

SECOND REGULAR SESSION

HOUSE BILL NO. 2415

98TH GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVE MCCREERY.

6207H.011

D. ADAM CRUMBLISS, Chief Clerk

AN ACT

To repeal section 130.021 as enacted by senate bill no. 844, ninety-fifth general assembly, second regular session, and section 130.021 as enacted by senate bill no. 485, ninety-fifth general assembly, first regular session, and to enact in lieu thereof one new section relating to statements of organization filed by committees.

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

Section A. Section 130.021 as enacted by senate bill no. 844, ninety-fifth general assembly, second regular session, and section 130.021 as enacted by senate bill no. 485, ninety-fifth general assembly, first regular session, are repealed and one new section enacted in lieu thereof, to be known as section 130.021, to read as follows:

[130.021. 1. Every committee shall have a treasurer who, except as provided in subsection 10 of this section, shall be a resident of this state. A committee may also have a deputy treasurer who, except as provided in subsection 10 of this section, shall be a resident of this state and serve in the capacity of committee treasurer in the event the committee treasurer is unable for any reason to perform the treasurer's duties.

2. Every candidate for offices listed in subsection 1 of section 130.016 who has not filed a statement of exemption pursuant to that subsection and every candidate for offices listed in subsection 6 of section 130.016 who is not excluded from filing a statement of organization and disclosure reports pursuant to subsection 6 of section 130.016 shall form a candidate committee and appoint a treasurer. Thereafter, all contributions on hand and all further contributions received by such candidate and any of the candidate's own funds to be used in support of the person's candidacy shall be deposited in a candidate committee depository account established pursuant to the provisions of subsection 4 of this

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.

16 section, and all expenditures shall be made through the candidate, treasurer or
17 deputy treasurer of the person's candidate committee. Nothing in this chapter
18 shall prevent a candidate from appointing himself or herself as a committee of
19 one and serving as the person's own treasurer, maintaining the candidate's own
20 records and filing all the reports and statements required to be filed by the
21 treasurer of a candidate committee.

22 3. A candidate who has more than one candidate committee supporting
23 the person's candidacy shall designate one of those candidate committees as the
24 committee responsible for consolidating the aggregate contributions to all such
25 committees under the candidate's control and direction as required by section
26 130.041. No person shall form a new committee or serve as a deputy treasurer
27 of any committee as defined in section 130.011 until the person or the treasurer
28 of any committee previously formed by the person or where the person served as
29 treasurer or deputy treasurer has filed all required campaign disclosure reports
30 and statements of limited activity for all prior elections and paid outstanding
31 previously imposed fees assessed against that person by the ethics commission.

32 4. (1) Every committee shall have a single official fund depository
33 within this state which shall be a federally or state-chartered bank, a federally or
34 state-chartered savings and loan association, or a federally or state-chartered
35 credit union in which the committee shall open and thereafter maintain at least
36 one official depository account in its own name. An "official depository account"
37 shall be a checking account or some type of negotiable draft or negotiable order
38 of withdrawal account, and the official fund depository shall, regarding an
39 official depository account, be a type of financial institution which provides a
40 record of deposits, cancelled checks or other cancelled instruments of withdrawal
41 evidencing each transaction by maintaining copies within this state of such
42 instruments and other transactions. All contributions which the committee
43 receives in money, checks and other negotiable instruments shall be deposited in
44 a committee's official depository account. Contributions shall not be accepted
45 and expenditures shall not be made by a committee except by or through an
46 official depository account and the committee treasurer, deputy treasurer or
47 candidate. Contributions received by a committee shall not be commingled with
48 any funds of an agent of the committee, a candidate or any other person, except
49 that contributions from a candidate of the candidate's own funds to the person's
50 candidate committee shall be deposited to an official depository account of the
51 person's candidate committee. No expenditure shall be made by a committee
52 when the office of committee treasurer is vacant except that when the office of
53 a candidate committee treasurer is vacant, the candidate shall be the treasurer
54 until the candidate appoints a new treasurer.

55 (2) A committee treasurer, deputy treasurer or candidate may withdraw
56 funds from a committee's official depository account and deposit such funds in
57 one or more savings accounts in the committee's name in any bank, savings and
58 loan association or credit union within this state, and may also withdraw funds

59 from an official depository account for investment in the committee's name in any
60 certificate of deposit, bond or security. Proceeds from interest or dividends from
61 a savings account or other investment or proceeds from withdrawals from a
62 savings account or from the sale of an investment shall not be expended or
63 reinvested, except in the case of renewals of certificates of deposit, without first
64 redepositing such proceeds in an official depository account. Investments, other
65 than savings accounts, held outside the committee's official depository account
66 at any time during a reporting period shall be disclosed by description, amount,
67 any identifying numbers and the name and address of any institution or person in
68 which or through which it is held in an attachment to disclosure reports the
69 committee is required to file.

