

FIRST REGULAR SESSION

HOUSE BILL NO. 931

99TH GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVE ARTHUR.

1362H.011

D. ADAM CRUMBLISS, Chief Clerk

AN ACT

To repeal section 130.034, RSMo, section 130.011 as enacted by senate bill no. 844, ninety-fifth general assembly, second regular session, and section 130.011 as enacted by house bill no. 1900, ninety-third general assembly, second regular session, and to enact in lieu thereof three new sections relating to campaign finance, with a delayed effective date and penalty provisions.

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

Section A. Section 130.034, RSMo, section 130.011 as enacted by senate bill no. 844, ninety-fifth general assembly, second regular session, and section 130.011 as enacted by house bill no. 1900, ninety-third general assembly, second regular session, are repealed and three new sections enacted in lieu thereof, to be known as sections 130.011, 130.034, and 130.069, to read as follows:

~~[130.011. As used in this chapter, unless the context clearly indicates otherwise, the following terms mean:~~

~~(1) "Appropriate officer" or "appropriate officers", the person or persons designated in section 130.026 to receive certain required statements and reports;~~

~~(2) "Ballot measure" or "measure", any proposal submitted or intended to be submitted to qualified voters for their approval or rejection, including any proposal submitted by initiative petition, referendum petition, or by the general assembly or any local governmental body having authority to refer proposals to the voter;~~

~~(3) "Campaign committee", a committee, other than a candidate committee, which shall be formed by an individual or group of individuals to receive contributions or make expenditures and whose sole purpose is to support or oppose the qualification and passage of one or more particular ballot measures~~

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.

14 in an election or the retention of judges under the nonpartisan court plan, such
15 committee shall be formed no later than thirty days prior to the election for which
16 the committee receives contributions or makes expenditures, and which shall
17 terminate the later of either thirty days after the general election or upon the
18 satisfaction of all committee debt after the general election, except that no
19 committee retiring debt shall engage in any other activities in support of a
20 measure for which the committee was formed;

21 ~~————— (4) "Candidate", an individual who seeks nomination or election to public~~
22 ~~office. The term "candidate" includes an elected officeholder who is the subject~~
23 ~~of a recall election, an individual who seeks nomination by the individual's~~
24 ~~political party for election to public office, an individual standing for retention~~
25 ~~in an election to an office to which the individual was previously appointed, an~~
26 ~~individual who seeks nomination or election whether or not the specific elective~~
27 ~~public office to be sought has been finally determined by such individual at the~~
28 ~~time the individual meets the conditions described in paragraph (a) or (b) of this~~
29 ~~subdivision, and an individual who is a write-in candidate as defined in~~
30 ~~subdivision (28) of this section. A candidate shall be deemed to seek nomination~~
31 ~~or election when the person first:~~

32 ~~————— (a) Receives contributions or makes expenditures or reserves space or~~
33 ~~facilities with intent to promote the person's candidacy for office; or~~

34 ~~————— (b) Knows or has reason to know that contributions are being received~~
35 ~~or expenditures are being made or space or facilities are being reserved with the~~
36 ~~intent to promote the person's candidacy for office; except that, such individual~~
37 ~~shall not be deemed a candidate if the person files a statement with the~~
38 ~~appropriate officer within five days after learning of the receipt of contributions,~~
39 ~~the making of expenditures, or the reservation of space or facilities disavowing~~
40 ~~the candidacy and stating that the person will not accept nomination or take office~~
41 ~~if elected; provided that, if the election at which such individual is supported as~~
42 ~~a candidate is to take place within five days after the person's learning of the~~
43 ~~above-specified activities, the individual shall file the statement disavowing the~~
44 ~~candidacy within one day; or~~

45 ~~————— (c) Announces or files a declaration of candidacy for office;~~

46 ~~————— (5) "Candidate committee", a committee which shall be formed by a~~
47 ~~candidate to receive contributions or make expenditures in behalf of the person's~~
48 ~~candidacy and which shall continue in existence for use by an elected candidate~~
49 ~~or which shall terminate the later of either thirty days after the general election~~
50 ~~for a candidate who was not elected or upon the satisfaction of all committee debt~~
51 ~~after the election, except that no committee retiring debt shall engage in any other~~
52 ~~activities in support of the candidate for which the committee was formed. Any~~
53 ~~candidate for elective office shall have only one candidate committee for the~~
54 ~~elective office sought, which is controlled directly by the candidate for the~~
55 ~~purpose of making expenditures. A candidate committee is presumed to be under~~
56 ~~the control and direction of the candidate unless the candidate files an affidavit~~

