

SECOND REGULAR SESSION
HOUSE COMMITTEE SUBSTITUTE FOR
SENATE BILL NO. 1038
94TH GENERAL ASSEMBLY

Reported from the Committee on Elections April 16, 2008 with recommendation that House Committee Substitute for Senate Bill No. 1038 Do Pass. Referred to the Committee on Rules pursuant to Rule 25(21)(f).

D. ADAM CRUMBLISS, Chief Clerk

4464L.02C

AN ACT

To repeal sections 130.016, 130.021, 130.037, 130.050 and 130.072, RSMo, and section 130.032 as enacted by conference committee substitute no. 2 for house substitute for house committee substitute for senate committee substitute for senate bill no. 16, eighty-ninth general assembly, first regular session, and section 130.032 as enacted by conference committee substitute for senate substitute for house committee substitute for house bill no. 1900, ninety-third general assembly, second regular session, and to enact in lieu thereof six new sections relating to campaign finance, with an emergency clause.

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

Section A. Sections 130.016, 130.021, 130.037, 130.050 and 130.072, RSMo, and
2 section 130.032 as enacted by conference committee substitute no. 2 for house substitute for
3 house committee substitute for senate committee substitute for senate bill no. 16, eighty-ninth
4 general assembly, first regular session, and section 130.032 as enacted by conference committee
5 substitute for senate substitute for house committee substitute for house bill no. 1900, ninety-
6 third general assembly, second regular session, are repealed and six new sections enacted in lieu
7 thereof, to be known as sections 130.016, 130.021, 130.037, 130.044, 130.050 and 130.072 to
8 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

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.

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

76 with the provisions of any section of this chapter, other than the filing of an exemption statement
77 under the conditions specified in this 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.

82 8. No member of or candidate for the general assembly shall form a candidate committee
83 for the office of speaker of the house of representatives or president pro tem of the senate.

130.021. 1. Every committee shall have a treasurer who, except as provided in
2 subsection 10 of this section, shall be a resident of this state. A committee may also have a
3 deputy treasurer who, except as provided in subsection 10 of this section, shall be a resident of
4 this state, to serve in the capacity of committee treasurer in the event the committee treasurer is
5 unable for any reason to perform the treasurer's duties.

6 2. Every candidate for offices listed in subsection 1 of section 130.016 who has not filed
7 a statement of exemption pursuant to that subsection and every candidate for offices listed in
8 subsection 6 of section 130.016 who is not excluded from filing a statement of organization and
9 disclosure reports pursuant to subsection 6 shall form a candidate committee and appoint a
10 treasurer. Thereafter, all contributions on hand and all further contributions received by such
11 candidate and any of the candidate's own funds to be used in support of the person's candidacy
12 shall be deposited in a candidate committee depository account established pursuant to the
13 provisions of subsection 4 of this section, and all expenditures shall be made through the
14 candidate, treasurer or deputy treasurer of the person's candidate committee. Nothing in this
15 chapter shall prevent a candidate from appointing himself or herself as a committee of one and
16 serving as the person's own treasurer, maintaining the candidate's own records and filing all the
17 reports and statements required to be filed by the treasurer of a candidate committee.

18 3. A candidate who has more than one candidate committee supporting the person's
19 candidacy shall designate one of those candidate committees as the committee responsible for
20 consolidating the aggregate contributions to all such committees under the candidate's control
21 and direction as required by section 130.041.

22 4. (1) Every committee shall have a single official fund depository within this state
23 which shall be a federally or state-chartered bank, a federally or state-chartered savings and loan
24 association, or a federally or state-chartered credit union in which the committee shall open and
25 thereafter maintain at least one official depository account in its own name. An "official
26 depository account" shall be a checking account or some type of negotiable draft or negotiable
27 order of withdrawal account, and the official fund depository shall, regarding an official
28 depository account, be a type of financial institution which provides a record of deposits,

29 canceled checks or other canceled instruments of withdrawal evidencing each transaction by
30 maintaining copies within this state of such instruments and other transactions. All contributions
31 which the committee receives in money, checks and other negotiable instruments shall be
32 deposited in a committee's official depository account. Contributions shall not be accepted and
33 expenditures shall not be made by a committee except by or through an official depository
34 account and the committee treasurer, deputy treasurer or candidate. Contributions received by
35 a committee shall not be commingled with any funds of an agent of the committee, a candidate
36 or any other person, except that contributions from a candidate of the candidate's own funds to
37 the person's candidate committee shall be deposited to an official depository account of the
38 person's candidate committee. No expenditure shall be made by a committee when the office
39 of committee treasurer is vacant except that when the office of a candidate committee treasurer
40 is vacant, the candidate shall be the treasurer until the candidate appoints a new treasurer.

