

SECOND REGULAR SESSION
SENATE COMMITTEE SUBSTITUTE FOR
HOUSE COMMITTEE SUBSTITUTE FOR

HOUSE BILL NO. 1788

103RD GENERAL ASSEMBLY

5473S.04C

KRISTINA MARTIN, Secretary

AN ACT

To repeal sections 105.465 and 130.031, RSMo, and to enact in lieu thereof three new sections relating to campaign finance, with penalty provisions.

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

Section A. Sections 105.465 and 130.031, RSMo, are
2 repealed and three new sections enacted in lieu thereof, to be
3 known as sections 105.465, 130.031, and 130.039, to read as
4 follows:

105.465. 1. Any person who registers as a lobbyist
2 shall dissolve his or her candidate committee. In the
3 course of dissolving such committee, such person shall not
4 disburse moneys from such committee, except for the purpose
5 of:

6 (1) Returning a contribution made to the candidate
7 committee to the entity responsible for making the
8 contribution to the committee;

9 (2) Donating moneys to a nonprofit entity qualified as
10 exempt from federal taxation under Section 501(c)(3) of the
11 Internal Revenue Code of 1986, as amended; or

12 (3) Transferring moneys to a political party committee.

13 2. **Notwithstanding subsection 1 of this section to the**
14 **contrary, no person who registers as a lobbyist shall be**
15 **prohibited from maintaining a candidate committee designated**

16 to seek election to a county, municipal, or school board
17 office, provided such person is not registered to lobby the
18 county, municipality, or school district for which that
19 person's candidate committee is designated to seek office.
20 Nothing in this subsection shall prohibit a person from
21 changing the designated office sought by his or her
22 candidate committee, provided such person is never
23 simultaneously registered to lobby the public office for
24 which such person's committee is designated to seek office.
25 A candidate committee maintained under this subsection shall
26 make no expenditures or disbursements except to support the
27 candidacy of the person maintaining the committee or for any
28 purpose authorized by subdivisions (1) to (3) of subsection
29 1 of this section.

30 3. For purposes of this section, the term "lobbyist"
31 shall have the same meaning given to such term under section
32 105.470, and the terms "committee", "candidate committee",
33 "contribution", "**office**", "**public office**", and "political
34 party committee" shall have the same meanings given to such
35 terms under section 130.011.

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

6 2. Each expenditure of more than fifty dollars, except
7 an in-kind expenditure, shall be made by check signed by the
8 committee treasurer, deputy treasurer, or candidate or by
9 other electronic means authorized by the treasurer, deputy
10 treasurer, or candidate and drawn on the committee's
11 depository or credit card in the name of the committee and
12 authorized by the treasurer, deputy treasurer, or

13 candidate. A single expenditure of cash shall not exceed
14 fifty dollars, and the aggregate of all expenditures of cash
15 during a calendar year shall not exceed the lesser of five
16 thousand dollars or ten percent of all expenditures made by
17 the committee during that calendar year.

18 3. No contribution shall be made or accepted and no
19 expenditure shall be made or incurred, directly or
20 indirectly, in a fictitious name, in the name of another
21 person, or by or through another person in such a manner as
22 to conceal the identity of the actual source of the
23 contribution or the actual recipient and purpose of the
24 expenditure. Any person who receives contributions for a
25 committee shall disclose to that committee's treasurer,
26 deputy treasurer or candidate the recipient's own name and
27 address and the name and address of the actual source of
28 each contribution such person has received for that
29 committee. Any person who makes expenditures for a
30 committee shall disclose to that committee's treasurer,
31 deputy treasurer or candidate such person's own name and
32 address, the name and address of each person to whom an
33 expenditure has been made and the amount and purpose of the
34 expenditures the person has made for that committee.

35 4. No anonymous contribution of more than twenty-five
36 dollars shall be made by any person, and no anonymous
37 contribution of more than twenty-five dollars shall be
38 accepted by any candidate or committee. If any anonymous
39 contribution of more than twenty-five dollars is received,
40 it shall be returned immediately to the contributor, if the
41 contributor's identity can be ascertained, and if the
42 contributor's identity cannot be ascertained, the candidate,
43 committee treasurer or deputy treasurer shall immediately
44 transmit that portion of the contribution which exceeds

45 twenty-five dollars to the state treasurer and it shall
46 escheat to the state.

