

SECOND REGULAR SESSION

HOUSE BILL NO. 2544

102ND GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVE MORSE.

3832H.02I

DANA RADEMAN MILLER, Chief Clerk

AN ACT

To repeal section 130.031, RSMo, and to enact in lieu thereof one new section relating to political advertisements, with penalty provisions.

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

Section A. Section 130.031, RSMo, is repealed and one new section enacted in lieu thereof, to be known as section 130.031, to read as follows:

130.031. 1. No contribution of cash in an amount of more than one hundred dollars shall be made by or accepted from any single contributor for any election by a continuing committee, a campaign committee, a political party committee, an exploratory committee or a candidate committee.

2. Except for expenditures from a petty cash fund which is established and maintained by withdrawals of funds from the committee's depository account and with records maintained pursuant to the record-keeping requirements of section 130.036 to account for expenditures made from petty cash, each expenditure of more than fifty dollars, except an in-kind expenditure, shall be made by check drawn on the committee's depository and signed by the committee treasurer, deputy treasurer or candidate. A single expenditure from a petty cash fund shall not exceed fifty dollars, and the aggregate of all expenditures from a petty cash fund during a calendar year shall not exceed the lesser of five thousand dollars or ten percent of all expenditures made by the committee during that calendar year. A check made payable to "cash" shall not be made except to replenish a petty cash fund.

3. No contribution shall be made or accepted and no expenditure shall be made or incurred, directly or indirectly, in a fictitious name, in the name of another person, or by or through another person in such a manner as to conceal the identity of the actual source of the

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 contribution or the actual recipient and purpose of the expenditure. Any person who receives
19 contributions for a committee shall disclose to that committee's treasurer, deputy treasurer or
20 candidate the recipient's own name and address and the name and address of the actual source
21 of each contribution such person has received for that committee. Any person who makes
22 expenditures for a committee shall disclose to that committee's treasurer, deputy treasurer or
23 candidate such person's own name and address, the name and address of each person to whom
24 an expenditure has been made and the amount and purpose of the expenditures the person has
25 made for that committee.

26 4. No anonymous contribution of more than twenty-five dollars shall be made by any
27 person, and no anonymous contribution of more than twenty-five dollars shall be accepted by
28 any candidate or committee. If any anonymous contribution of more than twenty-five dollars
29 is received, it shall be returned immediately to the contributor, if the contributor's identity can
30 be ascertained, and if the contributor's identity cannot be ascertained, the candidate,
31 committee treasurer or deputy treasurer shall immediately transmit that portion of the
32 contribution which exceeds twenty-five dollars to the state treasurer and it shall escheat to the
33 state.

34 5. The maximum aggregate amount of anonymous contributions which shall be
35 accepted in any calendar year by any committee shall be the greater of five hundred dollars or
36 one percent of the aggregate amount of all contributions received by that committee in the
37 same calendar year. If any anonymous contribution is received which causes the aggregate
38 total of anonymous contributions to exceed the foregoing limitation, it shall be returned
39 immediately to the contributor, if the contributor's identity can be ascertained, and, if the
40 contributor's identity cannot be ascertained, the committee treasurer, deputy treasurer or
41 candidate shall immediately transmit the anonymous contribution to the state treasurer to
42 escheat to the state.

43 6. Notwithstanding the provisions of subsection 5 of this section, contributions from
44 individuals whose names and addresses cannot be ascertained which are received from a
45 fund-raising activity or event, such as defined in section 130.011, shall not be deemed
46 anonymous contributions, provided the following conditions are met:

47 (1) There are twenty-five or more contributing participants in the activity or event;

48 (2) The candidate, committee treasurer, deputy treasurer or the person responsible for
49 conducting the activity or event makes an announcement that it is illegal for anyone to make
50 or receive a contribution in excess of one hundred dollars unless the contribution is
51 accompanied by the name and address of the contributor;

52 (3) The person responsible for conducting the activity or event does not knowingly
53 accept payment from any single person of more than one hundred dollars unless the name and

54 address of the person making such payment is obtained and recorded pursuant to the record-
55 keeping requirements of section 130.036;

56 (4) A statement describing the event shall be prepared by the candidate or the
57 treasurer of the committee for whom the funds were raised or by the person responsible for
58 conducting the activity or event and attached to the disclosure report of contributions and
59 expenditures required by section 130.041. The following information to be listed in the
60 statement is in addition to, not in lieu of, the requirements elsewhere in this chapter relating to
61 the recording and reporting of contributions and expenditures:

62 (a) The name and mailing address of the person or persons responsible for conducting
63 the event or activity and the name and address of the candidate or committee for whom the
64 funds were raised;

65 (b) The date on which the event occurred;

66 (c) The name and address of the location where the event occurred and the
67 approximate number of participants in the event;

68 (d) A brief description of the type of event and the fund-raising methods used;

69 (e) The gross receipts from the event and a listing of the expenditures incident to the
70 event;

71 (f) The total dollar amount of contributions received from the event from participants
72 whose names and addresses were not obtained with such contributions and an explanation of
73 why it was not possible to obtain the names and addresses of such participants;

74 (g) The total dollar amount of contributions received from contributing participants in
75 the event who are identified by name and address in the records required to be maintained
76 pursuant to section 130.036.