41 (2) A committee treasurer, deputy treasurer or candidate may withdraw funds from a
42 committee's official depository account and deposit such funds in one or more savings accounts
43 in the committee's name in any bank, savings and loan association or credit union within this
44 state, and may also withdraw funds from an official depository account for investment in the
45 committee's name in any certificate of deposit, bond or security. Proceeds from interest or
46 dividends from a savings account or other investment or proceeds from withdrawals from a
47 savings account or from the sale of an investment shall not be expended or reinvested, except
48 in the case of renewals of certificates of deposit, without first redepositing such proceeds in an
49 official depository account. Investments, other than savings accounts, held outside the
50 committee's official depository account at any time during a reporting period shall be disclosed
51 by description, amount, any identifying numbers and the name and address of any institution or
52 person in which or through which it is held in an attachment to disclosure reports the committee
53 is required to file. Proceeds from an investment such as interest or dividends or proceeds from
54 its sale, shall be reported by date and amount. In the case of the sale of an investment, the names
55 and addresses of the persons involved in the transaction shall also be stated. Funds held in
56 savings accounts and investments, including interest earned, shall be included in the report of
57 money on hand as required by section 130.041.

58 5. The treasurer or deputy treasurer acting on behalf of any person or organization or
59 group of persons which is a committee by virtue of the definitions of "committee" in section
60 130.011 and any candidate who is not excluded from forming a committee in accordance with
61 the provisions of section 130.016 shall file a statement of organization with the appropriate
62 officer within twenty days after the person or organization becomes a committee but no later than
63 the date for filing the first report required pursuant to the provisions of section 130.046. The
64 statement of organization shall contain the following information:

65 (1) The name, mailing address and telephone number, if any, of the committee filing the
66 statement of organization. If the committee is deemed to be affiliated with a connected
67 organization as provided in subdivision (11) of section 130.011, the name of the connected
68 organization, or a legally registered fictitious name which reasonably identifies the connected
69 organization, shall appear in the name of the committee. If the committee is a candidate
70 committee, the name of the candidate shall be a part of the committee's name;

71 (2) The name, mailing address and telephone number of the candidate;

72 (3) The name, mailing address and telephone number of the committee treasurer, and the
73 name, mailing address and telephone number of its deputy treasurer if the committee has named
74 a deputy treasurer;

75 (4) The names, mailing addresses and titles of its officers, if any;

76 (5) The name and mailing address of any connected organizations with which the
77 committee is affiliated;

78 (6) The name and mailing address of its depository, and the name and account number
79 of each account the committee has in the depository;

80 (7) Identification of the major nature of the committee such as a candidate committee,
81 campaign committee, continuing committee, political party committee, incumbent committee,
82 or any other committee according to the definition of "committee" in section 130.011;

83 (8) In the case of the candidate committee designated in subsection 3 of this section, the
84 full name and address of each other candidate committee which is under the control and direction
85 of the same candidate, together with the name, address and telephone number of the treasurer of
86 each such other committee;

87 (9) The name and office sought of each candidate supported or opposed by the
88 committee;

89 (10) The ballot measure concerned, if any, and whether the committee is in favor of or
90 opposed to such measure.

91 6. A committee may omit the information required in subdivisions (9) and (10) of
92 subsection 5 of this section if, on the date on which it is required to file a statement of
93 organization, the committee has not yet determined the particular candidates or particular ballot
94 measures it will support or oppose. [Any contribution received over the allowable contribution
95 limits described in section 130.032 shall be returned to the contributor by the committee within
96 five business days of the declaration of candidacy or position on a candidate or a particular ballot
97 measure of the committee.]

98 7. A committee which has filed a statement of organization and has not terminated shall
99 not be required to file another statement of organization, except that when there is a change in
100 any of the information previously reported as required by subdivisions (1) to (8) of subsection

101 5 of this section an amended statement of organization shall be filed within twenty days after the
102 change occurs, but no later than the date of the filing of the next report required to be filed by
103 that committee by section 130.046.

