

SECOND REGULAR SESSION

[PERFECTED]

HOUSE BILL NO. 962

92ND GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVES MAY (Sponsor), DEEKEN, REINHART, BYRD, WHORTON,
JETTON AND MYERS (Co-sponsors).

Read 1st time January 7, 2004, and copies ordered printed.

Read 2nd time January 8, 2004, and referred to the Committee on Elections February 5, 2004.

Reported from the Committee on Elections February 25, 2004, with recommendation that the bill Do Pass by Consent.

Perfected by Consent March 4, 2004.

STEPHEN S. DAVIS, Chief Clerk

3452L.01P

AN ACT

To repeal section 130.016, RSMo, and to enact in lieu thereof one new section relating to campaign finance 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Section A. Section 130.016, RSMo, is repealed and one new section enacted in lieu
2 thereof, to be known as section 130.016, to read as follows:

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

9 (1) The candidate files a sworn exemption statement with the appropriate officer that the
10 candidate does not intend to either receive contributions or make expenditures in the aggregate
11 of more than five hundred dollars or receive contributions from any single contributor, other than
12 the candidate, that aggregate more than the amount of the limitation on contributions to elect an

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.

13 individual to the office of state representative as calculated in subsection 2 of section 130.032,
14 and that the total of all contributions received or expenditures made by the candidate and all
15 committees or any other person with the candidate's knowledge and consent in support of the
16 candidacy will not exceed five hundred dollars and that the aggregate of contributions received
17 from any single contributor will not exceed the amount of the limitation on contributions to elect
18 an individual to the office of state representative as calculated in subsection 2 of section 130.032.
19 Such exemption statement shall be filed no later than the date set forth in section 130.046 on
20 which a disclosure report would otherwise be required if the candidate does not file the
21 exemption statement. The exemption statement shall be filed on a form furnished to each
22 appropriate officer by the executive director of the Missouri ethics commission. Each
23 appropriate officer shall make the exemption statement available to candidates and shall direct
24 each candidate's attention to the exemption statement and explain its purpose to the candidate;
25 and

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

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

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

47 4. A primary election and the immediately succeeding general election are separate
48 elections, and restrictions on contributions and expenditures set forth in subsection 2 of this

49 section shall apply to each election; however, if a successful primary candidate has correctly filed
50 an exemption statement prior to the primary election and has not filed a notice of rejection prior
51 to the date on which the first disclosure report applicable to the succeeding general election is
52 required to be filed, the candidate shall not be required to file an exemption statement for that
53 general election if the limitations set forth in subsection 1 of this section apply to the succeeding
54 general election.

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

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

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