

SECOND REGULAR SESSION

[PERFECTED]

# HOUSE BILL NO. 1492

## 91ST GENERAL ASSEMBLY

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INTRODUCED BY REPRESENTATIVE SEIGFREID.

Read 1<sup>st</sup> time January 16, 2002, and 1000 copies ordered printed.

Read 2<sup>nd</sup> time January 17, 2002, and referred to the Committee on Elections, January 31, 2002.

Reported from the Committee on Elections February 13, 2002, with recommendation that the bill Do Pass by Consent.

Perfectured by Consent February 25, 2002.

TED WEDEL, Chief Clerk

3793L.01P

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### AN ACT

To repeal section 130.046, RSMo, and to enact in lieu thereof one new section relating to elections.

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

Section A. Section 130.046, RSMo, is repealed and one new section enacted in lieu thereof, to be known as section 130.046, to read as follows:

130.046. 1. The disclosure reports required by section 130.041 for all committees shall be filed at the following times and for the following periods:

(1) Not later than the eighth day before an election for the period closing on the twelfth day before the election if the committee has made any contribution or expenditure either in support or opposition to any candidate or ballot measure;

(2) Not later than the thirtieth day after an election for a period closing on the twenty-fifth day after the election, if the committee has made any contribution or expenditure either in support of or opposition to any candidate or ballot measure; except that, a successful candidate who takes office prior to the twenty-fifth day after the election shall have complied with the report requirement of this subdivision if a disclosure report is filed by such candidate and any candidate committee under the candidate's control before such candidate takes office, and such report shall be for the period closing on the day before taking office; and

**EXPLANATION — Matter enclosed in bold faced brackets [thus] in this bill is not enacted and is intended to be omitted in the law.**

13 (3) Not later than the fifteenth day following the close of each calendar quarter.

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15 Notwithstanding the provisions of this subsection, if any committee accepts contributions or  
16 makes expenditures in support of or in opposition to a ballot measure or a candidate, and the  
17 report required by this subsection for the most recent calendar quarter is filed prior to the fortieth  
18 day before the election on the measure or candidate, the committee shall file an additional  
19 disclosure report not later than the fortieth day before the election for the period closing on the  
20 forty-fifth day before the election.

21 2. In the case of a ballot measure to be qualified to be on the ballot by initiative petition  
22 or referendum petition, or a recall petition seeking to remove an incumbent from office,  
23 disclosure reports relating to the time for filing such petitions shall be made as follows:

24 (1) In addition to the disclosure reports required to be filed pursuant to subsection 1 of  
25 this section the treasurer of a committee, other than a continuing committee, supporting or  
26 opposing a petition effort to qualify a measure to appear on the ballot or to remove an incumbent  
27 from office shall file an initial disclosure report fifteen days after the committee begins the  
28 process of raising or spending money. After such initial report, the committee shall file quarterly  
29 disclosure reports as required by subdivision (3) of subsection 1 of this section until such time  
30 as the reports required by subdivisions (1) and (2) of subsection 1 of this section are to be filed.  
31 In addition the committee shall file a second disclosure report no later than the fifteenth day after  
32 the deadline date for submitting such petition. The period covered in the initial report shall begin  
33 on the day the committee first accepted contributions or made expenditures to support or oppose  
34 the petition effort for qualification of the measure and shall close on the fifth day prior to the date  
35 of the report;

36 (2) If the measure has qualified to be on the ballot in an election and if a committee  
37 subject to the requirements of subdivision (1) of this subsection is also required to file a  
38 preelection disclosure report for such election any time within thirty days after the date on which  
39 disclosure reports are required to be filed in accordance with subdivision (1) of this subsection,  
40 the treasurer of such committee shall not be required to file the report required by subdivision  
41 (1) of this subsection, but shall include in the committee's preelection report all information  
42 which would otherwise have been required by subdivision (1) of this subsection.

43 3. The candidate, if applicable, treasurer or deputy treasurer of a committee shall file  
44 disclosure reports pursuant to this section, except for any calendar quarter in which the  
45 contributions received by the committee or the expenditures or contributions made by the  
46 committee do not exceed five hundred dollars. The reporting dates and periods covered for such  
47 quarterly reports shall not be later than the fifteenth day of January, April, July and October for  
48 periods closing on the thirty-first day of December, the thirty-first day of March, the thirtieth day

49 of June and the thirtieth day of September. No candidate, treasurer or deputy treasurer shall be  
50 required to file the quarterly disclosure report required not later than the fifteenth day of any  
51 January immediately following a November election, provided that such candidate, treasurer or  
52 deputy treasurer shall file the information required on such quarterly report on the quarterly  
53 report to be filed not later than the fifteenth day of April immediately following such November  
54 election. Each report by such committee shall be cumulative from the date of the last report. In  
55 the case of the continuing committee's first report, the report shall be cumulative from the date  
56 of the continuing committee's organization. Every candidate, treasurer or deputy treasurer shall  
57 file, at a minimum, the campaign disclosure reports covering the quarter immediately preceding  
58 the date of the election and those required by subdivisions (1) and (2) of subsection 1 of this  
59 section. A continuing committee shall submit additional reports if it makes aggregate  
60 expenditures, other than contributions to a committee, of five hundred dollars or more, within  
61 the reporting period at the following times for the following periods:

62 (1) Not later than the [seventh] **eighth** day before an election for the period closing on  
63 the twelfth day before the election;

64 (2) Not later than forty-eight hours after aggregate expenditures of five hundred dollars  
65 or more are made after the twelfth day before the election; and

66 (3) Not later than the thirtieth day after an election for a period closing on the  
67 twenty-fifth day after the election.