57 with the appropriate officer stating that the committee is acting without control
58 or direction on the candidate's part;
59 ~~(6) "Cash", currency, coin, United States postage stamps, or any~~
60 ~~negotiable instrument which can be transferred from one person to another person~~
61 ~~without the signature or endorsement of the transferor;~~
62 ~~(7) "Check", a check drawn on a state or federal bank, or a draft on a~~
63 ~~negotiable order of withdrawal account in a savings and loan association or a~~
64 ~~share draft account in a credit union;~~
65 ~~(8) "Closing date", the date through which a statement or report is~~
66 ~~required to be complete;~~
67 ~~(9) "Committee", a person or any combination of persons, who accepts~~
68 ~~contributions or makes expenditures for the primary or incidental purpose of~~
69 ~~influencing or attempting to influence the action of voters for or against the~~
70 ~~nomination or election to public office of one or more candidates or the~~
71 ~~qualification, passage or defeat of any ballot measure or for the purpose of paying~~
72 ~~a previously incurred campaign debt or obligation of a candidate or the debts or~~
73 ~~obligations of a committee or for the purpose of contributing funds to another~~
74 ~~committee;~~
75 ~~(a) "Committee", does not include:~~
76 ~~a. A person or combination of persons, if neither the aggregate of~~
77 ~~expenditures made nor the aggregate of contributions received during a calendar~~
78 ~~year exceeds five hundred dollars and if no single contributor has contributed~~
79 ~~more than two hundred fifty dollars of such aggregate contributions;~~
80 ~~b. An individual, other than a candidate, who accepts no contributions~~
81 ~~and who deals only with the individual's own funds or property;~~
82 ~~c. A corporation, cooperative association, partnership, proprietorship, or~~
83 ~~joint venture organized or operated for a primary or principal purpose other than~~
84 ~~that of influencing or attempting to influence the action of voters for or against~~
85 ~~the nomination or election to public office of one or more candidates or the~~
86 ~~qualification, passage or defeat of any ballot measure, and it accepts no~~
87 ~~contributions, and all expenditures it makes are from its own funds or property~~
88 ~~obtained in the usual course of business or in any commercial or other transaction~~
89 ~~and which are not contributions as defined by subdivision (11) of this section;~~
90 ~~d. A labor organization organized or operated for a primary or principal~~
91 ~~purpose other than that of influencing or attempting to influence the action of~~
92 ~~voters for or against the nomination or election to public office of one or more~~
93 ~~candidates, or the qualification, passage, or defeat of any ballot measure, and it~~
94 ~~accepts no contributions, and expenditures made by the organization are from its~~
95 ~~own funds or property received from membership dues or membership fees~~
96 ~~which were given or solicited for the purpose of supporting the normal and usual~~
97 ~~activities and functions of the organization and which are not contributions as~~
98 ~~defined by subdivision (11) of this section;~~

- 99 ~~_____ e. A person who acts as an authorized agent for a committee in soliciting~~
100 ~~or receiving contributions or in making expenditures or incurring indebtedness~~
101 ~~on behalf of the committee if such person renders to the committee treasurer or~~
102 ~~deputy treasurer or candidate, if applicable, an accurate account of each receipt~~
103 ~~or other transaction in the detail required by the treasurer to comply with all~~
104 ~~record-keeping and reporting requirements of this chapter;~~
- 105 ~~_____ f. Any department, agency, board, institution or other entity of the state~~
106 ~~or any of its subdivisions or any officer or employee thereof, acting in the~~
107 ~~person's official capacity;~~
- 108 ~~_____ (b) The term "committee" includes, but is not limited to, each of the~~
109 ~~following committees: campaign committee, candidate committee, political~~
110 ~~action committee, exploratory committee, and political party committee;~~
- 111 ~~_____ (10) "Connected organization", any organization such as a corporation,~~
112 ~~a labor organization, a membership organization, a cooperative, or trade or~~
113 ~~professional association which expends funds or provides services or facilities~~
114 ~~to establish, administer or maintain a committee or to solicit contributions to a~~
115 ~~committee from its members, officers, directors, employees or security holders.~~
116 ~~An organization shall be deemed to be the connected organization if more than~~
117 ~~fifty percent of the persons making contributions to the committee during the~~
118 ~~current calendar year are members, officers, directors, employees or security~~
119 ~~holders of such organization or their spouses;~~
- 120 ~~_____ (11) "Contribution", a payment, gift, loan, advance, deposit, or donation~~
121 ~~of money or anything of value for the purpose of supporting or opposing the~~
122 ~~nomination or election of any candidate for public office or the qualification,~~
123 ~~passage or defeat of any ballot measure, or for the support of any committee~~
124 ~~supporting or opposing candidates or ballot measures or for paying debts or~~
125 ~~obligations of any candidate or committee previously incurred for the above~~
126 ~~purposes. A contribution of anything of value shall be deemed to have a money~~
127 ~~value equivalent to the fair market value. "Contribution" includes, but is not~~
128 ~~limited to:~~
- 129 ~~_____ (a) A candidate's own money or property used in support of the person's~~
130 ~~candidacy other than expense of the candidate's food, lodging, travel, and~~
131 ~~payment of any fee necessary to the filing for public office;~~
- 132 ~~_____ (b) Payment by any person, other than a candidate or committee, to~~
133 ~~compensate another person for services rendered to that candidate or committee;~~
- 134 ~~_____ (c) Receipts from the sale of goods and services, including the sale of~~
135 ~~advertising space in a brochure, booklet, program or pamphlet of a candidate or~~
136 ~~committee and the sale of tickets or political merchandise;~~
- 137 ~~_____ (d) Receipts from fund-raising events including testimonial affairs;~~
- 138 ~~_____ (e) Any loan, guarantee of a loan, cancellation or forgiveness of a loan~~
139 ~~or debt or other obligation by a third party, or payment of a loan or debt or other~~
140 ~~obligation by a third party if the loan or debt or other obligation was contracted,~~
141 ~~used, or intended, in whole or in part, for use in an election campaign or used or~~

