

FIRST REGULAR SESSION

HOUSE BILL NO. 643

95TH GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVE KANDER.

1388L.011

D. ADAM CRUMBLISS, Chief Clerk

AN ACT

To repeal sections 130.041 and 130.057, RSMo, and to enact in lieu thereof two new sections relating to campaign finance disclosures.

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

Section A. Sections 130.041 and 130.057, RSMo, are repealed and two new sections enacted in lieu thereof, to be known as sections 130.041 and 130.057, to read as follows:

130.041. 1. Except as provided in subsection 5 of section 130.016, the candidate, if applicable, treasurer or deputy treasurer of every committee which is required to file a statement of organization, shall file a legibly printed or typed disclosure report of receipts and expenditures. The reports shall be filed with the appropriate officer designated in section 130.026 at the times and for the periods prescribed in section 130.046. Except as provided in sections 130.049 and 130.050, each report shall set forth:

(1) The full name, as required in the statement of organization pursuant to subsection 5 of section 130.021, and mailing address of the committee filing the report and the full name, mailing address and telephone number of the committee's treasurer and deputy treasurer if the committee has named a deputy treasurer;

(2) The amount of money, including cash on hand at the beginning of the reporting period;

(3) Receipts for the period, including:

(a) Total amount of all monetary contributions received which can be identified in the committee's records by name and address of each contributor. **The name of any registered lobbyist, as defined in section 105.470, RSMo, who contributes to the committee shall be disclosed, and such individual's occupation shall be designated as "registered lobbyist".**

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.

18 In addition, the candidate committee shall make a reasonable effort to obtain and report the
19 employer, or occupation if self-employed or notation of retirement, of each person from whom
20 the committee received one or more contributions which in the aggregate total in excess of one
21 hundred dollars and shall make a reasonable effort to obtain and report a description of any
22 contractual relationship over five hundred dollars between the contributor and the state if the
23 candidate is seeking election to a state office or between the contributor and any political
24 subdivision of the state if the candidate is seeking election to another political subdivision of the
25 state;

26 (b) Total amount of all anonymous contributions accepted;

27 (c) Total amount of all monetary contributions received through fund-raising events or
28 activities from participants whose names and addresses were not obtained with such
29 contributions, with an attached statement or copy of the statement describing each fund-raising
30 event as required in subsection 6 of section 130.031;

31 (d) Total dollar value of all in-kind contributions received;

32 (e) A separate listing by name and address and employer, or occupation if self-employed
33 or notation of retirement, of each person from whom the committee received contributions, in
34 money or any other thing of value, aggregating more than one hundred dollars, together with the
35 date and amount of each such contribution. **The name of each registered lobbyist, as defined**
36 **in section 105.470, RSMo, shall be listed, and the employer disclosure shall identify each**
37 **such individual as a registered lobbyist;**

38 (f) A listing of each loan received by name and address of the lender and date and
39 amount of the loan. For each loan of more than one hundred dollars, a separate statement shall
40 be attached setting forth the name and address of the lender and each person liable directly,
41 indirectly or contingently, and the date, amount and terms of the loan;

42 (4) Expenditures for the period, including:

43 (a) The total dollar amount of expenditures made by check drawn on the committee's
44 depository;

45 (b) The total dollar amount of expenditures made in cash;

46 (c) The total dollar value of all in-kind expenditures made;

47 (d) The full name and mailing address of each person to whom an expenditure of money
48 or any other thing of value in the amount of more than one hundred dollars has been made,
49 contracted for or incurred, together with the date, amount and purpose of each expenditure.
50 Expenditures of one hundred dollars or less may be grouped and listed by categories of
51 expenditure showing the total dollar amount of expenditures in each category, except that the
52 report shall contain an itemized listing of each payment made to campaign workers by name,

53 address, date, amount and purpose of each payment and the aggregate amount paid to each such
54 worker;

55 (e) A list of each loan made, by name and mailing address of the person receiving the
56 loan, together with the amount, terms and date;

