

SECOND REGULAR SESSION

# HOUSE BILL NO. 2312

## 94TH GENERAL ASSEMBLY

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INTRODUCED BY REPRESENTATIVES HOLSMAN (Sponsor) AND OXFORD (Co-sponsor).

Read 1st time February 28, 2008 and copies ordered printed.

D. ADAM CRUMBLISS, Chief Clerk

3620L.02I

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### AN ACT

To amend chapters 130 and 143, RSMo, by adding thereto twenty-two new sections relating to public financing of certain election campaigns, with a referendum clause and penalty provisions.

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

Section A. Chapters 130 and 143, RSMo, are amended by adding thereto twenty-two new sections, to be known as sections 130.200, 130.201, 130.202, 130.203, 130.204, 130.205, 130.206, 130.207, 130.208, 130.209, 130.210, 130.211, 130.212, 130.213, 130.214, 130.215, 130.216, 130.217, 130.218, 130.219, 130.220, and 143.1010, to read as follows:

**130.200. As used in sections 130.200 to 130.220, the following terms mean:**

- (1) "Clearly identified candidate", a candidate whose name, photograph, drawing, or likeness is, or whose identity is, apparent by unambiguous reference;**
- (2) "Commission", the Missouri ethics commission;**
- (3) "Excess expenditure", money spent by a nonparticipating candidate in excess of the public financing amount available to a participating candidate;**
- (4) "Excess qualifying contributions", qualifying contributions accepted by a candidate beyond the number or dollar amount of contributions required to qualify a candidate for public funding;**
- (5) "Exploratory period", the period that begins after the date of a general election and ends at the beginning of the public financing qualifying period for the subsequent election for the same office;**

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.

- 13           (6) "Fair election debit card", a debit card issued by the state treasurer under  
14 section 130.208 entitling a candidate and designated members of the candidate's staff to  
15 draw money from a commission account to pay all campaign costs and expenses;
- 16           (7) "Full home address", the principal place of residence, including a street number  
17 and name or post office box, city, state, and zip code. Such term shall not mean an  
18 individual's business address, vacation home address, rental property address, or any  
19 address not the principal residence of the person;
- 20           (8) "Full name", full first name, middle name or initial, if any, and full legal last  
21 name, making the identity of the person apparent by unambiguous reference;
- 22           (9) "General election campaign period", the period beginning the day after the  
23 primary or runoff election and ending on the day of the general election;
- 24           (10) "Immediate family", the candidate's spouse and children;
- 25           (11) "Independent expenditure", an expenditure by a person expressly advocating  
26 the election or defeat of a clearly identified candidate which is made without cooperation  
27 or consultation with any candidate, or any authorized committee or agent of such a  
28 candidate, and which is not made in concert with, or at the request or suggestion of, any  
29 candidate, or any authorized committee or agent of such a candidate;
- 30           (12) "Mass mailing", mailing of newsletters, pamphlets, brochures, or other similar  
31 items of more than one hundred pieces in which the content of the matter mailed is  
32 substantially identical. Mass mailing shall not include:
- 33           (a) A mailing made in direct response to communication from a person to whom  
34 the matter is mailed;
- 35           (b) A mailing to federal, state, or local government officials; or
- 36           (c) News releases to the communications media;
- 37           (13) "Nonparticipating candidate", a candidate who chooses to run in an election  
38 under sections 130.200 to 130.220 using campaign contributions raised from private  
39 sources, or who otherwise is ineligible or fails to qualify for public financing under sections  
40 130.200 to 130.220;
- 41           (14) "Participating candidate", a candidate who qualifies for public financing by  
42 collecting the required number of qualifying contributions, making all required reports  
43 and disclosures, and being certified as complying with the provisions of sections 130.200  
44 to 130.220;
- 45           (15) "Personal funds", funds contributed by a candidate or a member of the  
46 candidate's immediate family;
- 47           (16) "Primary election campaign period", the period beginning thirty days after  
48 filing for the pertinent office closes and ending on the day of the primary election;

49           (17) "Principal place of employment", the primary organization or employer from  
50 which an individual derives the individual's principal income, including the employer's  
51 official name and post office address. The employer's post office address shall include  
52 street number and name or post office box, city, state, and zip code;

53           (18) "Public financing qualifying period", the period before the primary election  
54 campaign period during which candidates may collect qualifying contributions in order  
55 to qualify for public financing. The period shall begin on the first day of January of an  
56 election year and end with the start of the primary election campaign period;

57           (19) "Qualifying contribution", a contribution of five dollars made during the  
58 designated public financing qualifying period by a voter registered within the candidate's  
59 district, in the case of a candidate for state senator or state representative, or voter  
60 registered in this state, in the case of a candidate for statewide office, and acknowledged  
61 by written receipt identifying the contributor;

62           (20) "Seed money contribution", a contribution of no more than one hundred  
63 dollars, made during the exploratory period or the public financing qualifying period,  
64 within the limits set forth in sections 130.206 and 130.207.