142 intended for the payment of such debts or obligations of a candidate or committee
143 previously incurred, or which was made or received by a committee;
144 ~~(f) Funds received by a committee which are transferred to such~~
145 ~~committee from another committee or other source, except funds received by a~~
146 ~~candidate committee as a transfer of funds from another candidate committee~~
147 ~~controlled by the same candidate but such transfer shall be included in the~~
148 ~~disclosure reports;~~
149 ~~(g) Facilities, office space or equipment supplied by any person to a~~
150 ~~candidate or committee without charge or at reduced charges, except gratuitous~~
151 ~~space for meeting purposes which is made available regularly to the public,~~
152 ~~including other candidates or committees, on an equal basis for similar purposes~~
153 ~~on the same conditions;~~
154 ~~(h) The direct or indirect payment by any person, other than a connected~~
155 ~~organization, of the costs of establishing, administering, or maintaining a~~
156 ~~committee, including legal, accounting and computer services, fund raising and~~
157 ~~solicitation of contributions for a committee;~~
158 ~~(i) "Contribution" does not include:~~
159 ~~a. Ordinary home hospitality or services provided without compensation~~
160 ~~by individuals volunteering their time in support of or in opposition to a~~
161 ~~candidate, committee or ballot measure, nor the necessary and ordinary personal~~
162 ~~expenses of such volunteers incidental to the performance of voluntary activities,~~
163 ~~so long as no compensation is directly or indirectly asked or given;~~
164 ~~b. An offer or tender of a contribution which is expressly and~~
165 ~~unconditionally rejected and returned to the donor within ten business days after~~
166 ~~receipt or transmitted to the state treasurer;~~
167 ~~c. Interest earned on deposit of committee funds;~~
168 ~~d. The costs incurred by any connected organization listed pursuant to~~
169 ~~subdivision (4) of subsection 5 of section 130.021 for establishing, administering~~
170 ~~or maintaining a committee, or for the solicitation of contributions to a committee~~
171 ~~which solicitation is solely directed or related to the members, officers, directors,~~
172 ~~employees or security holders of the connected organization;~~
173 ~~(12) "County", any one of the several counties of this state or the city of~~
174 ~~St. Louis;~~
175 ~~(13) "Disclosure report", an itemized report of receipts, expenditures and~~
176 ~~incurred indebtedness which is prepared on forms approved by the Missouri~~
177 ~~ethics commission and filed at the times and places prescribed;~~
178 ~~(14) "Election", any primary, general or special election held to nominate~~
179 ~~or elect an individual to public office, to retain or recall an elected officeholder~~
180 ~~or to submit a ballot measure to the voters, and any caucus or other meeting of~~
181 ~~a political party or a political party committee at which that party's candidate or~~
182 ~~candidates for public office are officially selected. A primary election and the~~
183 ~~succeeding general election shall be considered separate elections;~~

