

SECOND REGULAR SESSION

# HOUSE BILL NO. 1337

## 95TH GENERAL ASSEMBLY

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INTRODUCED BY REPRESENTATIVES DUSENBERG (Sponsor), ALLEN AND KRAUS (Co-sponsors).

3400L.02I

D. ADAM CRUMBLISS, Chief Clerk

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### AN ACT

To repeal sections 130.057 and 130.081, RSMo, and to enact in lieu thereof three new sections relating to campaign finance, with penalty provisions.

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

Section A. Sections 130.057 and 130.081, RSMo, are repealed and three new sections  
2 enacted in lieu thereof, to be known as sections 130.032, 130.057, and 130.081, to read as  
3 follows:

**130.032. 1. In addition to the limitations imposed under section 130.031, the  
2 amount of contributions made by or accepted from any person or entity other than the  
3 candidate in any one election shall not exceed the following:**

4 **(1) To elect an individual to the office of governor, lieutenant governor, secretary  
5 of state, state treasurer, state auditor or attorney general, three thousand dollars;**

6 **(2) To elect an individual to the office of state senator, one thousand five hundred  
7 dollars;**

8 **(3) To elect an individual to the office of state representative, seven hundred fifty  
9 dollars;**

10 **(4) To elect an individual to any other office, including judicial office, if the  
11 population of the electoral district, ward, or other unit according to the latest decennial  
12 census is under one hundred thousand, three hundred twenty-five dollars;**

13 **(5) To elect an individual to any other office, including judicial office, if the  
14 population of the electoral district, ward, or other unit according to the latest decennial**

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.

15 census is at least one hundred thousand but less than two hundred fifty thousand, six  
16 hundred fifty dollars; and

17 (6) To elect an individual to any other office, including judicial office, if the  
18 population of the electoral district, ward, or other unit according to the latest decennial  
19 census is at least two hundred fifty thousand, one thousand two hundred seventy-five  
20 dollars.

21 2. For purposes of this subsection "base year amount" shall be the contribution  
22 limits prescribed in this section on January 1, 2011. Such limits shall be increased on the  
23 first day of January in each even-numbered year by multiplying the base year amount by  
24 the cumulative consumer price index, as defined in section 104.010, and rounded to the  
25 nearest twenty-five dollar amount, for all years since January 1, 2011.

26 3. Candidate committees, exploratory committees, campaign committees and  
27 continuing committees, other than those continuing committees which are political party  
28 committees, shall be subject to the limits prescribed in subsection 1 of this section. The  
29 provisions of this subsection shall not limit the amount of contributions which may be  
30 accumulated by a candidate committee and used for expenditures to further the  
31 nomination or election of the candidate who controls such candidate committee, except as  
32 provided in section 130.052.

33 4. Except as limited by this subsection, the amount of cash contributions made by  
34 or accepted from a political party committee in any one election shall not exceed the  
35 following:

36 (1) To elect an individual to the office of governor, lieutenant governor, secretary  
37 of state, state treasurer, state auditor or attorney general, ten thousand dollars;

38 (2) To elect an individual to the office of state senator, five thousand dollars;

39 (3) To elect an individual to the office of state representative, two thousand five  
40 hundred dollars; and

41 (4) To elect an individual to any other office of an electoral district, ward, or unit,  
42 ten times the allowable contribution limit for the office sought.

43

44 The amount of contributions that may be made by or accepted from a political party  
45 committee in the primary election to elect any candidate who is unopposed in such primary  
46 shall be fifty percent of the amount of the allowable contributions as determined in this  
47 subsection.

48 5. Contributions from persons under fourteen years of age shall be considered  
49 made by the parents or guardians of such person and shall be attributed toward any  
50 contribution limits prescribed in this chapter. Where the contributor under fourteen years

51 of age has two custodial parents or guardians, fifty percent of the contribution shall be  
52 attributed to each parent or guardian, and where such contributor has one custodial  
53 parent or guardian, all such contributions shall be attributed to the custodial parent or  
54 guardian.

55 **6. Contributions received and expenditures made before January 1, 2011, shall be**  
56 **reported as a separate account and under the laws in effect at the time such contributions**  
57 **are received or expenditures made. Contributions received and expenditures made after**  
58 **January 1, 2011, shall be reported under the provisions of this chapter as a separate**  
59 **account from the other separate account described in this subsection. The account**  
60 **reported under the prior law shall be retained as a separate account and any remaining**  
61 **funds in such account may be used under this chapter.**

62 **7. Any committee that accepts or gives contributions other than those allowed shall**  
63 **be subject to a surcharge of one thousand dollars plus an amount equal to the contribution**  
64 **per nonallowable contribution, to be paid to the ethics commission and which shall be**  
65 **transferred to the director of revenue, upon notification of such nonallowable contribution**  
66 **by the ethics commission, and after the candidate has had ten business days after receipt**  
67 **of notice to return the contribution to the contributor. The candidate and the candidate**  
68 **committee treasurer or deputy treasurer owing a surcharge shall be personally liable for**  
69 **the payment of the surcharge or may pay such surcharge only from campaign funds**  
70 **existing on the date of the receipt of notice. Such surcharge shall constitute a debt to the**  
71 **state enforceable under, but not limited to, the provisions of chapter 143.**

72 **8. The amount of contributions by any one person or entity made to or accepted by**  
73 **any continuing committee or any political party committee in any one election shall not**  
74 **exceed one thousand five hundred dollars.**