47 5. The maximum aggregate amount of anonymous
48 contributions which shall be accepted in any calendar year
49 by any committee shall be the greater of five hundred
50 dollars or one percent of the aggregate amount of all
51 contributions received by that committee in the same
52 calendar year. If any anonymous contribution is received
53 which causes the aggregate total of anonymous contributions
54 to exceed the foregoing limitation, it shall be returned
55 immediately to the contributor, if the contributor's
56 identity can be ascertained, and, if the contributor's
57 identity cannot be ascertained, the committee treasurer,
58 deputy treasurer or candidate shall immediately transmit the
59 anonymous contribution to the state treasurer to escheat to
60 the state.

61 6. Notwithstanding the provisions of subsection 5 of
62 this section, contributions from individuals whose names and
63 addresses cannot be ascertained which are received from a
64 fund-raising activity or event, such as defined in section
65 130.011, shall not be deemed anonymous contributions,
66 provided the following conditions are met:

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

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

75 (3) The person responsible for conducting the activity
76 or event does not knowingly accept payment from any single

77 person of more than one hundred dollars unless the name and
78 address of the person making such payment is obtained and
79 recorded pursuant to the record-keeping requirements of
80 section 130.036;

81 (4) A statement describing the event shall be prepared
82 by the candidate or the treasurer of the committee for whom
83 the funds were raised or by the person responsible for
84 conducting the activity or event and attached to the
85 disclosure report of contributions and expenditures required
86 by section 130.041. The following information to be listed
87 in the statement is in addition to, not in lieu of, the
88 requirements elsewhere in this chapter relating to the
89 recording and reporting of contributions and expenditures:

90 (a) The name and mailing address of the person or
91 persons responsible for conducting the event or activity and
92 the name and address of the candidate or committee for whom
93 the funds were raised;

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

95 (c) The name and address of the location where the
96 event occurred and the approximate number of participants in
97 the event;

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

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

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

107 (g) The total dollar amount of contributions received
108 from contributing participants in the event who are

109 identified by name and address in the records required to be
110 maintained pursuant to section 130.036.

111 7. No candidate or committee in this state shall
112 accept contributions from any out-of-state committee unless
113 the out-of-state committee from whom the contributions are
114 received has filed a statement of organization pursuant to
115 section 130.021 or has filed the reports required by
116 sections 130.049 and 130.050, whichever is applicable to
117 that committee.

118 8. Any person publishing, circulating, or distributing
119 any printed matter relative to any candidate for public
120 office or any ballot measure shall on the face of the
121 printed matter identify in a clear and conspicuous manner
122 the person who paid for the printed matter with the words
123 "Paid for by" followed by the proper identification of the
124 sponsor pursuant to this section. For the purposes of this
125 section, "printed matter" shall be defined to include any
126 pamphlet, circular, handbill, sample ballot, advertisement,
127 including advertisements in any newspaper or other
128 periodical, sign, including signs for display on motor
129 vehicles, or other imprinted or lettered material; but
130 printed matter is defined to exclude materials printed and
131 purchased prior to May 20, 1982, if the candidate or
132 committee can document that delivery took place prior to May
133 20, 1982; any sign personally printed and constructed by an
134 individual without compensation from any other person and
135 displayed at that individual's place of residence or on that
136 individual's personal motor vehicle; any items of personal
137 use given away or sold, such as campaign buttons, pins,
138 pens, pencils, book matches, campaign jewelry, or clothing,
139 which is paid for by a candidate or committee which supports
140 a candidate or supports or opposes a ballot measure and

141 which is obvious in its identification with a specific
142 candidate or committee and is reported as required by this
143 chapter; and any news story, commentary, or editorial
144 printed by a regularly published newspaper or other
145 periodical without charge to a candidate, committee or any
146 other person.

