

SECOND REGULAR SESSION

# HOUSE BILL NO. 2829

102ND GENERAL ASSEMBLY

---

INTRODUCED BY REPRESENTATIVE SPARKS.

5841H.011

DANA RADEMAN MILLER, Chief Clerk

---

## AN ACT

To repeal section 130.041, RSMo, and to enact in lieu thereof one new section relating to disclosure of political consultant services in connection with political campaigns, with penalty provisions.

---

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

Section A. Section 130.041, RSMo, is repealed and one new section enacted in lieu thereof, to be known as section 130.041, to read as follows: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. In addition, the candidate committee shall make a reasonable effort to obtain and report the employer, or occupation if

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.

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

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

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

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

29 (e) A separate listing by name and address and employer, or occupation if self-  
30 employed or notation of retirement, of each person from whom the committee received  
31 contributions, in money or any other thing of value, aggregating more than one hundred  
32 dollars, together with the date and amount of each such contribution;

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

37 (4) Expenditures for the period, including:

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

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

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

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

50 (e) **The total dollar amount of expenditures made for the purpose of procuring**  
51 **political consulting services, with the amount paid to each individual consultant**  
52 **itemized, provided that if the expenditures were paid to an entity that is not a natural**

53 **person, the name of the natural person whose services have been retained shall be listed**  
54 **in addition to the entity that was paid;**

55 (f) 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  
60 reporting period covered;

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

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

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

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

88 2. For the purpose of this section and any other section in this chapter except sections  
89 130.049 and 130.050 which requires a listing of each contributor who has contributed a

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

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

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

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

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

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

120 **5. (1) If a committee hires, retains, employs, or otherwise receives the services of**  
121 **a person who is a political consultant who has been convicted of a state or federal felony,**  
122 **the treasurer of such committee shall file with the Missouri ethics commission an**  
123 **affidavit declaring that the committee has knowingly hired, retained, employed, or**  
124 **otherwise received the services of such person. The Missouri ethics commission shall**  
125 **create a form for such affidavit, which shall include, at minimum, the following**  
126 **information with respect to the political consultant:**

- 127           **(a) Name;**  
128           **(b) Address;**  
129           **(c) Employer or employers;**  
130           **(d) Phone number; and**  
131           **(e) Felony of which the person was convicted.**
- 132           **(2) Prior to being hired, retained, employed, or otherwise providing services to a**  
133 **committee, any person seeking to provide political consulting services shall disclose to**  
134 **the committee any felony conviction. Failure to disclose such felony conviction is**  
135 **punishable as a class B misdemeanor. The attorney general shall have concurrent**  
136 **jurisdiction with any prosecuting attorney or circuit attorney to prosecute under this**  
137 **section.**
- 138           **(3) The Missouri ethics commission shall maintain a list of political consultants**  
139 **who have been hired, retained, employed, or otherwise provided services to a committee**  
140 **and who have been convicted of a state or federal felony. Such list shall be made**  
141 **publicly available in a searchable format on the commission's website. The list shall**  
142 **identify the name of the consultant, the felony for which the person was convicted, and**  
143 **the date of the conviction.**

✓