

FIRST REGULAR SESSION

HOUSE BILL NO. 676

93RD GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVE LeVOTA.

Read 1st time March 1, 2005 and copies ordered printed.

STEPHEN S. DAVIS, Chief Clerk

1834L.01I

AN ACT

To repeal section 130.046, RSMo, and to enact in lieu thereof two new sections relating to campaign contributions and reporting.

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

Section A. Section 130.046, RSMo, is repealed and two new sections enacted in lieu thereof, to be known as sections 130.046 and 130.170, to read as follows:

130.046. 1. The disclosure reports required by section 130.041 for all committees shall be filed at the following times and for the following periods:

(1) [Not later than the eighth day before an election for the period closing on the twelfth day before the election if the committee has made any contribution or expenditure either in support or opposition to any candidate or ballot measure] **For all nonelection years filing shall be monthly;**

(2) **In an election year filing shall be on a monthly basis until eight weeks prior to the primary or general election;**

(3) **During the final eight weeks prior to the election the filing schedule shall be as follows:**

(a) **Two two-week reports eight to six weeks prior to election;**

(b) **Two one-week reports during the third and fourth weeks prior to the election;**

(c) **Seven forty-eight hour reports during the second and third weeks before the election; and**

(d) **Seven twenty-four-hour reports daily during the final week of the campaign;**

[(2)] (4) **Not later than the thirtieth day after an election for a period closing on the**

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

17 twenty-fifth day after the election, if the committee has made any contribution or expenditure
18 either in support of or opposition to any candidate or ballot measure; except that, a successful
19 candidate who takes office prior to the twenty-fifth day after the election shall have complied
20 with the report requirement of this subdivision if a disclosure report is filed by such candidate
21 and any candidate committee under the candidate's control before such candidate takes office,
22 and such report shall be for the period closing on the day before taking office; and

23 ~~[(3)]~~ (5) Not later than the fifteenth day following the close of each calendar ~~[quarter]~~
24 **month.**

25
26 [Notwithstanding the provisions of this subsection, if any committee accepts contributions or
27 makes expenditures in support of or in opposition to a ballot measure or a candidate, and the
28 report required by this subsection for the most recent calendar quarter is filed prior to the fortieth
29 day before the election on the measure or candidate, the committee shall file an additional
30 disclosure report not later than the fortieth day before the election for the period closing on the
31 forty-fifth day before the election] **The reports shall be filed electronically with the**
32 **appropriate officer designated in section 130.026.**

33 2. In the case of a ballot measure to be qualified to be on the ballot by initiative petition
34 or referendum petition, or a recall petition seeking to remove an incumbent from office,
35 disclosure reports relating to the time for filing such petitions shall be made as follows:

36 (1) In addition to the disclosure reports required to be filed pursuant to subsection 1 of
37 this section, the treasurer of a committee, other than a continuing committee, supporting or
38 opposing a petition effort to qualify a measure to appear on the ballot or to remove an incumbent
39 from office shall file an initial disclosure report fifteen days after the committee begins the
40 process of raising or spending money. After such initial report, the committee shall file
41 ~~[quarterly]~~ disclosure reports as required by ~~[subdivision (3) of]~~ subsection 1 of this section ~~[until~~
42 ~~such time as the reports required by subdivisions (1) and (2) of subsection 1 of this section are~~
43 ~~to be filed]~~. In addition the committee shall file a second disclosure report no later than the
44 fifteenth day after the deadline date for submitting such petition. The period covered in the
45 initial report shall begin on the day the committee first accepted contributions or made
46 expenditures to support or oppose the petition effort for qualification of the measure and shall
47 close on the fifth day prior to the date of the report;

48 (2) If the measure has qualified to be on the ballot in an election and if a committee
49 subject to the requirements of subdivision (1) of this subsection is also required to file a
50 preelection disclosure report for such election any time within thirty days after the date on which
51 disclosure reports are required to be filed in accordance with subdivision (1) of this subsection,
52 the treasurer of such committee shall not be required to file the report required by subdivision

53 (1) of this subsection, but shall include in the committee's preelection report all information
54 which would otherwise have been required by subdivision (1) of this subsection.

55 3. The candidate, if applicable, treasurer or deputy treasurer of a committee shall file
56 disclosure reports pursuant to this section, except for any [calendar quarter] **reporting period**
57 in which the contributions received by the committee or the expenditures or contributions made
58 by the committee do not exceed five hundred dollars. The reporting dates and periods covered
59 for [such quarterly] **monthly** reports shall not be later than the fifteenth day [of January, April,
60 July and October for periods closing on the thirty-first day of December, the thirty-first day of
61 March, the thirtieth day of June and the thirtieth day of September. No candidate, treasurer or
62 deputy treasurer shall be required to file the quarterly disclosure report required not later than the
63 fifteenth day of any January immediately following a November election, provided that such
64 candidate, treasurer or deputy treasurer shall file the information required on such quarterly
65 report on the quarterly report to be filed not later than the fifteenth day of April immediately
66 following such November election] **following the close of the month**. Each report by such
67 committee shall be cumulative from the date of the last report. In the case of the continuing
68 committee's first report, the report shall be cumulative from the date of the continuing
69 committee's organization. Every candidate, treasurer or deputy treasurer shall file, at a minimum,
70 the campaign disclosure reports covering the [quarter] **reporting period** immediately preceding
71 the date of the election and those required by [subdivisions (1) and (2) of] subsection 1 of this
72 section. A continuing committee shall submit additional reports if it makes aggregate
73 expenditures, other than contributions to a committee, of five hundred dollars or more, within
74 the reporting period [at the following times for the following periods:

75 (1) Not later than the eighth day before an election for the period closing on the twelfth
76 day before the election;

77 (2) Not later than forty-eight hours after aggregate expenditures of five hundred dollars
78 or more are made after the twelfth day before the election; and

79 (3) Not later than the thirtieth day after an election for a period closing on the
80 twenty-fifth day after the election] **in accordance with subsection 1 of this section**.