          130.201. 1. Before a candidate for a political party's nomination for office in the  
2 primary election shall be certified as a participating candidate for public financing for the  
3 primary, the candidate shall apply to the commission for public financing for the primary  
4 and file a sworn statement that the candidate has complied and will comply with all  
5 requirements of sections 130.200 to 130.220 throughout the applicable election cycle, which  
6 includes the primary and general elections for that office. Filing for certification shall be  
7 made before the first day of the primary election campaign period.

8           2. A candidate shall be certified by the commission as a participating candidate for  
9 receipt of full public financing for the primary election if the candidate complies with  
10 subsection 1 of this section and meets the following qualifying contribution requirements  
11 before the close of the public financing qualifying period:

12           (1) Two hundred fifty qualifying contributions in the case of a candidate for state  
13 representative;

14           (2) Five hundred qualifying contributions in the case of a candidate for state  
15 senator;

16           (3) Two hundred fifty qualifying contributions in six or more of the United States  
17 congressional districts in this state in the case of a candidate for a statewide elected office  
18 other than governor;

19           (4) Five hundred qualifying contributions in six or more of the United States  
20 congressional districts in this state in the case of a candidate for governor.

21           **3. Each qualifying contribution shall be acknowledged by a receipt listing the**  
22 **contributor's full name and full home address. The candidate shall present each**  
23 **contributor with a copy of the receipt, and shall retain a copy of each receipt for**  
24 **presentation to the commission in compliance with subsection 1 of section 130.208.**

25           **4. The commission shall determine a candidate's compliance with the requirements**  
26 **of subsections 2 and 3 of this section by using such verification techniques, including the**  
27 **use of sampling techniques, as the commission deems appropriate.**

28           **5. Qualifying contributions and excess qualifying contributions may be retained,**  
29 **but if retained, shall be spent only as seed money contributions under the terms and**  
30 **limitations in section 130.207.**

31           **6. No candidate or person acting on behalf of a candidate shall solicit or accept**  
32 **qualifying contributions unless the candidate has first registered with the commission as**  
33 **seeking to qualify for public financing.**

**130.202. 1. Before a political party candidate shall be certified as eligible for full**  
2 **or proportional public financing for the general election, the candidate shall apply to the**  
3 **commission for public financing for the general election, and file a sworn statement that**  
4 **the candidate has fulfilled all the requirements of sections 130.200 to 130.220 in the**  
5 **primary election and will comply with such requirements for the general election. Filing**  
6 **for certification shall be made not later than two days after the date of the certification of**  
7 **the results of the primary election, except in the case of a candidate selected by the party**  
8 **nominating committee under section 115.363, RSMo, in which case filing for certification**  
9 **shall be made not later than two days after the date on which the candidate is so selected.**

10           **2. A political party candidate shall be certified by the commission as a participating**  
11 **candidate for receipt of full public financing for the general election if the candidate**  
12 **complies with subsection 1 of this section and meets the following requirements:**

13           **(1) The candidate:**

14           **(a) Was a participating candidate during the primary election, and won the party's**  
15 **nomination;**

16           **(b) Has been selected by the party nominating committee as a party candidate**  
17 **under section 115.363, RSMo; or**

18           **(c) Has been selected to replace a candidate who was a participating candidate**  
19 **during the primary election; and**

20           **(2) In the previous general election, the nominee of the candidate's party for the**  
21 **office sought received more than five percent of the total votes cast for all candidates for**  
22 **that office.**

**130.203. 1. An independent candidate shall receive public financing for the general election if such candidate raises one hundred fifty percent of the number of qualifying contributions required for a candidate running in a party primary for the office sought.**

**2. An independent candidate who qualifies for public financing on the basis of qualifying contributions shall receive the line of credit for total public financing in the general election on the first day of the primary election campaign period, or when qualified, whichever occurs later.**

**3. The qualifying contributions of an independent candidate shall be raised between the beginning of the public financing qualifying period and the date thirty days after the filing deadline date for independent candidates.**