57 (5) The total amount of cash on hand as of the closing date of the reporting period
58 covered, including amounts in depository accounts and in petty cash fund;

59 (6) The total amount of outstanding indebtedness as of the closing date of the reporting
60 period covered;

61 (7) The amount of expenditures for or against a candidate or ballot measure during the
62 period covered and the cumulative amount of expenditures for or against that candidate or ballot
63 measure, with each candidate being listed by name, mailing address and office sought. For the
64 purpose of disclosure reports, expenditures made in support of more than one candidate or ballot
65 measure or both shall be apportioned reasonably among the candidates or ballot measure or both.
66 In apportioning expenditures to each candidate or ballot measure, political party committees and
67 continuing committees need not include expenditures for maintaining a permanent office, such
68 as expenditures for salaries of regular staff, office facilities and equipment or other expenditures
69 not designed to support or oppose any particular candidates or ballot measures; however, all such
70 expenditures shall be listed pursuant to subdivision (4) of this subsection;

71 (8) A separate listing by full name and address of any committee including a candidate
72 committee controlled by the same candidate for which a transfer of funds or a contribution in any
73 amount has been made during the reporting period, together with the date and amount of each
74 such transfer or contribution;

75 (9) A separate listing by full name and address of any committee, including a candidate
76 committee controlled by the same candidate from which a transfer of funds or a contribution in
77 any amount has been received during the reporting period, together with the date and amount of
78 each such transfer or contribution;

79 (10) Each committee that receives a contribution which is restricted or designated in
80 whole or in part by the contributor for transfer to a particular candidate, committee or other
81 person shall include a statement of the name and address of that contributor in the next disclosure
82 report required to be filed after receipt of such contribution, together with the date and amount
83 of any such contribution which was so restricted or designated by that contributor, together with
84 the name of the particular candidate or committee to whom such contribution was so designated
85 or restricted by that contributor and the date and amount of such contribution.

86 2. For the purpose of this section and any other section in this chapter except sections
87 130.049 and 130.050 which requires a listing of each contributor who has contributed a specified

88 amount, the aggregate amount shall be computed by adding all contributions received from any
89 one person during the following periods:

90 (1) In the case of a candidate committee, the period shall begin on the date on which the
91 candidate became a candidate according to the definition of the term "candidate" in section
92 130.011 and end at 11:59 p.m. on the day of the primary election, if the candidate has such an
93 election or at 11:59 p.m. on the day of the general election. If the candidate has a general
94 election held after a primary election, the next aggregating period shall begin at 12:00 midnight
95 on the day after the primary election day and shall close at 11:59 p.m. on the day of the general
96 election. Except that for contributions received during the thirty-day period immediately
97 following a primary election, the candidate shall designate whether such contribution is received
98 as a primary election contribution or a general election contribution;

99 (2) In the case of a campaign committee, the period shall begin on the date the committee
100 received its first contribution and end on the closing date for the period for which the report or
101 statement is required;

102 (3) In the case of a political party committee or a continuing committee, the period shall
103 begin on the first day of January of the year in which the report or statement is being filed and
104 end on the closing date for the period for which the report or statement is required; except, if the
105 report or statement is required to be filed prior to the first day of July in any given year, the
106 period shall begin on the first day of July of the preceding year.

107 3. The disclosure report shall be signed and attested by the committee treasurer or deputy
108 treasurer and by the candidate in case of a candidate committee.

109 4. The words "consulting or consulting services, fees, or expenses", or similar words,
110 shall not be used to describe the purpose of a payment as required in this section. The reporting
111 of any payment to such an independent contractor shall be on a form supplied by the appropriate
112 officer, established by the ethics commission and shall include identification of the specific
113 service or services provided including, but not limited to, public opinion polling, research on
114 issues or opposition background, print or broadcast media production, print or broadcast media
115 purchase, computer programming or data entry, direct mail production, postage, rent, utilities,
116 phone solicitation, or fund raising, and the dollar amount prorated for each service.

