

House _____ Amendment NO. _____

Offered By

1 AMEND Senate Substitute No. 2 for Senate Committee Substitute for Senate Bill No. 11, Page 19
2 Section 105.499, Line 41, by inserting immediately after said line the following:

3
4 "115.850. 1. This section shall be known and may be cited as the "Political Accountability
5 in Campaigning Act".

6 2. As used in this section, the following terms mean:

7 (1) "Knowingly", a candidate knows that a material fact is false, intends to publicize the
8 material fact, and acts knowingly, as such term is defined in section 562.016, in publicizing the
9 material fact;

10 (2) "Material fact", a proposition that can be proven with reasonable certainty to be either
11 true or false, and that is not embedded within a context where the overall content of the message is a
12 matter of opinion. The use of interjections including name-calling or profane language shall not be
13 deemed to be matters of material fact.

14 3. Any candidate campaigning for office in this state who knowingly publicizes a false
15 statement of material fact in a political advertisement released to the public through any print or
16 broadcast medium that refers to a clearly-identified candidate for statewide office or the general
17 assembly that is made after the candidate making the communication has filed for office is guilty of
18 violating this section by publicizing the false statement of material fact. A court or a jury shall
19 determine whether, by clear and convincing evidence, a violation of this section has occurred.

20 4. A violation of this section shall be punishable by damages limited to the lesser of the
21 amount it would cost to adequately inform the public of the false material fact at issue or a damage
22 award of not more than twenty thousand dollars. Courts may enforce the provisions of this section
23 by granting injunctive relief to prevent the future dissemination of false statements of material fact in
24 violation of this section.

25 5. A candidate who has violated the provisions of this section may avoid the penalty imposed
26 in this section by retracting the candidate's false statement of material fact through the same print or
27 broadcast medium used to communicate the false statement of material fact, if such retraction is
28 made not later than fourteen days after the false statement of material fact was made and not later
29 than fourteen days before a general or special election for statewide office or the general assembly.

30 6. In addition to county prosecutors or the office of the attorney general, any eligible voter
31 may bring suit to enforce the provisions of this section. Damages obtained by county or state

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1 officials shall be deemed to be penalties payable to the schools as provided in Article IX, Section 7,
2 Constitution of Missouri. Damages obtained by any eligible voter bringing suit under this section
3 shall be payable to the eligible voter.

4 7. This section shall not be construed to modify or supersede any cause of action for
5 defamation, and the penalties in this section shall be in addition to any damages or penalties imposed
6 for defamation by statute or common law."; and

7
8 Further amend said bill by amending the title, enacting clause, and intersectional references
9 accordingly.