**130.204. A participating candidate who accepts any benefits under sections 130.200 to 130.220 during the primary election shall comply with all requirements of sections 130.200 to 130.220 throughout the general election during the same election cycle. A participating candidate who accepts benefits during a primary shall not elect to accept private contributions in violation of sections 130.200 to 130.220 during the corresponding general election.**

**130.205. 1. A participating candidate shall not accept private contributions other than seed money contributions and qualifying contributions during the exploratory period and the public financing qualifying period.**

**2. In an election year, each candidate in a primary election for an office subject to sections 130.200 to 130.220, whether participating or nonparticipating, shall furnish a complete campaign finance report, including a record of all campaign contributions, all seed money contributions, qualifying contributions, and expenditures to the commission by the first day of March, the first day of May, the first day of June, the first day of July, the fifteenth day of July, and by the day seven business days before the date of the primary election.**

**3. In an election year, each candidate in a general election for an office subject to sections 130.200 to 130.220, whether participating or nonparticipating, shall furnish a complete campaign finance report, including a record of all campaign contributions, all seed money contributions, qualifying contributions, and expenditures to the commission by the first day of September, the fifteenth day of September, the first day of October, the fifteenth day of October, and by the day seven business days before the date of the general election.**

**4. A candidate shall keep a record of any campaign contribution of more than twenty-five dollars, which shall include the full name of the contributor and the contributor's full home address. In addition, if a contributor's aggregate contributions to**

21 any candidate for an office subject to the provisions of sections 130.200 to 130.220 exceed  
22 twenty-five dollars for any election cycle, the record shall also include the contributor's  
23 business or employment and the contributor's principal place of employment. A candidate  
24 shall cooperate with any audit or examination by the commission.

25 5. In the case of a qualifying contribution, the failure to record or provide complete  
26 disclosure information under subsection 3 of this section disqualifies the contribution from  
27 counting as a qualifying contribution.

28 6. No candidate or anyone acting on a candidate's behalf shall accept any  
29 contribution not complying with the requirements of subsection 2 or 3 of this section.

130.206. 1. A participating candidate's personal funds contributed as seed money  
2 contributions shall not exceed an aggregate amount of five hundred dollars for a state  
3 representative election, one thousand dollars for a senate election, and five thousand  
4 dollars for an election for statewide office.

5 2. No personal funds shall be expended by a qualifying candidate after the close of  
6 the public financing qualifying period.

7 3. Personal funds shall not be used to meet the qualifying contribution requirement,  
8 except that each registered voter may make one five-dollar contribution.

130.207. 1. A candidate seeking to qualify may accept seed money contributions  
2 from any individual, business, association, or other organization before the end of the  
3 public financing qualifying period, so long as the total contributions from one contributor,  
4 except personal funds otherwise permitted under sections 130.200 to 130.220, do not exceed  
5 one hundred dollars, and the aggregate contributions, including personal funds, do not  
6 exceed one thousand dollars for a state representative race, two thousand dollars for a state  
7 senate race, five thousand dollars for a statewide race other than governor, and ten  
8 thousand dollars for a race for governor.

9 2. Seed money shall only be spent during the exploratory period and the public  
10 financing qualifying period.

11 3. Full disclosure of seed money contributions as well as expenditures shall be made  
12 to the commission in the manner and at the times provided for reporting of other  
13 contributions in section 130.205.

14 4. In the event that excess qualifying contributions are received on an aggregate  
15 basis, such amounts may be retained and spent, before the start of the primary period, with  
16 such amounts to be deducted from the candidate's public financing. In no event shall the  
17 total amount of qualifying contributions exceed the public financing to which the candidate  
18 would be entitled.

19           **5. Any seed money and qualifying contributions received by a participating**  
20 **candidate and not spent by the start of the primary period, as well as any funds held by**  
21 **any campaign committee organized to support the election of such a candidate in prior**  
22 **elections, shall be deposited to the credit of the fair elections trust fund created under**  
23 **section 130.213 at the beginning of the primary period.**

**130.208. 1. To apply for public financing, a candidate shall certify to the**  
2 **commission that:**

3           **(1) Such candidate has complied and will comply, throughout the applicable**  
4 **election cycle, with all requirements of sections 130.200 to 130.220;**

5           **(2) All disclosures required as of the time of application have been made;**

6           **(3) The requisite number of qualifying contributions under section 130.201 or**  
7 **130.203 have been obtained, including evidence of such contributions.**

