

SECOND REGULAR SESSION

# HOUSE BILL NO. 906

## 92ND GENERAL ASSEMBLY

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INTRODUCED BY REPRESENTATIVES LeVOTA (Sponsor) AND DONNELLY (Co-sponsor).

Pre-filed December 19, 2003, and copies ordered printed.

STEPHEN S. DAVIS, Chief Clerk

2623L.011

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### AN ACT

To repeal section 130.031, RSMo, and to enact in lieu thereof one new section relating to restrictions and limitations on campaign contributions, with a penalty provision.

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

Section A. Section 130.031, RSMo, is repealed and one new section enacted in lieu thereof, to be known as section 130.031, to read as follows:

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

2. Except for expenditures from a petty cash fund which is established and maintained by withdrawals of funds from the committee's depository account and with records maintained pursuant to the record-keeping requirements of section 130.036 to account for expenditures made from petty cash, each expenditure of more than fifty dollars, except an in-kind expenditure, shall be made by check drawn on the committee's depository and signed by the committee treasurer, deputy treasurer or candidate. A single expenditure from a petty cash fund shall not exceed fifty dollars, and the aggregate of all expenditures from a petty cash fund 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. A check made payable to "cash" shall not be made except to replenish a petty cash fund.

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

**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.**

17 through another person in such a manner as to conceal the identity of the actual source of the  
18 contribution or the actual recipient and purpose of the expenditure. Any person who receives  
19 contributions for a committee shall disclose to that committee's treasurer, deputy treasurer or  
20 candidate the recipient's own name and address and the name and address of the actual source  
21 of each contribution such person has received for that committee. Any person who makes  
22 expenditures for a committee shall disclose to that committee's treasurer, deputy treasurer or  
23 candidate such person's own name and address, the name and address of each person to whom  
24 an expenditure has been made and the amount and purpose of the expenditures the person has  
25 made for that committee.

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

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

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

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

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

50         (3) The person responsible for conducting the activity or event does not knowingly  
51 accept payment from any single person of more than one hundred dollars unless the name and  
52 address of the person making such payment is obtained and recorded pursuant to the

53 record-keeping requirements of section 130.036;

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

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

63 (b) The date on which the event occurred;

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

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

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

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

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

75 7. No candidate or committee in this state shall accept contributions from any  
76 out-of-state committee unless the out-of-state committee from whom the contributions are  
77 received has filed a statement of organization pursuant to section 130.021 or has filed the reports  
78 required by sections 130.049 and 130.050, whichever is applicable to that committee.

79 8. Any person publishing, circulating, or distributing any printed matter relative to any  
80 candidate for public office or any ballot measure shall on the face of the printed matter identify  
81 in a clear and conspicuous manner the person who paid for the printed matter with the words  
82 "Paid for by" followed by the proper identification of the sponsor pursuant to this section. For  
83 the purposes of this section, "printed matter" shall be defined to include any pamphlet, circular,  
84 handbill, sample ballot, advertisement, including advertisements in any newspaper or other  
85 periodical, sign, including signs for display on motor vehicles, or other imprinted or lettered  
86 material; but "printed matter" is defined to exclude materials printed and purchased prior to May  
87 20, 1982, if the candidate or committee can document that delivery took place prior to May 20,  
88 1982; any sign personally printed and constructed by an individual without compensation from

89 any other person and displayed at that individual's place of residence or on that individual's  
90 personal motor vehicle; any items of personal use given away or sold, such as campaign buttons,  
91 pins, pens, pencils, book matches, campaign jewelry, or clothing, which is paid for by a  
92 candidate or committee which supports a candidate or supports or opposes a ballot measure and  
93 which is obvious in its identification with a specific candidate or committee and is reported as  
94 required by this chapter; and any news story, commentary, or editorial printed by a regularly  
95 published newspaper or other periodical without charge to a candidate, committee or any other  
96 person.

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

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

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

110 (4) In regard to any printed matter paid for by an individual or individuals, it shall be  
111 sufficient identification to print the name of the individual or individuals and the respective  
112 mailing address or addresses, except that if more than five individuals join in paying for printed  
113 matter it shall be sufficient identification to print the words "For a list of other sponsors contact:"  
114 followed by the name and address of one such individual responsible for causing the matter to  
115 be printed, and the individual identified shall maintain a record of the names and amounts paid  
116 by other individuals and shall make such record available for review upon the request of any  
117 person. No person shall accept for publication or printing nor shall such work be completed until  
118 the printed matter is properly identified as required by this subsection.