81 4. The reports required to be filed no later than the thirtieth day after an election and any
82 subsequently required report shall be cumulative so as to reflect the total receipts and
83 disbursements of the reporting committee for the entire election campaign in question. The
84 period covered by each disclosure report shall begin on the day after the closing date of the most
85 recent disclosure report filed and end on the closing date for the period covered. If the
86 committee has not previously filed a disclosure report, the period covered begins on the date the
87 committee was formed; except that in the case of a candidate committee, the period covered
88 begins on the date the candidate became a candidate according to the definition of the term

89 candidate in section 130.011.

90 5. Notwithstanding any other provisions of this chapter to the contrary[:

91 (1) Certain disclosure reports pertaining to any candidate who receives nomination in
92 a primary election and thereby seeks election in the immediately succeeding general election
93 shall not be required in the following cases:

94 (a) If there are less than fifty days between a primary election and the immediately
95 succeeding general election, the disclosure report required to be filed quarterly; provided that,
96 any other report required to be filed prior to the primary election and all other reports required
97 to be filed not later than the eighth day before the general election are filed no later than the final
98 dates for filing such reports;

99 (b) If there are less than eighty-five days between a primary election and the immediately
100 succeeding general election, the disclosure report required to be filed not later than the thirtieth
101 day after the primary election need not be filed; provided that any report required to be filed prior
102 to the primary election and any other report required to be filed prior to the general election are
103 filed no later than the final dates for filing such reports; and

104 (2)], no disclosure report needs to be filed for any reporting period if during that reporting
105 period the committee has neither received contributions aggregating more than five hundred
106 dollars nor made expenditure aggregating more than five hundred dollars and has not received
107 contributions aggregating more than three hundred dollars from any single contributor and if the
108 committee's treasurer files a statement with the appropriate officer that the committee has not
109 exceeded the identified thresholds in the reporting period. Any contributions received or
110 expenditures made which are not reported because this statement is filed in lieu of a disclosure
111 report shall be included in the next disclosure report filed by the committee. This statement shall
112 not be filed in lieu of the report for two or more consecutive disclosure periods if either the
113 contributions received or expenditures made in the aggregate during those reporting periods
114 exceed five hundred dollars. This statement shall not be filed, in lieu of the report, later than the
115 thirtieth day after an election if that report would show a deficit of more than one thousand
116 dollars.

117 6. (1) If the disclosure report required to be filed by a committee not later than the
118 thirtieth day after an election shows a deficit of unpaid loans and other outstanding obligations
119 in excess of five thousand dollars, semiannual supplemental disclosure reports shall be filed with
120 the appropriate officer for each succeeding semiannual period until the deficit is reported in a
121 disclosure report as being reduced to five thousand dollars or less; except that, a supplemental
122 semiannual report shall not be required for any semiannual period which includes the closing
123 date for the reporting period covered in any regular disclosure report which the committee is
124 required to file in connection with an election[. The reporting dates and periods covered for

125 semiannual reports shall be not later than the fifteenth day of January and July for periods closing
126 on the thirty-first day of December and the thirtieth day of June];

127 (2) Committees required to file reports pursuant to subsection 2 or 3 of this section
128 which are not otherwise required to file disclosure reports for an election shall file semiannual
129 reports as required by this subsection if their last required disclosure report shows a total of
130 unpaid loans and other outstanding obligations in excess of five thousand dollars.

131 7. In the case of a committee which disbands and is required to file a termination
132 statement pursuant to the provisions of section 130.021 with the appropriate officer not later than
133 the tenth day after the committee was dissolved, the candidate, committee treasurer or deputy
134 treasurer shall attach to the termination statement a complete disclosure report for the period
135 closing on the date of dissolution. A committee shall not utilize the provisions of subsection 8
136 of section 130.021 or the provisions of this subsection to circumvent or otherwise avoid the
137 reporting requirements of subsection 6 or 7 of this section.

138 8. Disclosure reports shall be filed with the appropriate officer not later than 5:00 p.m.
139 prevailing local time of the day designated for the filing of the report and a report postmarked
140 not later than midnight of the day previous to the day designated for filing the report shall be
141 deemed to have been filed in a timely manner. The appropriate officer [may] **shall** establish a
142 policy whereby disclosure reports [may] **shall** be filed by [facsimile] **electronic** transmission.

130.170. Notwithstanding any provisions of law to the contrary, when any limited
2 **liability company makes a contribution to a committee the name of at least one member of**
3 **the limited liability company's board of directors shall be provided as the source of such**
4 **contribution.**