

House \_\_\_\_\_ Amendment NO. \_\_\_\_\_

Offered By

1 AMEND House Committee Substitute for Senate Bill No. 90, Page 15, Section 115.601, Line 48, by  
2 inserting after all of said section and line the following:

3 "115.850. 1. This section shall be known and may be cited as the "Political Accountability  
4 in Campaigning Act".

5 2. For purposes of this section, the term "knowingly" shall mean that a candidate knows that  
6 a proposition is false and intends to publicize it, and the term "material fact" shall mean a  
7 proposition that is verifiable as either true or false with near certainty during de novo review by an  
8 appellate court, and that is not embedded within a context where the overall content of the message is  
9 a matter of opinion. The use of interjections including name calling or profane language shall not be  
10 deemed to be matters of material fact.

11 3. A candidate campaigning for office in this state commits a violation of this section if he or  
12 she knowingly publicizes a false statement of material fact in a political advertisement released to the  
13 public through any print or broadcast medium that refers to a clearly identified candidate for  
14 statewide office or the general assembly that is made after the candidate making the communication  
15 has filed for office.

16 4. A violation of this section shall be proven by clear and compelling evidence by a court or  
17 jury.

18 5. A violation of this section shall be punishable by damages limited to the lesser of the  
19 amount it would cost to adequately inform the public of the false material fact at issue or a damage  
20 award of not more than twenty thousand dollars for each violation. Courts may enforce the  
21 provisions of this section by granting injunctive relief to prevent the future dissemination of false  
22 material statements in violation of this section.

23 6. A candidate who has violated the provisions of this section may avoid the penalty imposed  
24 in subsection 5 of this section by retracting his or her false statement of material fact through the  
25 same print or broadcast medium used to communicate the false statement of material fact. Such  
26 retraction shall be made not later than fourteen days after the false statement of material fact was  
27 made and shall be made not later than fourteen days prior to a general or special election for  
28 statewide office or the general assembly.

29 7. In addition to prosecutors or the office of the attorney general, any eligible voter may  
30 bring suit to enforce the provisions of this section. Damages obtained by state officials shall be  
31 considered as substantially similar to penalties and shall be payable to the schools in accordance with

Action Taken \_\_\_\_\_ Date \_\_\_\_\_

1 article IX, section 7 of the Constitution of Missouri, otherwise such damages shall be payable to any  
2 eligible voter bringing suit under this section.

3 8. This section shall not be held to modify or supercede any cause of action for defamation  
4 and the penalties herein shall be in addition to any damages or penalties imposed for defamation by  
5 statute or common law."; and

6  
7 Further amend said bill by amending the title, enacting clause, and intersectional references  
8 accordingly.  
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