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

122 10. [The provisions of subsection 8 or 9] **Any individual, individually or representing**  
123 **any business or committee other than a candidate or party committee, who purchases**  
124 **advertising in any publication, purchases or in any way causes a broadcast station to**

125 transmit any matter relative to a candidate for public office, or hires a professional phone  
126 bank to make calls regarding any candidate for public office shall sign a disclosure form  
127 provided by the Missouri ethics commission, which shall contain the following information:

128 (1) The publication, broadcast station, or phone bank name and its location;

129 (2) The date the purchase was made;

130 (3) The times the advertising or broadcast is being run or the calls are being made;

131 (4) The name and address of the person purchasing the advertisement or broadcast  
132 time or hiring the phone bank;

133 (5) On whose behalf the publication, broadcast time, or phone bank service is  
134 purchased. If the purchase is on behalf of an entity other than the purchaser, the form  
135 shall also provide a space to list whether the entity is a corporation, committee, association,  
136 sole proprietorship, or other incorporated group. The name and office location of the chief  
137 executive officer of the entity and the date it was established or formed shall be listed; and

138 (6) The amount of the purchase for the publication, broadcast time, or phone bank  
139 service.

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141 The publication, broadcaster, or phone bank shall deliver, by mail or facsimile, a copy of  
142 the signed form to the commission within twenty-four hours of the initial publication of the  
143 advertisement, broadcast, or calls made by the phone bank. The commission shall make  
144 the form available to the publisher, broadcaster, or phone bank. The form shall be  
145 considered an open record subject to chapter 610, RSMo.

146 11. Any individual publishing any printed matter relative to any candidate for  
147 public office or any ballot measure shall file with the commission a copy of the printed  
148 matter. The copy shall include a listing of all places of publication. The copy of the  
149 printed matter shall be considered an open record subject to chapter 610, RSMo.

150 12. Any individual not associated with a candidate committee who publishes any  
151 matter relative to any candidate for public office shall provide written notice to the  
152 candidate of the publication. A copy of the notice shall be filed with the commission.

153 13. Any individual who purchases time or in any way causes a broadcast station to  
154 transmit any material relative to any candidate for public office shall file a written  
155 transcript of the material with the commission. The transcript shall be a complete copy of  
156 the matter and shall contain a list of all places the material was broadcast, and the  
157 transcript shall be considered an open record subject to chapter 610, RSMo.

158 14. Any individual not associated with a candidate committee who purchases time  
159 or in any way causes a broadcast station to transmit any material relative to any candidate  
160 for public office shall provide written notice to the candidate of the broadcast and shall

161 **provide a written transcript of the material to the candidate. A copy of the notice shall be**  
162 **filed with the commission.**

163 **15. Any individual who fails to notify the commission as described in subsections**  
164 **10 to 14 of this section may be liable to the state for civil penalties equal to three times the**  
165 **amount paid for the publication, broadcast time and material, and phone bank service.**

166 **16. Subsections 8 to 15** of this section shall not apply to candidates for elective federal  
167 office, provided that persons causing matter to be printed or broadcast concerning such  
168 candidacies shall comply with the requirements of federal law for identification of the sponsor  
169 or sponsors.

170 [11.] **17.** It shall be a violation of this chapter for any person required to be identified as  
171 paying for printed matter pursuant to subsection 8 of this section [or], **identified as** paying for  
172 broadcast matter pursuant to subsection 9 of this section, **or identified as being required to file**  
173 **any of the disclosures required pursuant to subsections 10 to 14 of this section** to refuse to  
174 provide the information required or to purposely provide false, misleading, or incomplete  
175 information.

176 [12.] **18.** It shall be a violation of this chapter for any committee to offer chances to win  
177 prizes or money to persons to encourage such persons to endorse, send election material by mail,  
178 deliver election material in person or contact persons at their homes; except that, the provisions  
179 of this subsection shall not be construed to prohibit hiring and paying a campaign staff.

180 **19. No rule or portion of a rule promulgated pursuant to the authority of this**  
181 **section shall become effective unless it has been promulgated pursuant to chapter 536,**  
182 **RSMo.**