8           **2. The candidate's application for certification shall be signed by the candidate and**  
9 **the candidate's treasurer. Eligibility may be revoked if the candidate violates the**  
10 **requirements of sections 130.200 to 130.220, in which case all public funds shall be repaid.**

11           **3. The commission's determination shall be subject to prompt judicial review, on**  
12 **an expedited basis, in any district of the court of appeals of this state.**

13           **4. A participating candidate for the primary election shall receive the line of credit**  
14 **and fair election debit card under sections 130.200 to 130.220 promptly after**  
15 **demonstrating eligibility and, in any event, not later than five days after the date of the end**  
16 **of the public financing qualifying period. No such funds shall be spent until the beginning**  
17 **of the primary election campaign period.**

18           **5. A participating candidate for a general election shall receive the line of credit**  
19 **and fair election debit card promptly after demonstrating eligibility and, in any event, not**  
20 **later than five days after the date the results of the primary election are certified, except**  
21 **that no candidate for a particular office shall receive funds until all candidates for the**  
22 **office who have requested certification have either been certified or denied certification by**  
23 **the commission.**

**130.209. 1. A candidate who qualifies for public financing in the primary or**  
2 **general election shall receive a line of credit for each election, in the amount specified in**  
3 **sections 130.200 to 130.220. Such line of credit may be used to finance any and all proper**  
4 **campaign expenditures during the primary and general election periods, to further the**  
5 **election of the candidate in that particular election. The line of credit shall not be used to**  
6 **repay any loan, and shall not be used in violation of sections 130.200 to 130.220 or any**  
7 **other applicable law.**

2. By July 1, 2009, and at least every two years thereafter, the commission shall determine the amount of funds to be distributed to participating candidates based on the type of election and office as follows:

(1) For contested legislative and nongubernatorial statewide primary elections, the amount of revenues to be distributed shall be the average amount of campaign expenditures made by each candidate during all contested primary election races for the immediately preceding two primary elections for the respective offices;

(2) For uncontested legislative primary and nongubernatorial statewide elections, the amount of revenues distributed shall be the average amount of campaign expenditures made by each candidate during all uncontested primary election races for the immediately preceding two primary elections for the respective offices;

(3) For contested legislative and nongubernatorial general elections, the amount of revenues distributed shall be the average amount of campaign expenditures made by each candidate during all contested general election races for the immediately preceding two general elections for the respective offices;

(4) For uncontested and nongubernatorial legislative general elections, the amount of revenues to be distributed from the fund shall be forty percent of the amount that would have been distributed under subdivision (3) of this subsection to the participating candidate had the election been contested;

(5) For gubernatorial primary elections, the amount of revenues distributed shall be five hundred thousand dollars per candidate in the primary election;

(6) For gubernatorial general elections, the amount of revenues distributed shall be one million dollars per candidate in the general election.

If the immediately preceding election cycles do not contain sufficient electoral data, the commission shall use information from the most recent applicable elections.

3. A candidate certified as a clean election candidate who wins the primary election shall be required to be a participating candidate for the general election.

130.210. 1. In addition to other reports required by sections 130.200 to 130.220, in an election year a nonparticipating candidate shall file a report with the commission detailing that candidate's total of funds raised, spent, or obligated to be spent to date if that candidate's total receipts, expenditures, or obligations of expenditure exceed the primary or general election campaign finance amount applicable to a participating candidate in the same race by an amount equal to:

(1) Five hundred dollars, in the case of a candidate for state representative;

(2) Two thousand five hundred dollars, in the case of a candidate for state senator;



9           (3) Twenty-five thousand dollars, in the case of a candidate for statewide office.

10          2. Such a report shall be filed by the candidate:

11           (1) At the next regular reporting date under sections 130.200 to 130.220, if funds  
12 which cause the candidate to exceed such an amount are received, spent, or obligated to be  
13 spent before the fifteenth day of July of an election year;

14           (2) Within forty-eight hours, if such funds are raised, spent, or obligated to be spent  
15 between the fifteenth day of July of an election year and the day seven business days before  
16 the primary election, or during a period beginning with the day after a primary election  
17 and ending on the day seven business days before the general election; or

18           (3) Within twenty-four hours, if such funds are raised, spent, or obligated to be  
19 spent within the period seven business days before either the primary or general election.

20          3. A candidate who has been required to file a report under subsections 1 and 2 of  
21 this section shall file an additional report detailing all funds raised, spent, or obligated to  
22 be spent since that candidate's most recent previous report for each instance in which that  
23 candidate raises, spends, or obligates to be spent:

24           (1) Five hundred dollars, in the case of a candidate for state representative;

25           (2) Two thousand five hundred dollars, in the case of a candidate for state senator;

26           (3) Twenty-five thousand dollars, in the case of a candidate for statewide office.