77 7. No candidate or committee in this state shall accept contributions from any out-of-
78 state committee unless the out-of-state committee from whom the contributions are received
79 has filed a statement of organization pursuant to section 130.021 or has filed the reports
80 required by sections 130.049 and 130.050, whichever is applicable to that committee.

81 8. Any person publishing, circulating, or distributing any printed matter relative to
82 any candidate for public office or any ballot measure shall on the face of the printed matter
83 identify in a clear and conspicuous manner the person who paid for the printed matter with the
84 words "Paid for by" followed by the proper identification of the sponsor pursuant to this
85 section. For the purposes of this section, "printed matter" shall be defined to include any
86 pamphlet, circular, handbill, sample ballot, advertisement, including advertisements in any
87 newspaper or other periodical, sign, including signs for display on motor vehicles, or other
88 imprinted or lettered material; but "printed matter" is defined to exclude materials printed and
89 purchased prior to May 20, 1982, if the candidate or committee can document that delivery
90 took place prior to May 20, 1982; any sign personally printed and constructed by an

91 individual without compensation from any other person and displayed at that individual's
92 place of residence or on that individual's personal motor vehicle; any items of personal use
93 given away or sold, such as campaign buttons, pins, pens, pencils, book matches, campaign
94 jewelry, or clothing, which is paid for by a candidate or committee which supports a candidate
95 or supports or opposes a ballot measure and which is obvious in its identification with a
96 specific candidate or committee and is reported as required by this chapter; and any news
97 story, commentary, or editorial printed by a regularly published newspaper or other periodical
98 without charge to a candidate, committee or any other person.

99 (1) In regard to any printed matter paid for by a candidate from the candidate's
100 personal funds, it shall be sufficient identification to print the first and last name by which the
101 candidate is known.

102 (2) In regard to any printed matter paid for by a committee, it shall be sufficient
103 identification to print the name of the committee as required to be registered by subsection 5
104 of section 130.021 and the name and title of the committee treasurer who was serving when
105 the printed matter was paid for.

106 (3) In regard to any printed matter paid for by a corporation or other business entity,
107 labor organization, or any other organization not defined to be a committee by subdivision (7)
108 of section 130.011 and not organized especially for influencing one or more elections, it shall
109 be sufficient identification to print the name of the entity, the name of the principal officer of
110 the entity, by whatever title known, and the mailing address of the entity, or if the entity has
111 no mailing address, the mailing address of the principal officer.

112 (4) In regard to any printed matter paid for by an individual or individuals, it shall be
113 sufficient identification to print the name of the individual or individuals and the respective
114 mailing address or addresses, except that if more than five individuals join in paying for
115 printed matter it shall be sufficient identification to print the words "For a list of other
116 sponsors contact:" followed by the name and address of one such individual responsible for
117 causing the matter to be printed, and the individual identified shall maintain a record of the
118 names and amounts paid by other individuals and shall make such record available for review
119 upon the request of any person. No person shall accept for publication or printing nor shall
120 such work be completed until the printed matter is properly identified as required by this
121 subsection.

122 9. Any broadcast station transmitting any matter relative to any candidate for public
123 office or ballot measure as defined by this chapter shall identify the sponsor of such matter as
124 required by federal law.

125 10. The provisions of subsection 8 or 9 of this section shall not apply to candidates for
126 elective federal office, provided that persons causing matter to be printed or broadcast

127 concerning such candidacies shall comply with the requirements of federal law for
128 identification of the sponsor or sponsors.

129 **11. Any material subject to the provisions of subsection 8 or 9 of this section shall**
130 **be required to provide a citation to the original source when referencing published**
131 **material to the general public in newspapers, journals, books, or other similar materials**
132 **and on websites. The citations shall include, if applicable, the author, title, source, date**
133 **of publication, and page number and shall appear near the "Paid for by" notice in**
134 **subsection 8 or with the sponsor identification in subsection 9.**

135 **12.** It shall be a violation of this chapter for any person required to be identified as
136 paying for printed matter pursuant to subsection 8 of this section or paying for broadcast
137 matter pursuant to subsection 9 of this section to refuse to provide the information required or
138 to purposely provide false, misleading, or incomplete information.

139 ~~[12.]~~ **13.** It shall be a violation of this chapter for any committee to offer chances to
140 win prizes or money to persons to encourage such persons to endorse, send election material
141 by mail, deliver election material in person or contact persons at their homes; except that, the
142 provisions of this subsection shall not be construed to prohibit hiring and paying a campaign
143 staff.

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