

SECOND REGULAR SESSION

HOUSE BILL NO. 2288

94TH GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVES HARRIS (23) (Sponsor), DAUS AND ROORDA (Co-sponsors).

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

D. ADAM CRUMBLISS, Chief Clerk

5187L.02I

AN ACT

To repeal sections 130.021 and 130.032, RSMo, and section 130.032, as enacted by conference committee substitute for senate substitute for house committee substitute for house bill no. 1900, and to enact in lieu thereof three new sections relating to campaign contributions, with penalty provisions.

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

Section A. Sections 130.021 and 130.032, RSMo, and section 130.032, as enacted by
2 conference committee substitute for senate substitute for house committee substitute for house
3 bill no. 1900, are repealed and three new sections enacted in lieu thereof, to be known as sections
4 130.021, 130.032, and 576.090, to read as follows:

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. **No person shall serve as a treasurer
6 or deputy treasurer for more than one committee.**

7 2. Every candidate for offices listed in subsection 1 of section 130.016 who has not filed
8 a statement of exemption pursuant to that subsection and every candidate for offices listed in
9 subsection 6 of section 130.016 who is not excluded from filing a statement of organization and
10 disclosure reports pursuant to subsection 6 shall form a candidate committee and appoint a
11 treasurer. Thereafter, all contributions on hand and all further contributions received by such

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.

12 candidate and any of the candidate's own funds to be used in support of the person's candidacy
13 shall be deposited in a candidate committee depository account established pursuant to the
14 provisions of subsection 4 of this section, and all expenditures shall be made through the
15 candidate, treasurer or deputy treasurer of the person's candidate committee. Nothing in this
16 chapter shall prevent a candidate from appointing himself or herself as a committee of one and
17 serving as the person's own treasurer, maintaining the candidate's own records and filing all the
18 reports and statements required to be filed by the treasurer of a candidate committee.

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

23 4. (1) Every committee shall have a single official fund depository within this state
24 which shall be a federally or state-chartered bank, a federally or state-chartered savings and loan
25 association, or a federally or state-chartered credit union in which the committee shall open and
26 thereafter maintain at least one official depository account in its own name. An "official
27 depository account" shall be a checking account or some type of negotiable draft or negotiable
28 order of withdrawal account, and the official fund depository shall, regarding an official
29 depository account, be a type of financial institution which provides a record of deposits,
30 canceled checks or other canceled instruments of withdrawal evidencing each transaction by
31 maintaining copies within this state of such instruments and other transactions. All contributions
32 which the committee receives in money, checks and other negotiable instruments shall be
33 deposited in a committee's official depository account. Contributions shall not be accepted and
34 expenditures shall not be made by a committee except by or through an official depository
35 account and the committee treasurer, deputy treasurer or candidate. Contributions received by
36 a committee shall not be commingled with any funds of an agent of the committee, a candidate
37 or any other person, except that contributions from a candidate of the candidate's own funds to
38 the person's candidate committee shall be deposited to an official depository account of the
39 person's candidate committee. No expenditure shall be made by a committee when the office
40 of committee treasurer is vacant except that when the office of a candidate committee treasurer
41 is vacant, the candidate shall be the treasurer until the candidate appoints a new treasurer.

42 (2) A committee treasurer, deputy treasurer or candidate may withdraw funds from a
43 committee's official depository account and deposit such funds in one or more savings accounts
44 in the committee's name in any bank, savings and loan association or credit union within this
45 state, and may also withdraw funds from an official depository account for investment in the
46 committee's name in any certificate of deposit, bond or security. Proceeds from interest or
47 dividends from a savings account or other investment or proceeds from withdrawals from a

48 savings account or from the sale of an investment shall not be expended or reinvested, except
49 in the case of renewals of certificates of deposit, without first redepositing such proceeds in an
50 official depository account. Investments, other than savings accounts, held outside the
51 committee's official depository account at any time during a reporting period shall be disclosed
52 by description, amount, any identifying numbers and the name and address of any institution or
53 person in which or through which it is held in an attachment to disclosure reports the committee
54 is required to file. Proceeds from an investment such as interest or dividends or proceeds from
55 its sale, shall be reported by date and amount. In the case of the sale of an investment, the names
56 and addresses of the persons involved in the transaction shall also be stated. Funds held in
57 savings accounts and investments, including interest earned, shall be included in the report of
58 money on hand as required by section 130.041.