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

151 (2) In regard to any printed matter paid for by a
152 committee, it shall be sufficient identification to print
153 the name of the committee as required to be registered by
154 subsection 5 of section 130.021 and the name and title of
155 the committee treasurer who was serving when the printed
156 matter was paid for.

157 (3) In regard to any printed matter paid for by a
158 corporation or other business entity, labor organization, or
159 any other organization not defined to be a committee by
160 subdivision (7) of section 130.011 and not organized
161 especially for influencing one or more elections, it shall
162 be sufficient identification to print the name of the
163 entity, the name of the principal officer of the entity, by
164 whatever title known, and the mailing address of the entity,
165 or if the entity has no mailing address, the mailing address
166 of the principal officer.

167 (4) In regard to any printed matter paid for by an
168 individual or individuals, it shall be sufficient
169 identification to print the name of the individual or
170 individuals and the respective mailing address or addresses,
171 except that if more than five individuals join in paying for
172 printed matter it shall be sufficient identification to

173 print the words "For a list of other sponsors contact:"
174 followed by the name and address of one such individual
175 responsible for causing the matter to be printed, and the
176 individual identified shall maintain a record of the names
177 and amounts paid by other individuals and shall make such
178 record available for review upon the request of any person.
179 No person shall accept for publication or printing nor shall
180 such work be completed until the printed matter is properly
181 identified as required by this subsection.

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

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

192 11. It shall be a violation of this chapter for any
193 person required to be identified as paying for printed
194 matter pursuant to subsection 8 of this section or paying
195 for broadcast matter pursuant to subsection 9 of this
196 section to refuse to provide the information required or to
197 purposely provide false, misleading, or incomplete
198 information.

199 12. It shall be a violation of this chapter for any
200 committee to offer chances to win prizes or money to persons
201 to encourage such persons to endorse, send election material
202 by mail, deliver election material in person or contact
203 persons at their homes; except that, the provisions of this

204 subsection shall not be construed to prohibit hiring and
205 paying a campaign staff.

206 13. All solicitations shall state, in a clear and
207 conspicuous manner, the continuing committee, campaign
208 committee, political party committee, exploratory committee,
209 or candidate committee that will benefit from any funds
210 received as a result of the solicitation. The solicitation
211 shall also indicate what percentage of the donation will be
212 received by the committee and any business, corporation, or
213 other entity that will receive any part of the contribution.

214 14. (1) A committee soliciting a recurring
215 contribution for an expenditure or printed or broadcast
216 matter may accept the recurring contribution only if the
217 contributor gives affirmative consent for the recurring
218 contribution. The passive action of a contributor,
219 including but not limited to failing to uncheck a prechecked
220 box authorizing a recurring contribution, shall not
221 constitute affirmative consent.

222 (2) If a contributor affirmatively consents to making
223 a recurring contribution, the committee soliciting the
224 recurring contribution shall:

225 (a) Provide a receipt to the contributor for each
226 contribution that clearly and conspicuously discloses:

227 a. The frequency of the recurring contributions;
228 b. The duration of the recurring contributions; and
229 c. All information needed to cancel recurring
230 contributions; and

231 (b) At the request of the contributor, terminate any
232 future scheduled deductions prior to the next scheduled
233 deduction date.

234 (3) A committee that solicits and receives a
235 contribution in violation of this section shall return the

236 contribution to the contributor immediately after receiving
237 the contribution. The amount of any contribution received
238 in violation of this section is an outstanding obligation of
239 the committee that solicited and received the contribution
240 until the contribution is repaid to the contributor.

241 (4) The Missouri ethics commission may impose a civil
242 penalty on committees violating this subsection of up to one
243 hundred times the amount of the contribution received in
244 violation of this subsection.

245 (5) Recurring contributions made under this subsection
246 to support or oppose a candidate or ballot measure shall
247 automatically end after the election at which the candidate
248 or measure appeared on the ballot, except that recurring
249 contributions made to any candidate who wins a primary
250 election may continue until the general election.

130.039. A candidate for a state office shall not make
2 contributions to his or her own candidate committee in
3 excess of the contribution limitation applicable to the
4 elective office sought pursuant to the Missouri Constitution
5 or statute, whichever is applicable.

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