104 8. Upon termination of a committee, a termination statement indicating dissolution shall
105 be filed not later than ten days after the date of dissolution with the appropriate officer or officers
106 with whom the committee's statement of organization was filed. The termination statement shall
107 include: the distribution made of any remaining surplus funds and the disposition of any deficits;
108 and the name, mailing address and telephone number of the individual responsible for preserving
109 the committee's records and accounts as required in section 130.036.

110 9. Any statement required by this section shall be signed and attested by the committee
111 treasurer or deputy treasurer, and by the candidate in the case of a candidate committee.

112 10. A committee domiciled outside this state shall be required to file a statement of
113 organization and appoint a treasurer residing in this state and open an account in a depository
114 within this state; provided that either of the following conditions prevails:

115 (1) The aggregate of all contributions received from persons domiciled in this state
116 exceeds twenty percent in total dollar amount of all funds received by the committee in the
117 preceding twelve months; or

118 (2) The aggregate of all contributions and expenditures made to support or oppose
119 candidates and ballot measures in this state exceeds one thousand five hundred dollars in the
120 current calendar year.

121 11. If a committee domiciled in this state receives a contribution of one thousand five
122 hundred dollars or more from any committee domiciled outside of this state, the committee
123 domiciled in this state shall file a disclosure report with the commission. The report shall
124 disclose the full name, mailing address, telephone numbers and domicile of the contributing
125 committee and the date and amount of the contribution. The report shall be filed within
126 forty-eight hours of the receipt of such contribution if the contribution is received after the last
127 reporting date before the election.

128 **12. Each legislative and senatorial district committee shall retain only one address**
129 **in the district it sits for the purpose of receiving contributions.**

130.037. Any candidate may file a supplemental report containing information required
2 pursuant to section 130.041, for the purposes of this section. Candidates whose supplemental
3 report filed within thirty days of August 28, 1997, or whose report filed pursuant to subdivision
4 (2) of subsection 1 of section 130.046 reflects outstanding obligations in excess of moneys on
5 hand, may convert their campaign committee to a debt service committee as provided in this
6 section. If a debt service committee is formed, the committee may accept contributions from any
7 person [as long as the aggregate contribution from such person does not exceed the limits set,

8 pursuant to section 130.032, for the aggregating period, pursuant to subdivision (1) of subsection
9 2 of section 130.041, in which the debt was incurred]. A person who contributes to a debt
10 service committee of a candidate may also contribute to the candidate's campaign committee for
11 a succeeding election [up to the amounts specified in section 130.032]. The treasurer and the
12 candidate shall terminate the debt service committee pursuant to section 130.021 when the
13 contributions received exceed the amount of the debt, and within thirty days the committee shall
14 file disclosure reports pursuant to section 130.041 and shall return any excess moneys received
15 to the contributor or contributors, if known, otherwise such moneys shall escheat to the state.
16 No debt service committee shall be in existence more than eighteen months.

**130.044. 1. All individuals and committees required to file disclosure reports under
2 section 130.041 shall electronically report any contribution by any single contributor which
3 exceeds five thousand dollars to the Missouri ethics commission within forty eight hours
4 of receiving the contribution. Such reports shall contain the same content required under
5 section 130.041 and shall be filed in accordance with the standards established by the
6 commission for electronic filing and other rules the commission may deem necessary to
7 promulgate for the effective administration of this section.**

**8 2. Any rule or portion of a rule, as that term is defined in section 536.010, RSMo,
9 that is created under the authority delegated in this section shall become effective only if
10 it complies with and is subject to all of the provisions of chapter 536, RSMo, and, if
11 applicable, section 536.028, RSMo. This section and chapter 536, RSMo, are nonseverable
12 and if any of the powers vested with the general assembly pursuant to chapter 536, RSMo,
13 to review, to delay the effective date, or to disapprove and annul a rule are subsequently
14 held unconstitutional, then the grant of rulemaking authority and any rule proposed or
15 adopted after August 28, 2008, shall be invalid and void.**

130.050. 1. An out-of-state committee which, according to the provisions of subsection
2 10 of section 130.021, is not required to file a statement of organization and is not required to
3 file the full disclosure reports required by section 130.041 shall file reports with the Missouri
4 ethics commission according to the provisions of this subsection if the committee makes
5 contributions or expenditures in support of or in opposition to candidates or ballot measures in
6 this state in any election covered by this chapter or makes contributions to any committee
7 domiciled in this state. An initial report shall be filed on or within fourteen days prior to the date
8 such out-of-state committee first makes a contribution or expenditure in this state, and thereafter
9 reports shall be filed at the times and for the reporting periods prescribed in subsection 1 of
10 section 130.046. Each report shall contain:

11 (1) The full name, address and domicile of the committee making the report and the
12 name, residential and business addresses, domicile and telephone numbers of the committee's
13 treasurer;

14 (2) The name and address of any entity such as a labor union, trade or business or
15 professional association, club or other organization or any business entity with which the
16 committee is affiliated;

17 (3) A statement of the total dollar amount of all funds received by the committee in the
18 current calendar year and a statement of the total contributions in the same period from persons
19 domiciled in this state and a list by name, address, date and amount of each Missouri resident
20 who contributed an aggregate of more than two hundred dollars in the current calendar year;

21 (4) A list by name, address, date and amount regarding any contributor to the out-of-state
22 committee, regardless of state of residency, who made a contribution during the reporting period
23 [which was restricted or designated in whole or in part for use in supporting or opposing a
24 candidate, ballot measure or committee in this state or was restricted for use in this state at the
25 committee's discretion, or a statement that no such contributions were received];

26 (5) A statement as to whether the committee is required to file reports with the Federal
27 Election Commission, and a listing of agencies in other states with which the committee files
28 reports, if any;

29 (6) A separate listing showing contributions made in support of or opposition to each
30 candidate or ballot measure in this state, together with the date and amount of each contribution;

31 (7) A separate listing showing contributions made to any committee domiciled in this
32 state with the date and amount of each contribution.

33 2. In the case of a political party committee's selection of an individual to be the party's
34 nominee for public office in an election covered by this chapter, any individual who seeks such
35 nomination and who is a candidate according to the definition of the term candidate in section
36 130.011 shall be required to comply with all requirements of this chapter; except that, for the
37 purposes of this subsection, the reporting dates and reporting periods in section 130.046 shall not
38 apply, and the first reporting date shall be no later than the fifteenth day after the date on which
39 a nomination covered by this subsection was made and for the period beginning on the date the
40 individual became a candidate, as the term candidate is defined in section 130.011, and closing
41 on the tenth day after the date the nomination was made, with subsequent reports being made as
42 closely as practicable to the times required in section 130.046.

43 3. The receipt of any late contribution or loan of more than two hundred fifty dollars by
44 a candidate committee supporting a candidate for statewide office or by any other committee
45 shall be reported to the appropriate officer no later than twenty-four hours after receipt. For
46 purposes of this subsection the term "late contribution or loan" means a contribution or loan

47 received after the closing date of the last disclosure report required to be filed before an election
48 but received prior to the date of the election itself. The disclosure report of a late contribution
49 may be made by any written means of communication, setting forth the name and address of the
50 contributor or lender and the amount of the contribution or loan and need not contain the
51 signatures and certification required for a full disclosure report described in section 130.041. A
52 late contribution or loan shall be included in subsequent disclosure reports without regard to any
53 special reports filed pursuant to this subsection.

130.072. Any person who knowingly accepts or makes a contribution or makes an
2 expenditure in violation of any provision of this chapter or who knowingly conceals a
3 contribution or expenditure by filing a false or incomplete report or by not filing a required
4 report, in addition to or in the alternative to any other penalty imposed by this chapter, [may]
5 **shall** be held liable to the state in civil penalties in [twice the] **an** amount [of] **equal to** any such
6 contribution or expenditure[, not to exceed a total amount of five thousand dollars].

[130.032. 1. Monetary contributions shall not be made from any political
2 party committee as defined in subdivision (25) of section 130.011 to any
3 candidate committee, continuing committee, or political party committee.
4 Nothing in this section shall be construed to limit any candidate committee from
5 making contributions to any other committee.