70 Proceeds from an investment such as interest or dividends or proceeds from its
71 sale, shall be reported by date and amount. In the case of the sale of an
72 investment, the names and addresses of the persons involved in the transaction
73 shall also be stated. Funds held in savings accounts and investments, including
74 interest earned, shall be included in the report of money on hand as required by
75 section 130.041.

76 5. The treasurer or deputy treasurer acting on behalf of any person or
77 organization or group of persons which is a committee by virtue of the definitions
78 of committee in section 130.011 and any candidate who is not excluded from
79 forming a committee in accordance with the provisions of section 130.016 shall
80 file a statement of organization with the appropriate officer within twenty days
81 after the person or organization becomes a committee but no later than the date
82 for filing the first report required pursuant to the provisions of section 130.046.
83 The statement of organization shall contain the following information:

84 (1) The name, mailing address and telephone number, if any, of the
85 committee filing the statement of organization. If the committee is deemed to be
86 affiliated with a connected organization as provided in subdivision (10) of section
87 130.011, the name of the connected organization, or a legally registered fictitious
88 name which reasonably identifies the connected organization, shall appear in the
89 name of the committee. If the committee is a candidate committee, the name of
90 the candidate shall be a part of the committee's name;

91 (2) The name, mailing address and telephone number of the candidate;

92 (3) The name, mailing address and telephone number of the committee
93 treasurer, and the name, mailing address and telephone number of its deputy
94 treasurer if the committee has named a deputy treasurer;

95 (4) The names, mailing addresses and titles of its officers, if any;

96 (5) The name and mailing address of any connected organizations with
97 which the committee is affiliated;

98 (6) The name and mailing address of its depository, and the name and
99 account number of each account the committee has in the depository. The
100 account number of each account shall be redacted prior to disclosing the
101 statement to the public;

102 (7) Identification of the major nature of the committee such as a
103 candidate committee, campaign committee, political action committee, political
104 party committee, incumbent committee, or any other committee according to the
105 definition of committee in section 130.011;

106 (8) In the case of the candidate committee designated in subsection 3 of
107 this section, the full name and address of each other candidate committee which
108 is under the control and direction of the same candidate, together with the name,
109 address and telephone number of the treasurer of each such other committee;

110 (9) The name and office sought of each candidate supported or opposed
111 by the committee;

112 (10) The ballot measure concerned, if any, and whether the committee
113 is in favor of or opposed to such measure.

114 6. A committee may omit the information required in subdivisions (9)
115 and (10) of subsection 5 of this section if, on the date on which it is required to
116 file a statement of organization, the committee has not yet determined the
117 particular candidates or particular ballot measures it will support or oppose.

118 7. A committee which has filed a statement of organization and has not
119 terminated shall not be required to file another statement of organization, except
120 that when there is a change in any of the information previously reported as
121 required by subdivisions (1) to (8) of subsection 5 of this section an amended
122 statement of organization shall be filed within twenty days after the change
123 occurs, but no later than the date of the filing of the next report required to be
124 filed by that committee by section 130.046.

125 8. Upon termination of a committee, a termination statement indicating
126 dissolution shall be filed not later than ten days after the date of dissolution with
127 the appropriate officer or officers with whom the committee's statement of
128 organization was filed. The termination statement shall include:
129 the distribution made of any remaining surplus funds and the disposition of any
130 deficits; and the name, mailing address and telephone number of the individual
131 responsible for preserving the committee's records and accounts as required in
132 section 130.036.

133 9. Any statement required by this section shall be signed and attested by
134 the committee treasurer or deputy treasurer, and by the candidate in the case of
135 a candidate committee.

136 10. A committee domiciled outside this state shall be required to file a
137 statement of organization and appoint a treasurer residing in this state and open
138 an account in a depository within this state; provided that either of the following
139 conditions prevails:

140 (1) The aggregate of all contributions received from persons domiciled
141 in this state exceeds twenty percent in total dollar amount of all funds received
142 by the committee in the preceding twelve months; or

143 (2) The aggregate of all contributions and expenditures made to support
144 or oppose candidates and ballot measures in this state exceeds one thousand five
145 hundred dollars in the current calendar year.

