

SECOND REGULAR SESSION

[PERFECTED]

HOUSE COMMITTEE SUBSTITUTE FOR

HOUSE BILL NO. 1788

103RD GENERAL ASSEMBLY

5473H.03P

JOSEPH ENGLER, Chief Clerk

AN ACT

To repeal section 130.031, RSMo, and to enact in lieu thereof one new section relating to campaign finance, 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Section A. Section 130.031, RSMo, is repealed and one new section enacted in lieu thereof, to be known as section 130.031, to read as follows: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. Each expenditure of more than fifty dollars, except an in-kind expenditure, shall be made by check signed by the committee treasurer, deputy treasurer, or candidate or by other electronic means authorized by the treasurer, deputy treasurer, or candidate and drawn on the committee's depository or credit card in the name of the committee and authorized by the treasurer, deputy treasurer, or candidate. A single expenditure of cash shall not exceed fifty dollars, and the aggregate of all expenditures of cash 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.

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 contribution or the actual recipient and purpose of the expenditure. Any person who receives contributions for a committee shall disclose to that committee's treasurer, deputy treasurer or

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

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

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

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

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

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

50 (3) The person responsible for conducting the activity or event does not knowingly
51 accept payment from any single person of more than one hundred dollars unless the name and
52 address of the person making such payment is obtained and recorded pursuant to the record-
53 keeping requirements of section 130.036;

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

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

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

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

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

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

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

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

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

79 8. Any person publishing, circulating, or distributing any printed matter relative to
80 any candidate for public office or any ballot measure shall on the face of the printed matter
81 identify in a clear and conspicuous manner the person who paid for the printed matter with the
82 words "Paid for by" followed by the proper identification of the sponsor pursuant to this
83 section. For the purposes of this section, "printed matter" shall be defined to include any
84 pamphlet, circular, handbill, sample ballot, advertisement, including advertisements in any
85 newspaper or other periodical, sign, including signs for display on motor vehicles, or other
86 imprinted or lettered material; but printed matter is defined to exclude materials printed and
87 purchased prior to May 20, 1982, if the candidate or committee can document that delivery
88 took place prior to May 20, 1982; any sign personally printed and constructed by an
89 individual without compensation from any other person and displayed at that individual's
90 place of residence or on that individual's personal motor vehicle; any items of personal use

91 given away or sold, such as campaign buttons, pins, pens, pencils, book matches, campaign
92 jewelry, or clothing, which is paid for by a candidate or committee which supports a candidate
93 or supports or opposes a ballot measure and which is obvious in its identification with a
94 specific candidate or committee and is reported as required by this chapter; and any news
95 story, commentary, or editorial printed by a regularly published newspaper or other periodical
96 without charge to a candidate, committee or any other person.

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

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

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

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

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

123 10. The provisions of subsection 8 or 9 of this section shall not apply to candidates for
124 elective federal office, provided that persons causing matter to be printed or broadcast
125 concerning such candidacies shall comply with the requirements of federal law for
126 identification of the sponsor or sponsors.

127 11. It shall be a violation of this chapter for any person required to be identified as
128 paying for printed matter pursuant to subsection 8 of this section or paying for broadcast
129 matter pursuant to subsection 9 of this section to refuse to provide the information required or
130 to purposely provide false, misleading, or incomplete information.

131 12. It shall be a violation of this chapter for any committee to offer chances to win
132 prizes or money to persons to encourage such persons to endorse, send election material by
133 mail, deliver election material in person or contact persons at their homes; except that, the
134 provisions of this subsection shall not be construed to prohibit hiring and paying a campaign
135 staff.

136 **13. All solicitations shall state, in a clear and conspicuous manner, the continuing**
137 **committee, campaign committee, political party committee, exploratory committee, or**
138 **candidate committee that will benefit from any funds received as a result of the**
139 **solicitation. The solicitation shall also indicate what percentage of the donation will be**
140 **received by the committee and any business, corporation, or other entity that will**
141 **receive any part of the contribution.**

142 **14. (1) A committee soliciting a recurring contribution for an expenditure or**
143 **printed or broadcast matter may accept the recurring contribution only if the**
144 **contributor gives affirmative consent for the recurring contribution. The passive action**
145 **of a contributor, including but not limited to failing to uncheck a prechecked box**
146 **authorizing a recurring contribution, shall not constitute affirmative consent.**

147 **(2) If a contributor affirmatively consents to making a recurring contribution,**
148 **the committee soliciting the recurring contribution shall:**

149 **(a) Provide a receipt to the contributor for each contribution that clearly and**
150 **conspicuously discloses:**

151 **a. The frequency of the recurring contributions;**

152 **b. The duration of the recurring contributions; and**

153 **c. All information needed to cancel recurring contributions; and**

154 **(b) At the request of the contributor, terminate any future scheduled deductions**
155 **prior to the next scheduled deduction date.**

156 **(3) A committee that solicits and receives a contribution in violation of this**
157 **section shall return the contribution to the contributor immediately after receiving the**
158 **contribution. The amount of any contribution received in violation of this section is an**
159 **outstanding obligation of the committee that solicited and received the contribution**
160 **until the contribution is repaid to the contributor.**

161 **(4) The Missouri ethics commission may impose a civil penalty on committees**
162 **violating this subsection of up to one hundred times the amount of the contribution**
163 **received in violation of this subsection.**

164 **(5) Recurring contributions made under this subsection to support or oppose a**
165 **candidate or ballot measure shall automatically end after the election at which the**
166 **candidate or measure appeared on the ballot, except that recurring contributions made**
167 **to any candidate who wins a primary election may continue until the general election.**

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