

SECOND REGULAR SESSION

HOUSE BILL NO. 1039

92ND GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVES YATES (Sponsor), HOBBS, DUSENBERG, STEVENSON,
PEARCE, MUNZLINGER, WILSON (130), PRATT, SANDER, ENGLER, RUESTMAN, BYRD,
JOHNSON (47), SMITH (14), AVERY AND RICHARD (Co-sponsors).

Read 1st time January 12, 2004, and copies ordered printed.

STEPHEN S. DAVIS, Chief Clerk

2537L.011

AN ACT

To repeal section 130.041, RSMo, and to enact in lieu thereof one new section relating to campaign finance disclosure reports.

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

Section A. Section 130.041, RSMo, is repealed and one new section enacted in lieu thereof, to be known as section 130.041, to read as follows:

130.041. 1. Except as provided in subsection 5 of section 130.016, the candidate, if applicable, treasurer or deputy treasurer of every committee which is required to file a statement of organization, shall file a legibly printed or typed disclosure report of receipts and expenditures. The reports shall be filed with the appropriate officer designated in section 130.026 at the times and for the periods prescribed in section 130.046; **however, any candidate whose appropriate officers are the Missouri ethics commission and the candidate's election authority shall not be required to file reports with the election authority if the report has been filed electronically with the Missouri ethics commission and the candidate has filed a declaration with the election authority that electronic filing will be used exclusively unless notified otherwise.** Except as provided in sections 130.049 and 130.050, each report shall set forth:

(1) The full name, as required in the statement of organization pursuant to subsection 5 of section 130.021, and mailing address of the committee filing the report and the full name, mailing address and telephone number of the committee's treasurer and deputy treasurer if the committee has named a deputy treasurer;

(2) The amount of money, including cash on hand at the beginning of the reporting period;

18 (3) Receipts for the period, including:

19 (a) Total amount of all monetary contributions received which can be identified in the
20 committee's records by name and address of each contributor. In addition, the candidate
21 committee shall make a reasonable effort to obtain and report the employer, or occupation if
22 self-employed or notation of retirement, of each person from whom the committee received one
23 or more contributions which in the aggregate total in excess of one hundred dollars and shall
24 make a reasonable effort to obtain and report a description of any contractual relationship over
25 five hundred dollars between the contributor and the state if the candidate is seeking election to
26 a state office or between the contributor and any political subdivision of the state if the candidate
27 is seeking election to another political subdivision of the state;

28 (b) Total amount of all anonymous contributions accepted;

29 (c) Total amount of all monetary contributions received through fund-raising events or
30 activities from participants whose names and addresses were not obtained with such
31 contributions, with an attached statement or copy of the statement describing each fund-raising
32 event as required in subsection 6 of section 130.031;

33 (d) Total dollar value of all in-kind contributions received;

34 (e) A separate listing by name and address and employer, or occupation if self-employed
35 or notation of retirement, of each person from whom the committee received contributions, in
36 money or any other thing of value, aggregating more than one hundred dollars, together with the
37 date and amount of each such contribution;

38 (f) A listing of each loan received by name and address of the lender and date and
39 amount of the loan. For each loan of more than one hundred dollars, a separate statement shall
40 be attached setting forth the name and address of the lender and each person liable directly,
41 indirectly or contingently, and the date, amount and terms of the loan;

42 (4) Expenditures for the period, including:

43 (a) The total dollar amount of expenditures made by check drawn on the committee's
44 depository;

45 (b) The total dollar amount of expenditures made in cash;

46 (c) The total dollar value of all in-kind expenditures made;

47 (d) The full name and mailing address of each person to whom an expenditure of money
48 or any other thing of value in the amount of more than one hundred dollars has been made,
49 contracted for or incurred, together with the date, amount and purpose of each expenditure.
50 Expenditures of one hundred dollars or less may be grouped and listed by categories of
51 expenditure showing the total dollar amount of expenditures in each category, except that the
52 report shall contain an itemized listing of each payment made to campaign workers by name,
53 address, date, amount and purpose of each payment and the aggregate amount paid to each such

54 worker;

