furnished to each appropriate officer by the executive director of the Missouri ethics
25 commission. Each appropriate officer shall make the exemption statement available to
26 candidates and shall direct each candidate's attention to the exemption statement and explain its
27 purpose to the candidate; and

28 (2) The sworn exemption statement includes a statement that the candidate understands
29 that records of contributions and expenditures must be maintained from the time the candidate
30 first receives contributions or makes expenditures and that an exemption from filing a statement
31 of organization or disclosure reports does not exempt the candidate from other provisions of this
32 chapter. Each candidate described in subsection 1 of this section, who files a statement of
33 exemption, shall file a statement of limited activity for each reporting period, described in
34 section 130.046.

35 2. Any candidate who has filed an exemption statement as provided in subsection 1 of
36 this section shall not accept any contribution or make any expenditure in support of the person's
37 candidacy, either directly or indirectly or by or through any committee or any other person acting
38 with the candidate's knowledge and consent, which would cause such contributions or
39 expenditures to exceed the limits specified in subdivision (1) of subsection 1 of this section
40 unless the candidate later rejects the exemption pursuant to [the provisions of] subsection 3 of
41 this section. Any contribution received in excess of such limits shall be returned to the donor
42 or transmitted to the state treasurer to escheat to the state.

43 3. If, after filing the exemption statement provided for in this section, the candidate
44 subsequently determines the candidate wishes to exceed any of the limits in subdivision (1) of
45 subsection 1 of this section, the candidate shall file a notice of rejection of the exemption with
46 the appropriate officer; however, such rejection shall not be filed later than thirty days before
47 election. A notice of rejection of exemption shall be accompanied by a statement of organization
48 as required by section 130.021 and any other statements and reports which would have been
49 required if the candidate had not filed an exemption statement.

50 4. A primary election and the immediately succeeding general election are separate
51 elections, and restrictions on contributions and expenditures set forth in subsection 2 of this
52 section shall apply to each election; however, if a successful primary candidate has correctly filed
53 an exemption statement prior to the primary election and has not filed a notice of rejection prior
54 to the date on which the first disclosure report applicable to the succeeding general election is
55 required to be filed, the candidate shall not be required to file an exemption statement for that

56 general election if the limitations set forth in subsection 1 of this section apply to the succeeding
57 general election.

58 5. A candidate who has an existing candidate committee formed for a prior election for
59 which all statements and reports required by this chapter have been properly filed shall be
60 eligible to file the exemption statement as provided in subsection 1 of this section and shall not
61 be required to file the disclosure reports pertaining to the election for which the candidate is
62 eligible to file the exemption statement if the candidate and the treasurer or deputy treasurer of
63 such existing candidate committee continue to comply with the requirements, limitations and
64 restrictions set forth in subsections 1, 2, 3 and 4 of this section. The exemption permitted by this
65 subsection does not exempt a candidate or the treasurer of the candidate's existing candidate
66 committee from complying with the requirements of subsections 6 and 7 of section 130.046
67 applicable to a prior election.

68 6. No [nonpartisan] candidate for supreme court, circuit court, or associate circuit court,
69 or candidate for political party office, or for county office or municipal office in a city of one
70 hundred thousand or less, or for any special purpose district office shall be required to file an
71 exemption statement pursuant to this section in order to be exempted from forming a committee
72 and filing disclosure reports required of committees pursuant to this chapter if the aggregate of
73 contributions received or expenditures made by the candidate and any other person with the
74 candidate's knowledge and consent in support of the person's candidacy does not exceed one
75 thousand dollars and the aggregate of contributions from any single contributor does not exceed
76 [two hundred fifty dollars] **the amount of the limitation on contributions to elect an**
77 **individual to the office of state representative as calculated in subsection 2 of section**
78 **130.032**. No candidate for any office listed in this subsection shall be excused from complying
79 with the provisions of any section of this chapter, other than the filing of an exemption statement
80 under the conditions specified in this subsection.

81 7. If any candidate for an office listed in subsection 6 of this section exceeds the limits
82 specified in subsection 6 of this section, the candidate shall form a committee no later than thirty
83 days prior to the election for which the contributions were received or expended which shall
84 comply with all provisions of this chapter for committees.