27          4. Additional reports required by subsection 3 of this section shall be filed by the  
28 candidate:

29           (1) At the next regular reporting date under sections 130.200 to 130.220, if funds  
30 which cause the candidate to be required to file such a report are received, spent, or  
31 obligated to be spent before the fifteenth day of July of an election year;

32           (2) Within forty-eight hours, if such funds are raised, spent, or obligated to be spent  
33 between the fifteenth day of July of an election year and the day seven business days before  
34 the primary election, or during a period beginning with the day after a primary election  
35 and ending on the day seven business days before the general election; or

36           (3) Within twenty-four hours, if such funds are raised, spent, or obligated to be  
37 spent within the period seven business days before either the primary or general election.

38          5. Upon receipt of a report required by subsections 1 to 4 of this section, the  
39 commission shall immediately credit an opposing participating candidate's account with  
40 an additional amount equivalent to the reported amount in excess of the public financing  
41 amount applicable to the office sought. Such matching credit shall be limited to two times  
42 the public financing limit for the applicable office, and such credit shall be in addition to  
43 the base amount of public financing otherwise provided.

44           **6. The total amount of matching credit awarded to a candidate under this section**  
45 **and section 130.211 shall be limited to an amount equaling two times the public financing**  
46 **limit for the applicable office.**

47           **7. At the end of both the primary and general election campaign periods, excess**  
48 **public funds shall be returned to the fair elections trust fund created under section**  
49 **130.213, provided that a candidate may retain and use for campaign expenses an amount**  
50 **equal to twenty dollars multiplied by the number of qualifying contributions necessary to**  
51 **qualify for the office for which the candidate was a candidate. Any funds which are**  
52 **retained in this manner, and remain unexpended, shall be returned to the fair elections**  
53 **trust fund at the beginning of the next public funding qualifying period.**

**130.211. 1. If any person, corporation, committee, or other entity makes, or**  
2 **becomes obligated to make, by oral or written agreement, an independent expenditure in**  
3 **excess of five hundred dollars in a state representative race, two thousand five hundred**  
4 **dollars in a state senate race, or twenty-five thousand dollars in a statewide office race,**  
5 **such person or entity shall file with the commission a notice of such expenditure or**  
6 **obligations to make such expenditure. Reports of such expenditures or obligations to make**  
7 **such expenditures shall be made:**

8           **(1) At the next regular reporting date for candidates under sections 130.200 to**  
9 **130.220, if such an expenditure or obligation of expenditure is made before the fifteenth**  
10 **day of July of an election year;**

11           **(2) Within forty-eight hours, if such an expenditure or obligation of expenditure**  
12 **is made between the fifteenth day of July of an election year and the day seven business**  
13 **days before the primary election or during a period beginning with the day after a primary**  
14 **election and ending on the day seven business days before the general election; or**

15           **(3) Within twenty-four hours, if such an expenditure or obligation of expenditure**  
16 **is made within the period seven business days before either the primary or general election.**

17           **2. An additional report shall be filed after each additional independent expenditure**  
18 **of five hundred dollars in a state representative race, two thousand five hundred dollars**  
19 **in a state senate race, or ten thousand dollars in a statewide office race. Such an additional**  
20 **report shall be made:**

21           **(1) At the next regular reporting date for candidates under sections 130.200 to**  
22 **130.220, if such an expenditure or obligation of expenditure is made before the fifteenth**  
23 **day of July of an election year;**

24           **(2) Within forty-eight hours, if such an expenditure or obligation of expenditure**  
25 **is made between the fifteenth day of July of an election year and the day seven business**

26 days before the primary election or during a period beginning with the day after a primary  
27 election and ending on the day seven business days before the general election; or

28 (3) Within twenty-four hours, if such an expenditure or obligation of expenditure  
29 is made within the period seven business days before either the primary or general election.

30 3. When the aggregate independent expenditures against a participating candidate  
31 or for the opponents of that same candidate exceed twenty percent of the public financing  
32 amount for that office in that election cycle, the commission shall immediately credit that  
33 candidate's account with an additional line of credit equal to the total independent  
34 expenditures made against that candidate or for that candidate's opponents, except that:

35 (1) Such matching credits shall be capped at two times the public financing amount  
36 per candidate, which shall be in addition to the base amount of public financing otherwise  
37 provided; and

38 (2) In the event that the aggregate funds raised by all other candidates for the office  
39 in question do not equal the public financing amount for that office, the funds credited to  
40 the candidate receiving a matching amount under this section shall be reduced by an  
41 amount equal to such public financing amount minus the aggregate of funds raised by  
42 those other candidates.