130.057. 1. In order for candidates for election and public officials to more easily file
2 reports required by law and to access information contained in such reports, and for the Missouri
3 ethics commission to receive and store reports in an efficient and economical method, and for
4 the general public and news media to access information contained in such reports, the
5 commission shall establish and maintain an electronic reporting system pursuant to this section.

6 2. The ethics commission may establish for elections in 1996 and shall establish for
7 elections and all required reporting beginning in 1998 and maintain thereafter a state campaign

8 finance and financial interest disclosure electronic reporting system pursuant to this section for
9 all candidates required to file. The system may be used for the collection, filing and
10 dissemination of all reports, including monthly lobbying reports filed by law, and all reports filed
11 with the commission pursuant to this chapter and chapter 105, RSMo. The system may be
12 established and used for all reports required to be filed for the primary and general elections in
13 1996 and all elections thereafter, except that the system may require maintenance of a paper
14 backup system for the primary and general elections in 1996. The reports shall be maintained
15 and secured in the electronic format by the commission.

16 3. When the commission determines that the electronic reporting system has been
17 properly implemented, the commission shall certify to all candidates and committees required
18 to file pursuant to this chapter that such electronic reporting system has been established and
19 implemented. Beginning with the primary and general elections in 2000, or the next primary or
20 general election in which the commission has made certification pursuant to this subsection,
21 whichever is later, candidates and all other committees shall file reports by using either the
22 electronic format prescribed by the commission or paper forms provided by the commission for
23 that purpose. Continuing committees shall file reports by electronic format prescribed by the
24 commission, except continuing committees which make contributions equal to or less than
25 fifteen thousand dollars in the applicable calendar year. Any continuing committee which makes
26 contributions in support of or opposition to any measure or candidate equal to or less than fifteen
27 thousand dollars in the applicable calendar year shall file reports on paper forms provided by the
28 commission for that purpose or by electronic format prescribed by the commission, whichever
29 reporting method the continuing committee chooses. The commission shall supply a computer
30 program which shall be used for filing by modem or by a common magnetic media chosen by
31 the commission. In the event that filings are performed electronically, the candidate shall file
32 a signed original written copy within five working days; except that, if a means becomes
33 available which will allow a verifiable electronic signature, the commission may also accept this
34 in lieu of a written statement.

35 4. Beginning January 1, 2000, or on the date the commission makes the certification
36 pursuant to subsection 3 of this section, whichever is later, all reports filed with the commission
37 by any candidate for a statewide office, or such candidate's committee, shall be filed in electronic
38 format as prescribed by the commission; provided however, that if a candidate for statewide
39 office, or such candidate's committee receives or spends five thousand dollars or less for any
40 reporting period, the report for that reporting period shall not be required to be filed
41 electronically.

42 5. A copy of all reports filed in the state campaign finance electronic reporting system
43 shall be placed on a public electronic access system so that the general public may have open

44 access to the reports filed pursuant to this section. The access system shall be organized and
45 maintained in such a manner to allow an individual to obtain information concerning all
46 contributions made to or on behalf of, and all expenditures made on behalf of, any public official
47 described in subsection 2 of this section in formats that will include both written and
48 electronically readable formats.

49 6. All records that are in electronic format, not otherwise closed by law, shall be
50 available in electronic format to the public. The commission shall maintain and provide for
51 public inspection, a listing of all reports with a complete description for each field contained on
52 the report, that has been used to extract information from their database files. The commission
53 shall develop a report or reports which contain every field in each database.

54 7. Annually, the commission shall provide, without cost, a system-wide dump of
55 information contained in the commission's electronic database files to the general assembly. The
56 information is to be copied onto a medium specified by the general assembly. Such information
57 shall not contain records otherwise closed by law. It is the intent of the general assembly to
58 provide open access to the commission's records. The commission shall make every reasonable
59 effort to comply with requests for information and shall take a liberal interpretation when
60 considering such requests.

61 **8. The commission shall make lobbyist principal, as such term is defined in section**
62 **105.470, RSMo, and employer information available to the general public in an easily**
63 **accessible electronic format by linking such information to the electronic format of the**
64 **disclosure reports required under section 130.041.**

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