146 11. If a committee domiciled in this state receives a contribution of one
147 thousand five hundred dollars or more from any committee domiciled outside of
148 this state, the committee domiciled in this state shall file a disclosure report with
149 the commission. The report shall disclose the full name, mailing address,
150 telephone numbers and domicile of the contributing committee and the date and
151 amount of the contribution. The report shall be filed within forty-eight hours of
152 the receipt of such contribution if the contribution is received after the last
153 reporting date before the election.]
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130.021. 1. Every committee shall have a treasurer who, except as provided in
2 subsection 10 of this section, shall be a resident of this state and reside in the district or county
3 in which the committee sits. A committee may also have a deputy treasurer who, except as
4 provided in subsection 10 of this section, shall be a resident of this state and reside in the district
5 or county in which the committee sits, to serve in the capacity of committee treasurer in the event
6 the committee treasurer is unable for any reason to perform the treasurer's duties.

7 2. Every candidate for offices listed in subsection 1 of section 130.016 who has not filed
8 a statement of exemption pursuant to that subsection and every candidate for offices listed in
9 subsection 6 of section 130.016 who is not excluded from filing a statement of organization and
10 disclosure reports pursuant to subsection 6 of section 130.016 shall form a candidate committee
11 and appoint a treasurer. Thereafter, all contributions on hand and all further contributions
12 received by such candidate and any of the candidate's own funds to be used in support of the
13 person's candidacy shall be deposited in a candidate committee depository account established
14 pursuant to the provisions of subsection 4 of this section, and all expenditures shall be made
15 through the candidate, treasurer or deputy treasurer of the person's candidate committee. Nothing
16 in this chapter shall prevent a candidate from appointing himself or herself as a committee of one
17 and serving as the person's own treasurer, maintaining the candidate's own records and filing all
18 the reports and statements required to be filed by the treasurer of a candidate committee.

19 3. A candidate who has more than one candidate committee supporting the person's
20 candidacy shall designate one of those candidate committees as the committee responsible for
21 consolidating the aggregate contributions to all such committees under the candidate's control
22 and direction as required by section 130.041.

23 4. (1) Every committee shall have a single official fund depository within this state
24 which shall be a federally or state-chartered bank, a federally or state-chartered savings and loan
25 association, or a federally or state-chartered credit union in which the committee shall open and
26 thereafter maintain at least one official depository account in its own name. An "official

27 depository account" shall be a checking account or some type of negotiable draft or negotiable
28 order of withdrawal account, and the official fund depository shall, regarding an official
29 depository account, be a type of financial institution which provides a record of deposits,
30 cancelled checks or other cancelled instruments of withdrawal evidencing each transaction by
31 maintaining copies within this state of such instruments and other transactions. All contributions
32 which the committee receives in money, checks and other negotiable instruments shall be
33 deposited in a committee's official depository account. Contributions shall not be accepted and
34 expenditures shall not be made by a committee except by or through an official depository
35 account and the committee treasurer, deputy treasurer or candidate. Contributions received by
36 a committee shall not be commingled with any funds of an agent of the committee, a candidate
37 or any other person, except that contributions from a candidate of the candidate's own funds to
38 the person's candidate committee shall be deposited to an official depository account of the
39 person's candidate committee. No expenditure shall be made by a committee when the office
40 of committee treasurer is vacant except that when the office of a candidate committee treasurer
41 is vacant, the candidate shall be the treasurer until the candidate appoints a new treasurer.

42 (2) A committee treasurer, deputy treasurer or candidate may withdraw funds from a
43 committee's official depository account and deposit such funds in one or more savings accounts
44 in the committee's name in any bank, savings and loan association or credit union within this
45 state, and may also withdraw funds from an official depository account for investment in the
46 committee's name in any certificate of deposit, bond or security. Proceeds from interest or
47 dividends from a savings account or other investment or proceeds from withdrawals from a
48 savings account or from the sale of an investment shall not be expended or reinvested, except
49 in the case of renewals of certificates of deposit, without first redepositing such proceeds in an
50 official depository account. Investments, other than savings accounts, held outside the
51 committee's official depository account at any time during a reporting period shall be disclosed
52 by description, amount, any identifying numbers and the name and address of any institution or
53 person in which or through which it is held in an attachment to disclosure reports the committee
54 is required to file. Proceeds from an investment such as interest or dividends or proceeds from
55 its sale, shall be reported by date and amount. In the case of the sale of an investment, the
56 names and addresses of the persons involved in the transaction shall also be stated. Funds held
57 in savings accounts and investments, including interest earned, shall be included in the report of
58 money on hand as required by section 130.041.

