

HB 998 -- Public Financing of Certain Election Campaigns

Sponsor: Kirkton

This bill establishes a public campaign financing system for state elections which allows a candidate to voluntarily agree to campaign finance limitations in exchange for public funding. In its main provisions, the bill:

- (1) Establishes reporting and other requirements in order for a party or independent candidate to receive public funding for an election campaign;
- (2) Establishes limitations on private contributions to fund an election campaign for a participating candidate. Specified amounts of contributions will be allowed during the exploratory period before a candidate qualifies for public funding;
- (3) Requires the Missouri Ethics Commission to determine by July 1, 2012, and at least every two years thereafter, the amount of public funding available to a participating candidate during a primary or general election based on the type of race and prior campaign expenditures. The procedures for granting a line of credit to a candidate are specified in the bill;
- (4) Requires a nonparticipating candidate and a person making independent campaign expenditures to file reports with the commission if his or her funding exceeds certain limits;
- (5) Requires a political party to file a quarterly report with the commission using the same schedule as a candidate after January 1 of an election year. This provision applies to all candidates and is not limited to expenditures on participating candidates;
- (6) Prohibits any person, committee, organization, or other entity from contributing more than \$5,000 per year to any state or local political party or any of its subdivisions. This provision applies to all candidates and is not limited to expenditures on participating candidates;
- (7) Prohibits a participating candidate from accepting more than the equivalent of 5% of the public financing amount for that office from all political parties;
- (8) Creates the Missouri Clean Election Fund to finance the election campaigns of certified candidates for Governor, state senator, and state representative and to pay the administrative and enforcement costs of the commission related to these provisions. The fund will receive moneys from excess

contributions made during the qualifying period for public funding; revenue from the tax checkoff that is authorized in the bill; unspent seed money contributions of a candidate; unspent funds distributed to a participating candidate; voluntary donations; and moneys collected from certain fines;

(9) Requires the State Treasurer to issue a debit card to an eligible candidate and requires it to be used to pay all campaign costs and expenses;

(10) Specifies that a participating candidate who spends more than his or her allocated amount will be subject to a civil fine of up to 10 times the exceeded amount. A candidate accepting contributions in excess of the imposed limits will also be subject to a civil fine of up to 10 times the exceeded amount. A candidate who knowingly violates these provisions or who knowingly conceals information from the commission will be guilty of a class D felony and fined up to \$20,000, imprisoned for up to five years, or both;

(11) Establishes rules for a mass mailing by a participating candidate;

(12) Specifies that all commission actions may be reviewed by any district of the court of appeals of this state;

(13) Specifies that these provisions apply to all special and runoff elections with time periods and deadlines as established by the commission; and

(14) Authorizes, beginning January 1, 2011, a check-off box for the Missouri Clean Election Fund to be added to the individual and corporate income tax forms. A taxpayer may donate to the fund by designating on the form at least \$3 on an individual return or \$6 on a combined return of his or her tax refund amount.

The bill contains a referendum clause and will be submitted to qualified voters in November 2011.