75 **9. No continuing committee shall make any contributions to or accept any**  
76 **contributions from any other continuing committee.**

77 **10. Any political party committee may make unlimited in-kind contributions to or**  
78 **in-kind expenditures on behalf of any candidate, except that no such contributions or**  
79 **expenditures shall be coordinated with the candidate.**

80 **11. The limits on contributions in this chapter shall apply to all contributions**  
81 **whether made in-state or out-of-state.**

82 **12. No fund-raising event or solicitation of any contributions or expenditures shall**  
83 **occur on any state-owned or political subdivision-owned property.**

84 **13. No fund-raising event shall occur within one hundred miles of the state capitol**  
85 **building during the regular session.**

130.057. 1. In order for candidates for election and public officials to more easily file reports required by law and to access information contained in such reports, and for the Missouri ethics commission to receive and store reports in an efficient and economical method, and for the general public and news media to access information contained in such reports, the commission shall establish and maintain an electronic reporting system pursuant to this section.

2. The ethics commission may establish for elections in 1996 and shall establish for elections and all required reporting beginning in 1998 and maintain thereafter a state campaign finance and financial interest disclosure electronic reporting system pursuant to this section for all candidates required to file. The system may be used for the collection, filing and dissemination of all reports, including monthly lobbying reports filed by law, and all reports filed with the commission pursuant to this chapter and chapter 105, RSMo. The system may be established and used for all reports required to be filed for the primary and general elections in 1996 and all elections thereafter, except that the system may require maintenance of a paper backup system for the primary and general elections in 1996. The reports shall be maintained and secured in the electronic format by the commission.

3. When the commission determines that the electronic reporting system has been properly implemented, the commission shall certify to all candidates and committees required to file pursuant to this chapter that such electronic reporting system has been established and implemented. Beginning with the primary and general elections in 2000, or the next primary or general election in which the commission has made certification pursuant to this subsection, whichever is later, candidates and all other committees shall file reports by using either the electronic format prescribed by the commission or paper forms provided by the commission for that purpose. Continuing committees shall file reports by electronic format prescribed by the commission, except continuing committees which make contributions equal to or less than fifteen thousand dollars in the applicable calendar year. Any continuing committee which makes contributions in support of or opposition to any measure or candidate equal to or less than fifteen thousand dollars in the applicable calendar year shall file reports on paper forms provided by the commission for that purpose or by electronic format prescribed by the commission, whichever reporting method the continuing committee chooses. The commission shall supply a computer program which shall be used for filing by modem or by a common magnetic media chosen by the commission. In the event that filings are performed electronically, the candidate shall file a signed original written copy within five working days; except that, if a means becomes available which will allow a verifiable electronic signature, the commission may also accept this in lieu of a written statement.

4. Beginning January 1, 2000, or on the date the commission makes the certification pursuant to subsection 3 of this section, whichever is later, all reports filed with the commission

37 by any candidate for a statewide office, or such candidate's committee, shall be filed in electronic  
38 format as prescribed by the commission; provided however, that if a candidate for statewide  
39 office, or such candidate's committee receives or spends five thousand dollars or less for any  
40 reporting period, the report for that reporting period shall not be required to be filed  
41 electronically.

42 5. A copy of all reports filed in the state campaign finance electronic reporting system  
43 shall be placed on a public electronic access system so that the general public may have open  
44 access to the reports filed pursuant to this section. The access system shall be organized and  
45 maintained in such a manner to allow an individual to obtain information concerning all  
46 contributions made to or on behalf of, and all expenditures made on behalf of, any public official  
47 described in subsection 2 of this section in formats that will include both written and  
48 electronically readable formats.

49 6. All records that are in electronic format, not otherwise closed by law, shall be  
50 available in electronic format to the public. The commission shall maintain and provide for  
51 public inspection, a listing of all reports with a complete description for each field contained on  
52 the report, that has been used to extract information from their database files. The commission  
53 shall develop a report or reports which contain every field in each database.

54 7. Annually, the commission shall provide, without cost, a system-wide dump of  
55 information contained in the commission's electronic database files to the general assembly. The  
56 information is to be copied onto a medium specified by the general assembly. Such information  
57 shall not contain records otherwise closed by law. It is the intent of the general assembly to  
58 provide open access to the commission's records. The commission shall make every reasonable  
59 effort to comply with requests for information and shall take a liberal interpretation when  
60 considering such requests.

61 **8. All contributions made to or accepted by any candidate or committee for any**  
62 **leadership office in the house of representatives or the senate shall be filed with the ethics**  
63 **commission and made available to the public as provided in this section.**

130.081. 1. Any person who purposely violates the provisions of this chapter is guilty  
2 of a class [A misdemeanor] **D felony**.

3 2. Any person who fails to file any report or statement required by this chapter within  
4 the time periods specified in sections 130.011 to 130.051 is guilty of an infraction.

5 3. Notwithstanding any other provision of law which bars prosecutions for any offenses  
6 other than a felony unless commenced within one year after the commission of the offense, any  
7 offense under the provisions of this chapter may be prosecuted if the indictment be found or  
8 prosecution be instituted within three years after the commission of the alleged offense.

9           4. Any prohibition to the contrary notwithstanding, no person shall be deprived of the  
10 rights, guarantees, protections or privileges accorded by sections 130.011 to 130.026, 130.031  
11 to [130.068] **130.058**, 130.072, and 130.081 by any person, corporation, entity or political  
12 subdivision.

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