

SECOND REGULAR SESSION

# HOUSE BILL NO. 1864

## 103RD GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVE BUTZ.

4806H.011

JOSEPH ENGLER, Chief Clerk

### AN ACT

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

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Section A. Section 130.021, RSMo, is repealed and one new section enacted in lieu thereof, to be known as section 130.021, to read as follows: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

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 ~~treasurer,]~~ maintaining the candidate's own records and filing all the reports and statements  
19 required to be filed by the treasurer of a candidate committee. **No candidate shall serve as**  
20 **the candidate's own treasurer.**

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

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

48         (2) A committee treasurer, deputy treasurer or candidate may withdraw funds from a  
49 committee's official depository account and deposit such funds in one or more savings  
50 accounts in the committee's name in any bank, savings and loan association or credit union  
51 within this state, and may also withdraw funds from an official depository account for  
52 investment in the committee's name in any certificate of deposit, bond or security. Proceeds  
53 from interest or dividends from a savings account or other investment or proceeds from  
54 withdrawals from a savings account or from the sale of an investment shall not be expended

55 or reinvested, except in the case of renewals of certificates of deposit, without first  
56 redepositing such proceeds in an official depository account. Investments, other than savings  
57 accounts, held outside the committee's official depository account at any time during a  
58 reporting period shall be disclosed by description, amount, any identifying numbers and the  
59 name and address of any institution or person in which or through which it is held in an  
60 attachment to disclosure reports the committee is required to file. Proceeds from an  
61 investment such as interest or dividends or proceeds from its sale, shall be reported by date  
62 and amount. In the case of the sale of an investment, the names and addresses of the persons  
63 involved in the transaction shall also be stated. Funds held in savings accounts and  
64 investments, including interest earned, shall be included in the report of money on hand as  
65 required by section 130.041.

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

76 5. The treasurer or deputy treasurer acting on behalf of any person or organization or  
77 group of persons which is a committee by virtue of the definitions of committee in section  
78 130.011 and any candidate who is not excluded from forming a committee in accordance with  
79 the provisions of section 130.016 shall file a statement of organization with the appropriate  
80 officer within twenty days after the person or organization becomes a committee but no later  
81 than the date for filing the first report required pursuant to the provisions of section 130.046.  
82 The statement of organization shall contain the following information:

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

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

90 (3) The name, mailing address and telephone number of the committee treasurer, and  
91 the name, mailing address and telephone number of its deputy treasurer if the committee has  
92 named a deputy treasurer;

93 (4) The name and mailing address of any connected organizations with which the  
94 committee is affiliated;

95 (5) The names, mailing addresses, and titles of its officers, if any;

96 (6) The name and mailing address of its depository, the name and account number of  
97 each account the committee has in the depository, and the account number and issuer of any  
98 credit card in the committee's name. The account number of each account shall be redacted  
99 prior to disclosing the statement to the public;

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

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

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

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

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

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

121 8. Upon termination of a committee, a termination statement indicating dissolution  
122 shall be filed not later than ten days after the date of dissolution with the appropriate officer or  
123 officers with whom the committee's statement of organization was filed. The termination  
124 statement shall include: the distribution made of any remaining surplus funds and the  
125 disposition of any deficits; and the name, mailing address and telephone number of the

126 individual responsible for preserving the committee's records and accounts as required in  
127 section 130.036.

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

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

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

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

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

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

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