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

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

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

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

76 (4) **The name, mailing address, and telephone number of all committees established**
77 **under this chapter for which the treasurer and deputy treasurer, if any, serves as treasurer**
78 **or deputy treasurer;**

79 (5) The names, mailing addresses and titles of its officers, if any;

80 [(5)] (6) The name and mailing address of any connected organizations with which the
81 committee is affiliated;

82 [(6)] (7) The name and mailing address of its depository, and the name and account
83 number of each account the committee has in the depository;

84 [(7)] (8) Identification of the major nature of the committee such as a candidate
85 committee, campaign committee, continuing committee, political party committee, incumbent
86 committee, or any other committee according to the definition of "committee" in section
87 130.011;

88 [(8)] (9) In the case of the candidate committee designated in subsection 3 of this section,
89 the full name and address of each other candidate committee which is under the control and
90 direction of the same candidate, together with the name, address and telephone number of the
91 treasurer of each such other committee;

92 [(9)] (10) The name and office sought of each candidate supported or opposed by the
93 committee;

94 [(10)] (11) The ballot measure concerned, if any, and whether the committee is in favor
95 of or opposed to such measure.

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

103 7. A committee which has filed a statement of organization and has not terminated shall
104 not be required to file another statement of organization, except that when there is a change in
105 any of the information previously reported as required by subdivisions (1) to (8) of subsection
106 5 of this section an amended statement of organization shall be filed within twenty days after the
107 change occurs, but no later than the date of the filing of the next report required to be filed by
108 that committee by section 130.046.

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

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

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

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

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

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

130.032. 1. **(1) As used in this subsection, "contributions made by or accepted
2 from any person" includes contributions from any committee created for the purpose of
3 circumventing the contribution limits of this subsection.**

4 **(2)** In addition to the limitations imposed pursuant to section 130.031, the amount of
5 contributions made by or accepted from any person other than the candidate in any one election
6 shall not exceed the following:

7 **[(1)] (a)** To elect an individual to the office of governor, lieutenant governor, secretary
8 of state, state treasurer, state auditor or attorney general, one thousand dollars;

9 **[(2)] (b)** To elect an individual to the office of state senator, five hundred dollars;

10 **[(3)] (c)** To elect an individual to the office of state representative, two hundred fifty
11 dollars;

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

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

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

22 2. For purposes of this subsection "base year amount" shall be the contribution limits
23 prescribed in this section on January 1, 1995. Such limits shall be increased on the first day of

24 January in each even-numbered year by multiplying the base year amount by the cumulative
25 consumer price index, as defined in section 104.010, RSMo, and rounded to the nearest
26 twenty-five-dollar amount, for all years since January 1, 1995.

27 3. [Candidate committees, exploratory committees, campaign committees and continuing
28 committees, other than those continuing committees which are political party committees,]
29 **Every committee established under this chapter** shall be subject to the limits prescribed in
30 subsection 1 of this section. The provisions of this subsection shall not limit the amount of
31 contributions which may be accumulated by a candidate committee and used for expenditures
32 to further the nomination or election of the candidate who controls such candidate committee,
33 except as provided in section 130.052.

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

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

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

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

42 (4) To elect an individual to any other office of an electoral district, ward or unit, ten
43 times the allowable contribution limit for the office sought.

44

45 The amount of contributions which may be made by or accepted from a political party committee
46 in the primary election to elect any candidate who is unopposed in such primary shall be fifty
47 percent of the amount of the allowable contributions as determined in this subsection.

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

54 6. Contributions received and expenditures made prior to January 1, 1995, shall be
55 reported as a separate account and pursuant to the laws in effect at the time such contributions
56 are received or expenditures made. Contributions received and expenditures made after January
57 1, 1995, shall be reported as a separate account from the aforementioned account and pursuant
58 to the provisions of this chapter. The account reported pursuant to the prior law shall be retained

59 as a separate account and any remaining funds in such account may be used pursuant to this
60 chapter and section 130.034.

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

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

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

576.090. 1. As used in this section, the following terms mean:

2 (1) "Campaign finance limitations", the limitations on contributions imposed in
3 section 130.032, RSMo;

4 (2) "Committee", any committee as defined in section 130.011, RSMo.

5 2. A person commits the crime of laundering of campaign contributions if such
6 person:

7 (1) Creates a committee with the intent to circumvent campaign finance limitations;

8 (2) Receives contributions from a committee with the intent to circumvent
9 campaign finance limitations; or

10 (3) Contributes to a committee with the intent to circumvent campaign finance
11 limitations.

12 3. Laundering of campaign contributions shall be a class A misdemeanor for the
13 first offense, and a class D felony for a second or subsequent offense.

✓