

FIRST REGULAR SESSION

# HOUSE BILL NO. 371

## 101ST GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVE BUTZ.

0362H.011

DANA RADEMAN MILLER, Chief Clerk

### AN ACT

To repeal section 130.021, RSMo, and to enact in lieu thereof one new section relating to candidate committees.

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

Section A. Section 130.021, RSMo, is repealed and one new section enacted in lieu thereof, to be known as section 130.021, to read as follows:

130.021. 1. Every committee shall have a treasurer who, except as provided in subsection 10 of this section, shall be a resident of this state and reside in the district or county in which the committee sits. A committee may also have a deputy treasurer who, except as provided in subsection 10 of this section, shall be a resident of this state and reside in the district or county in which the committee sits, to serve in the capacity of committee treasurer in the event the committee treasurer is unable for any reason to perform the treasurer's duties.

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

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 filing all the reports and statements required to be filed by the treasurer of a candidate committee.

19 **No candidate shall serve as the person's own treasurer.**

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

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

43         (2) A committee treasurer, deputy treasurer or candidate may withdraw funds from a  
44 committee's official depository account and deposit such funds in one or more savings accounts  
45 in the committee's name in any bank, savings and loan association or credit union within this  
46 state, and may also withdraw funds from an official depository account for investment in the  
47 committee's name in any certificate of deposit, bond or security. Proceeds from interest or  
48 dividends from a savings account or other investment or proceeds from withdrawals from a  
49 savings account or from the sale of an investment shall not be expended or reinvested, except  
50 in the case of renewals of certificates of deposit, without first redepositing such proceeds in an  
51 official depository account. Investments, other than savings accounts, held outside the  
52 committee's official depository account at any time during a reporting period shall be disclosed  
53 by description, amount, any identifying numbers and the name and address of any institution or

54 person in which or through which it is held in an attachment to disclosure reports the committee  
55 is required to file. Proceeds from an investment such as interest or dividends or proceeds from  
56 its sale, shall be reported by date and amount. In the case of the sale of an investment, the names  
57 and addresses of the persons involved in the transaction shall also be stated. Funds held in  
58 savings accounts and investments, including interest earned, shall be included in the report of  
59 money on hand as required by section 130.041.

60 (3) Notwithstanding any other provision of law to the contrary, funds held in candidate  
61 committees, campaign committees, debt service committees, and exploratory committees shall  
62 be liquid such that these funds shall be readily available for the specific and limited purposes  
63 allowed by law. These funds may be invested only in short-term treasury instruments or  
64 short-term bank certificates with durations of one year or less, or that allow the removal of funds  
65 at any time without any additional financial penalty other than the loss of interest income.  
66 Continuing committees, political party committees, and other committees such as out-of-state  
67 committees not formed for the benefit of any single candidate or ballot issue shall not be subject  
68 to the provisions of this subdivision. This subdivision shall not be interpreted to restrict the  
69 placement of funds in an interest-bearing checking account.

70 5. The treasurer or deputy treasurer acting on behalf of any person or organization or  
71 group of persons which is a committee by virtue of the definitions of committee in section  
72 130.011 and any candidate who is not excluded from forming a committee in accordance with  
73 the provisions of section 130.016 shall file a statement of organization with the appropriate  
74 officer within twenty days after the person or organization becomes a committee but no later than  
75 the date for filing the first report required pursuant to the provisions of section 130.046. The  
76 statement of organization shall contain the following information:

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

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

84 (3) The name, mailing address and telephone number of the committee treasurer, and the  
85 name, mailing address and telephone number of its deputy treasurer if the committee has named  
86 a deputy treasurer;

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

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

90 (6) The name and mailing address of its depository, and the name and account number  
91 of each account the committee has in the depository. The account number of each account shall  
92 be redacted prior to disclosing the statement to the public;

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

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

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

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

104 6. A committee may omit the information required in subdivisions (9) and (10) of  
105 subsection 5 of this section if, on the date on which it is required to file a statement of  
106 organization, the committee has not yet determined the particular candidates or particular ballot  
107 measures it will support or oppose.

108 7. A committee which has filed a statement of organization and has not terminated shall  
109 not be required to file another statement of organization, except that when there is a change in  
110 any of the information previously reported as required by subdivisions (1) to (8) of subsection  
111 5 of this section an amended statement of organization shall be filed within twenty days after the  
112 change occurs, but no later than the date of the filing of the next report required to be filed by  
113 that committee by section 130.046.

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

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

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

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

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

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

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

✓