59 5. The treasurer or deputy treasurer acting on behalf of any person or organization or
60 group of persons which is a committee by virtue of the definitions of committee in section
61 130.011 and any candidate who is not excluded from forming a committee in accordance with
62 the provisions of section 130.016 shall file a statement of organization with the appropriate

63 officer within twenty days after the person or organization becomes a committee but no later than
64 the date for filing the first report required pursuant to the provisions of section 130.046. The
65 statement of organization shall contain the following information:

66 (1) The name, mailing address and telephone number, if any, of the committee filing the
67 statement of organization. If the committee is deemed to be affiliated with a connected
68 organization as provided in subdivision (11) of section 130.011, the name of the connected
69 organization, or a legally registered fictitious name which reasonably identifies the connected
70 organization, shall appear in the name of the committee. If the committee is a candidate
71 committee, the name of the candidate shall be a part of the committee's name;

72 (2) The name, mailing address and telephone number of the candidate;

73 (3) The name, mailing address and telephone number of the committee treasurer, and the
74 name, mailing address and telephone number of its deputy treasurer if the committee has named
75 a deputy treasurer;

76 (4) The names, mailing addresses and titles of its officers, if any;

77 (5) The name and mailing address of any connected organizations with which the
78 committee is affiliated;

79 (6) The name and mailing address of its depository, and the name and account number
80 of each account the committee has in the depository. The account number of each account shall
81 be redacted prior to disclosing the statement to the public;

82 (7) Identification of the major nature of the committee such as a candidate committee,
83 campaign committee, continuing committee, political party committee, incumbent committee,
84 or any other committee according to the definition of committee in section 130.011;

85 (8) In the case of the candidate committee designated in subsection 3 of this section, the
86 full name and address of each other candidate committee which is under the control and direction
87 of the same candidate, together with the name, address and telephone number of the treasurer of
88 each such other committee;

89 (9) The name and office sought of each candidate supported or opposed by the
90 committee;

91 (10) The ballot measure concerned, if any, and whether the committee is in favor of or
92 opposed to such measure.

93 6. A committee may omit the information required in subdivisions (9) and (10) of
94 subsection 5 of this section if, on the date on which it is required to file a statement of
95 organization, the committee has not yet determined the particular candidates or particular ballot
96 measures it will support or oppose. **A committee shall file an amended statement of**
97 **organization within twenty-four hours of determining the particular candidates it will**

98 **support or oppose, determining the particular ballot measures it will support or oppose,**
99 **receiving a contribution, or incurring an expenditure.**

100 7. A committee which has filed a statement of organization and has not terminated shall
101 not be required to file another statement of organization, except that when there is a change in
102 any of the information previously reported as required by subdivisions (1) to (8) of subsection
103 5 of this section an amended statement of organization shall be filed within twenty days after the
104 change occurs, but no later than the date of the filing of the next report required to be filed by
105 that committee by section 130.046.

106 8. Upon termination of a committee, a termination statement indicating dissolution shall
107 be filed not later than ten days after the date of dissolution with the appropriate officer or officers
108 with whom the committee's statement of organization was filed. The termination statement shall
109 include:

110 the distribution made of any remaining surplus funds and the disposition of any deficits; and the
111 name, mailing address and telephone number of the individual responsible for preserving the
112 committee's records and accounts as required in section 130.036.

113 9. Any statement required by this section shall be signed and attested by the committee
114 treasurer or deputy treasurer, and by the candidate in the case of a candidate committee.

115 10. A committee domiciled outside this state shall be required to file a statement of
116 organization and appoint a treasurer residing in this state and open an account in a depository
117 within this state; provided that either of the following conditions prevails:

118 (1) The aggregate of all contributions received from persons domiciled in this state
119 exceeds twenty percent in total dollar amount of all funds received by the committee in the
120 preceding twelve months; or

121 (2) The aggregate of all contributions and expenditures made to support or oppose
122 candidates and ballot measures in this state exceeds one thousand five hundred dollars in the
123 current calendar year.

124 11. If a committee domiciled in this state receives a contribution of one thousand five
125 hundred dollars or more from any committee domiciled outside of this state, the committee
126 domiciled in this state shall file a disclosure report with the commission. The report shall
127 disclose the full name, mailing address, telephone numbers and domicile of the contributing
128 committee and the date and amount of the contribution. The report shall be filed within
129 forty-eight hours of the receipt of such contribution if the contribution is received after the last
130 reporting date before the election.

131 12. Each legislative and senatorial district committee shall retain only one address in the
132 district it sits for the purpose of receiving contributions.

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