55 (e) A list of each loan made, by name and mailing address of the person receiving the
56 loan, together with the amount, terms and date;

57 (5) The total amount of cash on hand as of the closing date of the reporting period
58 covered, including amounts in depository accounts and in petty cash fund;

59 (6) The total amount of outstanding indebtedness as of the closing date of the reporting
60 period covered;

61 (7) The amount of expenditures for or against a candidate or ballot measure during the
62 period covered and the cumulative amount of expenditures for or against that candidate or ballot
63 measure, with each candidate being listed by name, mailing address and office sought. For the
64 purpose of disclosure reports, expenditures made in support of more than one candidate or ballot
65 measure or both shall be apportioned reasonably among the candidates or ballot measure or both.
66 In apportioning expenditures to each candidate or ballot measure, political party committees and
67 continuing committees need not include expenditures for maintaining a permanent office, such
68 as expenditures for salaries of regular staff, office facilities and equipment or other expenditures
69 not designed to support or oppose any particular candidates or ballot measures; however, all such
70 expenditures shall be listed pursuant to subdivision (4) of this subsection;

71 (8) A separate listing by full name and address of any committee including a candidate
72 committee controlled by the same candidate for which a transfer of funds or a contribution in any
73 amount has been made during the reporting period, together with the date and amount of each
74 such transfer or contribution;

75 (9) A separate listing by full name and address of any committee, including a candidate
76 committee controlled by the same candidate from which a transfer of funds or a contribution in
77 any amount has been received during the reporting period, together with the date and amount of
78 each such transfer or contribution;

79 (10) Each committee that receives a contribution which is restricted or designated in
80 whole or in part by the contributor for transfer to a particular candidate, committee or other
81 person shall include a statement of the name and address of that contributor in the next disclosure
82 report required to be filed after receipt of such contribution, together with the date and amount
83 of any such contribution which was so restricted or designated by that contributor, together with
84 the name of the particular candidate or committee to whom such contribution was so designated
85 or restricted by that contributor and the date and amount of such contribution.

86 2. For the purpose of this section and any other section in this chapter except sections
87 130.049 and 130.050 which requires a listing of each contributor who has contributed a specified
88 amount, the aggregate amount shall be computed by adding all contributions received from any
89 one person during the following periods:

90 (1) In the case of a candidate committee, the period shall begin on the date on which the
91 candidate became a candidate according to the definition of the term "candidate" in section
92 130.011 and end at 11:59 p.m. on the day of the primary election, if the candidate has such an
93 election or at 11:59 p.m. on the day of the general election. If the candidate has a general
94 election held after a primary election, the next aggregating period shall begin at 12:00 midnight
95 on the day after the primary election day and shall close at 11:59 p.m. on the day of the general
96 election. Except that for contributions received during the thirty-day period immediately
97 following a primary election, the candidate shall designate whether such contribution is received
98 as a primary election contribution or a general election contribution;

99 (2) In the case of a campaign committee, the period shall begin on the date the committee
100 received its first contribution and end on the closing date for the period for which the report or
101 statement is required;

102 (3) In the case of a political party committee or a continuing committee, the period shall
103 begin on the first day of January of the year in which the report or statement is being filed and
104 end on the closing date for the period for which the report or statement is required; except, if the
105 report or statement is required to be filed prior to the first day of July in any given year, the
106 period shall begin on the first day of July of the preceding year.

107 3. The disclosure report shall be signed and attested by the committee treasurer or deputy
108 treasurer and by the candidate in case of a candidate committee.

109 4. The words "consulting or consulting services, fees, or expenses", or similar words,
110 shall not be used to describe the purpose of a payment as required in this section. The reporting
111 of any payment to such an independent contractor shall be on a form supplied by the appropriate
112 officer, established by the ethics commission and shall include identification of the specific
113 service or services provided including, but not limited to, public opinion polling, research on
114 issues or opposition background, print or broadcast media production, print or broadcast media
115 purchase, computer programming or data entry, direct mail production, postage, rent, utilities,
116 phone solicitation, or fund raising, and the dollar amount prorated for each service.