130.212. 1. Notwithstanding any provision of this chapter or any other provision  
2 of law to the contrary, contributions and expenditures made by political parties shall be  
3 reported to the commission on a quarterly basis, provided that, after the first day of  
4 January of an election year, such contributions and expenditures shall be reported on the  
5 same basis as a candidate. Reports by parties and all other campaign finance reports  
6 required by sections 130.010 to 130.160, shall be submitted in electronic format as directed  
7 by the commission.

8 2. No person, committee, organization, or other entity shall contribute on an  
9 aggregate basis, including dues, fees, or other charges, more than five thousand dollars per  
10 year to any state or local political party or any of its subdivisions.

11 3. No participating candidate shall accept more than the equivalent of five percent  
12 of the public financing amount for that office from all political parties.

13 4. For purposes of this section and section 130.211, in-kind contributions by a ward,  
14 township, city, county, or state political party committee made on behalf of a group of the  
15 party's candidates shall not be considered an improper party contribution or count against  
16 the five percent limit established in subsection 3 of this section, if such group includes at  
17 least thirty percent of the candidates whose names will appear on the primary election  
18 ballot, or at least fifty percent of the candidates whose names will appear on the general

19 election ballot in the political subdivision represented by the party committee making such  
20 in-kind contribution.

21 5. Party contributions reports shall comply with candidate requirements in  
22 subsections 2 and 3 of section 130.205.

130.213. 1. There is hereby created in the state treasury the "Missouri Clean  
2 Election Fund", to finance the election campaigns of certified Missouri clean election  
3 candidates for governor, state senator, and state representative, and to pay administrative  
4 and enforcement costs of the commission related to sections 130.200 to 130.220. The state  
5 treasurer shall be custodian of the fund. In accordance with sections 30.170 and 30.180,  
6 RSMo, the state treasurer may approve disbursements. Upon appropriation, money in the  
7 fund shall be used solely for the administration of sections 130.200 to 130.220. Any moneys  
8 remaining in the fund at the end of the biennium shall revert to the credit of the general  
9 revenue fund. The state treasurer shall invest moneys in the fund in the same manner as  
10 other funds are invested. Any interest and moneys earned on such investments shall be  
11 credited to the fund.

12 2. The following shall be deposited in the fund:

13 (1) The qualifying contributions required under subsection 2 of section 130.201  
14 when those contributions are submitted to the commission;

15 (2) Two million dollars from the general revenue fund transferred to the Missouri  
16 clean election fund by the state treasurer on or before January first of each year, beginning  
17 January 1, 2009;

18 (3) Revenue from the tax check off program established under section 143.1010,  
19 RSMo;

20 (4) Seed money contributions remaining unspent after a candidate has been  
21 certified as a Missouri clean election act candidate;

22 (5) Fund revenues that were distributed to a Missouri clean election act candidate  
23 and that remain unspent after the candidate has lost a primary election or after all general  
24 elections;

25 (6) Other unspent fund revenues distributed to any Missouri clean election act  
26 candidate who does not remain a candidate throughout a primary or general election cycle;

27 (7) Voluntary donations made directly to the fund. Any individual may make  
28 donations directly to the fund at any time without limitation; and

29 (8) Fines collected under section 130.072 and section 130.515.

30 3. By September first preceding each general election year, the commission shall  
31 publish an estimate of revenue in the fund available for distribution to certified candidates

32 during the upcoming year's elections and an estimate of the likely demand for clean  
33 election funding during that election.

130.214. 1. The fair elections trust fund shall be administered by the state  
2 treasurer. The state treasurer may place public funds in one or more accounts with a  
3 central banking facility and may contract for the disbursement of funds to eligible  
4 candidates with a private credit card company.

5 2. Upon a determination of a candidate's eligibility for public financing under  
6 sections 130.200 to 130.220, the state treasurer shall issue to the eligible candidate a debit  
7 card, known as the fair election debit card, entitling the candidate and designated members  
8 of the candidate's staff to draw money from a commission account to pay all campaign  
9 costs and expenses.

