

SECOND REGULAR SESSION

# HOUSE BILL NO. 1708

## 95TH GENERAL ASSEMBLY

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INTRODUCED BY REPRESENTATIVE SCHAAF.

4549L.011

D. ADAM CRUMBLISS, Chief Clerk

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### AN ACT

To repeal section 130.016, RSMo, and to enact in lieu thereof one new section relating to committee filing requirements.

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

Section A. Section 130.016, RSMo, is repealed and one new section enacted in lieu thereof, to be known as section 130.016, to read as follows:

130.016. 1. No candidate for statewide elected office, general assembly, or municipal office in a city with a population of more than one hundred thousand shall be required to comply with the requirements to file a statement of organization or disclosure reports of contributions and expenditures for any election in which neither the aggregate of contributions received nor the aggregate of expenditures made on behalf of such candidate exceeds five hundred dollars and no single contributor, other than the candidate, has contributed more than three hundred twenty-five dollars, provided that:

(1) The candidate files a sworn exemption statement with the appropriate officer that the candidate does not intend to either receive contributions or make expenditures in the aggregate of more than five hundred dollars or receive contributions from any single contributor, other than the candidate, that aggregate more than three hundred twenty-five dollars, and that the total of all contributions received or expenditures made by the candidate and all committees or any other person with the candidate's knowledge and consent in support of the candidacy will not exceed five hundred dollars and that the aggregate of contributions received from any single contributor will not exceed the amount of the limitation on contributions to elect an individual to the office of state representative as calculated in subsection 2 of section 130.032. Such exemption statement shall be filed no later than the date set forth in section 130.046 on which a disclosure

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 report would otherwise be required if the candidate does not file the exemption statement. The  
19 exemption statement shall be filed on a form furnished to each appropriate officer by the  
20 executive director of the Missouri ethics commission. Each appropriate officer shall make the  
21 exemption statement available to candidates and shall direct each candidate's attention to the  
22 exemption statement and explain its purpose to the candidate; and

23 (2) The sworn exemption statement includes a statement that the candidate understands  
24 that records of contributions and expenditures must be maintained from the time the candidate  
25 first receives contributions or makes expenditures and that an exemption from filing a statement  
26 of organization or disclosure reports does not exempt the candidate from other provisions of this  
27 chapter. Each candidate described in this subsection who files a statement of exemption shall  
28 file a statement of limited activity for each reporting period described in section 130.046.

29 2. Any candidate who has filed an exemption statement as provided in subsection 1 of  
30 this section shall not accept any contribution or make any expenditure in support of the person's  
31 candidacy, either directly or indirectly or by or through any committee or any other person acting  
32 with the candidate's knowledge and consent, which would cause such contributions or  
33 expenditures to exceed the limits specified in subdivision (1) of subsection 1 of this section  
34 unless the candidate later rejects the exemption pursuant to subsection 3 of this section. Any  
35 contribution received in excess of such limits shall be returned to the donor or transmitted to the  
36 state treasurer to escheat to the state.

37 3. If, after filing the exemption statement provided for in this section, the candidate  
38 subsequently determines the candidate wishes to exceed any of the limits in subdivision (1) of  
39 subsection 1 of this section, the candidate shall file a notice of rejection of the exemption with  
40 the appropriate officer; however, such rejection shall not be filed later than thirty days before  
41 election. A notice of rejection of exemption shall be accompanied by a statement of organization  
42 as required by section 130.021 and any other statements and reports which would have been  
43 required if the candidate had not filed an exemption statement.

44 4. A primary election and the immediately succeeding general election are separate  
45 elections, and restrictions on contributions and expenditures set forth in subsection 2 of this  
46 section shall apply to each election; however, if a successful primary candidate has correctly filed  
47 an exemption statement prior to the primary election and has not filed a notice of rejection prior  
48 to the date on which the first disclosure report applicable to the succeeding general election is  
49 required to be filed, the candidate shall not be required to file an exemption statement for that  
50 general election if the limitations set forth in subsection 1 of this section apply to the succeeding  
51 general election.

52 5. A candidate who has an existing candidate committee formed for a prior election for  
53 which all statements and reports required by this chapter have been properly filed shall be

54 eligible to file the exemption statement as provided in subsection 1 of this section and shall not  
55 be required to file the disclosure reports pertaining to the election for which the candidate is  
56 eligible to file the exemption statement if the candidate and the treasurer or deputy treasurer of  
57 such existing candidate committee continue to comply with the requirements, limitations and  
58 restrictions set forth in subsections 1, 2, 3 and 4 of this section. The exemption permitted by this  
59 subsection does not exempt a candidate or the treasurer of the candidate's existing candidate  
60 committee from complying with the requirements of subsections 6 and 7 of section 130.046  
61 applicable to a prior election.

62         6. No candidate for supreme court, circuit court, or associate circuit court, or candidate  
63 for political party office, or for county office or municipal office in a city of one hundred  
64 thousand or less, or for any special purpose district office shall be required to file an exemption  
65 statement pursuant to this section in order to be exempted from forming a committee and filing  
66 disclosure reports required of committees pursuant to this chapter if the aggregate of  
67 contributions received or expenditures made by the candidate and any other person with the  
68 candidate's knowledge and consent in support of the person's candidacy does not exceed one  
69 thousand dollars and the aggregate of contributions from any single contributor does not exceed  
70 three hundred twenty-five dollars. No candidate for any office listed in this subsection shall be  
71 excused from complying with the provisions of any section of this chapter, other than the filing  
72 of an exemption statement under the conditions specified in this subsection.

73         7. If any candidate for an office listed in subsection 6 of this section exceeds the limits  
74 specified in subsection 6 of this section, the candidate shall form a committee no later than thirty  
75 days prior to the election for which the contributions were received or expended which shall  
76 comply with all provisions of this chapter for committees.

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

79         **9. Any candidate forming any committee shall designate the office to which the**  
80 **candidate is seeking to be nominated or elected when filing to form a committee.**

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