68 4. The reports required to be filed no later than the thirtieth day after an election and any  
69 subsequently required report shall be cumulative so as to reflect the total receipts and  
70 disbursements of the reporting committee for the entire election campaign in question. The  
71 period covered by each disclosure report shall begin on the day after the closing date of the most  
72 recent disclosure report filed and end on the closing date for the period covered. If the  
73 committee has not previously filed a disclosure report, the period covered begins on the date the  
74 committee was formed; except that in the case of a candidate committee, the period covered  
75 begins on the date the candidate became a candidate according to the definition of the term  
76 candidate in section 130.011.

77 5. Notwithstanding any other provisions of this chapter to the contrary:

78 (1) Certain disclosure reports pertaining to any candidate who receives nomination in  
79 a primary election and thereby seeks election in the immediately succeeding general election  
80 shall not be required in the following cases:

81 (a) If there are less than fifty days between a primary election and the immediately  
82 succeeding general election, the disclosure report required to be filed quarterly; provided that,  
83 any other report required to be filed prior to the primary election and all other reports required  
84 to be filed not later than the [seventh] **eighth** day before the general election are filed no later

85 than the final dates for filing such reports;

86 (b) If there are less than eighty-five days between a primary election and the immediately  
87 succeeding general election, the disclosure report required to be filed not later than the thirtieth  
88 day after the primary election need not be filed; provided that any report required to be filed prior  
89 to the primary election and any other report required to be filed prior to the general election are  
90 filed no later than the final dates for filing such reports; and

91 (2) No disclosure report needs to be filed for any reporting period if during that reporting  
92 period the committee has neither received contributions aggregating more than five hundred  
93 dollars nor made expenditure aggregating more than five hundred dollars and has not received  
94 contributions aggregating more than two hundred [fifty] **seventy-five** dollars from any single  
95 contributor **and if the committee's treasurer files a statement with the appropriate officer**  
96 **that the committee has not exceeded the identified thresholds in the reporting period.** Any  
97 contributions received or expenditures made which are not reported because [of] this statement  
98 is filed in lieu of a disclosure report shall be included in the next disclosure report filed by the  
99 committee. [A] **This** report shall **not** be filed [for] **in lieu of** two or more consecutive disclosure  
100 [quarters] **periods** if either the contributions received or expenditures made in the aggregate  
101 during those reporting periods exceed five hundred dollars [and a report]. **This statement** shall  
102 **not be filed in lieu of the report** not later than the thirtieth day after an election if that report  
103 would show a deficit of more than one thousand dollars.

104 6. (1) If the disclosure report required to be filed by a committee not later than the  
105 thirtieth day after an election shows a deficit of unpaid loans and other outstanding obligations  
106 in excess of five thousand dollars, semiannual supplemental disclosure reports shall be filed with  
107 the appropriate officer for each succeeding semiannual period until the deficit is reported in a  
108 disclosure report as being reduced to five thousand dollars or less; except that, a supplemental  
109 semiannual report shall not be required for any semiannual period which includes the closing  
110 date for the reporting period covered in any regular disclosure report which the committee is  
111 required to file in connection with an election. The reporting dates and periods covered for  
112 semiannual reports shall be not later than the fifteenth day of January and July for periods closing  
113 on the thirty-first day of December and the thirtieth day of June;

114 (2) Committees required to file reports pursuant to subsection 2 or 3 of this section  
115 which are not otherwise required to file disclosure reports for an election shall file semiannual  
116 reports as required by this subsection if their last required disclosure report shows a total of  
117 unpaid loans and other outstanding obligations in excess of five thousand dollars.

118 7. In the case of a committee which disbands and is required to file a termination  
119 statement pursuant to the provisions of section 130.021 with the appropriate officer not later than  
120 the tenth day after the committee was dissolved, the candidate, committee treasurer or deputy

121 treasurer shall attach to the termination statement a complete disclosure report for the period  
122 closing on the date of dissolution. A committee shall not utilize the provisions of subsection 8  
123 of section 130.021 or the provisions of this subsection to circumvent or otherwise avoid the  
124 reporting requirements of subsection 6 or 7 of this section.

125           8. Disclosure reports shall be filed with the appropriate officer not later than 5:00 p.m.  
126 prevailing local time of the day designated for the filing of the report and a report postmarked  
127 not later than midnight of the day previous to the day designated for filing the report shall be  
128 deemed to have been filed in a timely manner. The appropriate officer may establish a policy  
129 whereby disclosure reports may be filed by facsimile transmission.