10 3. Neither a participating candidate nor any other person on behalf of a  
11 participating candidate shall pay campaign costs by cash, check, money order, loan, or by  
12 any other financial means except through the use of the fair election debit card, except that  
13 cash amounts of one hundred dollars or less may be drawn on the fair election debit card  
14 and used to pay expenses of no more than twenty-five dollars each. This subsection shall  
15 not be construed to prohibit costs for labor associated with the campaign from being paid  
16 by a check written against the fair election debit card account. Records of all such  
17 expenditures shall be maintained and reported to the commission.

130.215. 1. Except where sections 130.200 to 130.220 specifically provide otherwise,  
2 the duties of and authority for administering and enforcing sections 130.200 to 130.220  
3 shall be vested in the commission.

4 2. In administering and enforcing sections 130.200 to 130.220, the commission shall  
5 have the duties and powers accorded to it under section 105.955, RSMo.

6 3. In furtherance of the commission's administration and enforcement of sections  
7 130.200 to 130.220, the administrative secretary of the commission shall have and exercise  
8 the duties and powers prescribed by section 130.056.

130.216. 1. If a participating candidate spends more than the public financing  
2 amount allocated to the candidate for the election in question, the candidate shall be  
3 subject to a civil fine of up to ten times the amount by which the expenditures exceeded the  
4 applicable limit.

5 2. Any candidate who accepts contributions in excess of the limits imposed by  
6 sections 130.200 to 130.220, or the limits imposed by any other applicable law, shall be  
7 subject to a civil fine of up to ten times the amount by which the contribution exceeded the  
8 applicable limit.

9           **3. If the commission finds that there is reason to believe that excess expenditures**  
10 **have been made or excess contributions accepted in violation of the provisions of**  
11 **subsection 1 or 2 of this section, the commission shall attempt, for a period of not more**  
12 **than fourteen days after finding such violation, to correct the matter by informal methods**  
13 **of conference and conciliation and to enter a conciliation agreement with the person**  
14 **involved. A conciliation agreement made under this section shall be a matter of public**  
15 **record. Unless violated, a conciliation agreement shall be a bar to any civil proceeding**  
16 **under subsection 4 of this section.**

17           **4. If, within the time prescribed in subsection 3 of this section, the commission is**  
18 **unable to correct by informal methods any matter which constitutes probable cause to**  
19 **believe that excess expenditures have been made or excess contributions accepted in**  
20 **violation of subsection 1 or 2 of this section, the commission shall make a public finding of**  
21 **probable cause in the matter. After making a public finding, the commission shall bring**  
22 **an action in the circuit court of Cole County or, in the case of a legislative candidate, the**  
23 **circuit court of the county in which the candidate resides, to impose a civil fine as**  
24 **prescribed by the commission under subsection 1 or 2 of this section.**

25           **5. In the event that a registered voter believes that a candidate has violated the**  
26 **provisions of sections 130.200 to 130.220, and such registered voter is entitled to vote for**  
27 **or against such candidate in the election at issue, such registered voter may file a complaint**  
28 **with the commission requesting it to take remedial action. If, within thirty days after the**  
29 **date of the filing of such a complaint, the commission has refused or failed to take remedial**  
30 **action, such registered voter may pursue a civil action in the appropriate circuit court to**  
31 **impose the civil fines prescribed in subsection 1 or 2 of this section. If a complaint brought**  
32 **under this subsection is resolved against the complainant, the costs incurred by the other**  
33 **party or parties, including reasonable attorney's fees, may be assessed against the**  
34 **complainant.**

35           **6. If the commission believes that a violation of sections 130.200 to 130.220 has**  
36 **occurred, and deems such a recommendation appropriate, the commission may make a**  
37 **nonbinding recommendation to the general assembly as to disciplinary action to be taken**  
38 **in light of the violation, including forfeiture of office.**

**130.217. 1. If a candidate, or other person acting on behalf of a candidate,**  
2 **knowingly accepts more benefits than the candidate is entitled to receive, spends more than**  
3 **the amount of public campaign funds received, or otherwise misuses the benefits of public**  
4 **financing, such person is guilty of a class D felony and shall be fined not more than twenty**  
5 **thousand dollars, or imprisoned not more than five years, or both.**

6           **2. If a candidate receiving public financing, or other person acting on behalf of**  
7 **such a candidate, knowingly pays for goods or services received for campaign expenditures**  
8 **by cash, check, money order, or any means other than the fair election debit card, except**  
9 **as permitted under subsection 3 of section 130.214, such person is guilty of a class D felony**  
10 **and shall be fined not more than twenty thousand dollars, or imprisoned not more than**  
11 **five years, or both.**