6 2. Any candidate for the office of state representative, the office of state
7 senator, or a statewide elected office shall not accept any contributions from the
8 first Wednesday after the first Monday in January through the first Friday after
9 the second Monday of May of each year at 6:00 p.m. Only candidates for special
10 election to the house of representatives, senate, or statewide elected office may,
11 during such time, accept contributions from the date of the candidate's
12 nomination by his or her respective political party until thirty days after the date
13 of the election.]
14

[130.032. 1. In addition to the limitations imposed pursuant to section
2 130.031, the amount of contributions made by or accepted from any person other
3 than the candidate in any one election shall not exceed the following:

4 (1) To elect an individual to the office of governor, lieutenant governor,
5 secretary of state, state treasurer, state auditor or attorney general, one thousand
6 dollars;

7 (2) To elect an individual to the office of state senator, five hundred
8 dollars;

9 (3) To elect an individual to the office of state representative, two
10 hundred fifty dollars;

11 (4) To elect an individual to any other office, including judicial office,
12 if the population of the electoral district, ward, or other unit according to the
13 latest decennial census is under one hundred thousand, two hundred fifty dollars;

(5) To elect an individual to any other office, including judicial office, if the population of the electoral district, ward, or other unit according to the latest decennial census is at least one hundred thousand but less than two hundred fifty thousand, five hundred dollars; and

(6) To elect an individual to any other office, including judicial office, if the population of the electoral district, ward, or other unit according to the latest decennial census is at least two hundred fifty thousand, one thousand dollars.

2. For purposes of this subsection "base year amount" shall be the contribution limits prescribed in this section on January 1, 1995. Such limits shall be increased on the first day of January in each even-numbered year by multiplying the base year amount by the cumulative consumer price index, as defined in section 104.010, RSMo, and rounded to the nearest twenty-five-dollar amount, for all years since January 1, 1995.

3. Candidate committees, exploratory committees, campaign committees and continuing committees, other than those continuing committees which are political party committees, shall be subject to the limits prescribed in subsection 1 of this section. The provisions of this subsection shall not limit the amount of contributions which may be accumulated by a candidate committee and used for expenditures to further the nomination or election of the candidate who controls such candidate committee, except as provided in section 130.052.

4. Except as limited by this subsection, the amount of cash contributions, and a separate amount for the amount of in-kind contributions, made by or accepted from a political party committee in any one election shall not exceed the following:

(1) To elect an individual to the office of governor, lieutenant governor, secretary of state, state treasurer, state auditor or attorney general, ten thousand dollars;

(2) To elect an individual to the office of state senator, five thousand dollars;

(3) To elect an individual to the office of state representative, two thousand five hundred dollars; and

(4) To elect an individual to any other office of an electoral district, ward or unit, ten times the allowable contribution limit for the office sought. The amount of contributions which may be made by or accepted from a political party committee in the primary election to elect any candidate who is unopposed in such primary shall be fifty percent of the amount of the allowable contributions as determined in this subsection.

5. Contributions from persons under fourteen years of age shall be considered made by the parents or guardians of such person and shall be attributed toward any contribution limits prescribed in this chapter. Where the contributor under fourteen years of age has two custodial parents or guardians, fifty percent of the contribution shall be attributed to each parent or guardian, and

57 where such contributor has one custodial parent or guardian, all such
58 contributions shall be attributed to the custodial parent or guardian.

59 6. Contributions received and expenditures made prior to January 1,
60 1995, shall be reported as a separate account and pursuant to the laws in effect
61 at the time such contributions are received or expenditures made. Contributions
62 received and expenditures made after January 1, 1995, shall be reported as a
63 separate account from the aforementioned account and pursuant to the provisions
64 of this chapter. The account reported pursuant to the prior law shall be retained
65 as a separate account and any remaining funds in such account may be used
66 pursuant to this chapter and section 130.034.

67 7. Any committee which accepts or gives contributions other than those
68 allowed shall be subject to a surcharge of one thousand dollars plus an amount
69 equal to the contribution per nonallowable contribution, to be paid to the ethics
70 commission and which shall be transferred to the director of revenue, upon
71 notification of such nonallowable contribution by the ethics commission, and
72 after the candidate has had ten business days after receipt of notice to return the
73 contribution to the contributor. The candidate and the candidate committee
74 treasurer or deputy treasurer owing a surcharge shall be personally liable for the
75 payment of the surcharge or may pay such surcharge only from campaign funds
76 existing on the date of the receipt of notice. Such surcharge shall constitute a
77 debt to the state enforceable under, but not limited to, the provisions of chapter
78 143, RSMo.]

79
2 Section B. Because of the need to expediently settle the law regarding campaign finance
3 prior to any subsequent election, section A of this act is deemed necessary for the immediate
4 preservation of the public health, welfare, peace and safety, and is hereby declared to be an
5 emergency act within the meaning of the constitution, and section A of this act shall be in full
6 force and effect upon its passage and approval.

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