12           **3. If, in connection with the receipt or expenditure of public financing for an**  
13 **election campaign, any person knowingly provides false information to the commission or**  
14 **knowingly conceals or withholds information from the commission, such person is guilty**  
15 **of a class D felony and shall be fined up to twenty thousand dollars, or imprisoned for five**  
16 **years, or both.**

17           **4. All prosecutions under sections 130.200 to 130.220 which relate to elections for**  
18 **state senator or state representative shall be conducted by the prosecuting attorney for the**  
19 **county where the violation is alleged to have occurred, except that if such prosecuting**  
20 **attorney refuses to act upon a sworn complaint, or fails to act upon such a complaint**  
21 **within sixty days of the date on which such a complaint is received, the attorney general**  
22 **shall then conduct the prosecution under this section. All prosecutions under sections**  
23 **130.200 to 130.220 which relate to elections for other offices shall be conducted by the**  
24 **attorney general, except that, if a violation concerns the attorney general or a candidate**  
25 **for such office, the governor may appoint a special prosecutor to conduct the prosecution**  
26 **on behalf of the state. The special prosecutor shall be independent of the attorney general**  
27 **and need not be a state employee at the time of appointment.**

**130.218. 1. Any state officeholder who is a candidate for an office covered by the**  
2 **provisions of sections 130.200 to 130.220 and who uses state funds to do a mass mailing**  
3 **after the first day of June in an election year shall declare the intent to do so by the first**  
4 **day of May of such year. Any such mailing shall be completed by the first day of July of**  
5 **such year.**

6           **2. Any participating candidate for the same office who is of the same political party**  
7 **as the candidate sending out such a mailing shall be entitled to receive additional credit**  
8 **equal to the cost of state expenditures for such mailing. A participating candidate shall**  
9 **make application for such a credit to the commission by the fifteenth day of May of that**  
10 **year.**

11           **3. Additional credit awarded to a participating candidate under this section shall**  
12 **be used to fund a mailing which:**

13           **(a) Does not explicitly call upon the recipient of the mailing to vote for the**  
14 **participating candidate; and**

15           (b) Does not mention the participating candidate's opponent or opponents by name.  
16           4. All mailings funded by additional credits awarded under this section shall be  
17 reviewed and approved by the commission for compliance with the requirements of this  
18 section in advance of the mailing, and shall be completed by the first day of August of such  
19 year.

          130.219. A candidate who is a nonparticipating candidate, either by choice or  
2 failure to qualify, is allowed to raise and spend unlimited amounts of money from private  
3 sources, except as otherwise provided by law.

          130.220. 1. Commission actions may be reviewed by any district of the court of  
2 appeals of this state. Petitions for review shall be filed within thirty days after final  
3 commission action.

4           2. Sections 130.200 to 130.220 shall apply, following its passage and approval by  
5 the voters of this state, to state elections after November 2, 2010, for the offices of governor,  
6 lieutenant governor, attorney general, secretary of state, treasurer, auditor, state  
7 representative, and state senator.

8           3. Sections 130.200 to 130.220 shall apply to all special elections and runoff elections  
9 following its passage and approval by the voters of this state, with governing time periods  
10 and deadlines regarding such special and runoff elections to be prescribed by the  
11 commission.

          143.1010. In each taxable year beginning on or after January 1, 2008, each  
2 individual or corporation entitled to a tax refund of three dollars or more shall designate  
3 that three dollars of such refund shall be paid over to the Missouri clean election fund as  
4 provided in section 130.213, RSMo. In the case of a husband and wife with a filing status  
5 of married filing combined entitled to an income tax refund of six dollars or more, each  
6 spouse shall designate that three dollars shall be paid to the fund. The designation  
7 authorized by this section shall be clearly and unambiguously printed on the same page of  
8 each income tax return form provided by the state upon which the amount of the refund  
9 is indicated, and shall provide a line to show the amount by which the refund will be  
10 reduced. The department of revenue shall deposit such amount to the Missouri clean  
11 election fund as provided in section 130.213, RSMo.

          Section B. Section A of this act is hereby submitted to the qualified voters of this state  
2 for approval or rejection at an election which is hereby ordered and which shall be held and  
3 conducted on the Tuesday immediately following the first Monday in November, 2008, or at a  
4 special election to be called by the governor for that purpose, pursuant to the laws and  
5 constitutional provisions of this state applicable to general elections and the submission of



6 referendum measures by initiative petition, and it shall become effective when approved by a  
7 majority of the votes cast thereon at such election and not otherwise.

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