184 ~~————— (15) "Expenditure", a payment, advance, conveyance, deposit, donation~~
185 ~~or contribution of money or anything of value for the purpose of supporting or~~
186 ~~opposing the nomination or election of any candidate for public office or the~~
187 ~~qualification or passage of any ballot measure or for the support of any committee~~
188 ~~which in turn supports or opposes any candidate or ballot measure or for the~~
189 ~~purpose of paying a previously incurred campaign debt or obligation of a~~
190 ~~candidate or the debts or obligations of a committee; a payment, or an agreement~~
191 ~~or promise to pay, money or anything of value, including a candidate's own~~
192 ~~money or property, for the purchase of goods, services, property, facilities or~~
193 ~~anything of value for the purpose of supporting or opposing the nomination or~~
194 ~~election of any candidate for public office or the qualification or passage of any~~
195 ~~ballot measure or for the support of any committee which in turn supports or~~
196 ~~opposes any candidate or ballot measure or for the purpose of paying a previously~~
197 ~~incurred campaign debt or obligation of a candidate or the debts or obligations~~
198 ~~of a committee. An expenditure of anything of value shall be deemed to have a~~
199 ~~money value equivalent to the fair market value. "Expenditure" includes, but is~~
200 ~~not limited to:-~~

201 ~~————— (a) Payment by anyone other than a committee for services of another~~
202 ~~person rendered to such committee;-~~

203 ~~————— (b) The purchase of tickets, goods, services or political merchandise in~~
204 ~~connection with any testimonial affair or fund-raising event of or for candidates~~
205 ~~or committees, or the purchase of advertising in a brochure, booklet, program or~~
206 ~~pamphlet of a candidate or committee;-~~

207 ~~————— (c) The transfer of funds by one committee to another committee;-~~

208 ~~————— (d) The direct or indirect payment by any person, other than a connected~~
209 ~~organization for a committee, of the costs of establishing, administering or~~
210 ~~maintaining a committee, including legal, accounting and computer services;~~
211 ~~fund raising and solicitation of contributions for a committee; but-~~

212 ~~————— (e) "Expenditure" does not include:-~~

213 ~~————— a. Any news story, commentary or editorial which is broadcast or~~
214 ~~published by any broadcasting station, newspaper, magazine or other periodical~~
215 ~~without charge to the candidate or to any person supporting or opposing a~~
216 ~~candidate or ballot measure;-~~

217 ~~————— b. The internal dissemination by any membership organization,~~
218 ~~proprietorship, labor organization, corporation, association or other entity of~~
219 ~~information advocating the election or defeat of a candidate or candidates or the~~
220 ~~passage or defeat of a ballot measure or measures to its directors, officers,~~
221 ~~members, employees or security holders, provided that the cost incurred is~~
222 ~~reported pursuant to subsection 2 of section 130.051;-~~

223 ~~————— c. Repayment of a loan, but such repayment shall be indicated in required~~
224 ~~reports;-~~

225 ~~————— d. The rendering of voluntary personal services by an individual of the~~
226 ~~sort commonly performed by volunteer campaign workers and the payment by~~

227 such individual of the individual's necessary and ordinary personal expenses
228 incidental to such volunteer activity, provided no compensation is, directly or
229 indirectly, asked or given;

230 ~~_____ e. The costs incurred by any connected organization listed pursuant to~~
231 ~~subdivision (4) of subsection 5 of section 130.021 for establishing, administering~~
232 ~~or maintaining a committee, or for the solicitation of contributions to a committee~~
233 ~~which solicitation is solely directed or related to the members, officers, directors,~~
234 ~~employees or security holders of the connected organization;~~

235 ~~_____ f. The use of a candidate's own money or property for expense of the~~
236 ~~candidate's personal food, lodging, travel, and payment of any fee necessary to~~
237 ~~the filing for public office, if such expense is not reimbursed to the candidate~~
238 ~~from any source;~~

239 ~~_____ (16) "Exploratory committees", a committee which shall be formed by~~
240 ~~an individual to receive contributions and make expenditures on behalf of this~~
241 ~~individual in determining whether or not the individual seeks elective office.~~
242 ~~Such committee shall terminate no later than December thirty-first of the year~~
243 ~~prior to the general election for the possible office;~~

244 ~~_____ (17) "Fund-raising event", an event such as a dinner, luncheon, reception,~~
245 ~~coffee, testimonial, rally, auction or similar affair through which contributions are~~
246 ~~solicited or received by such means as the purchase of tickets, payment of~~
247 ~~attendance fees, donations for prizes or through the purchase of goods, services~~
248 ~~or political merchandise;~~

249 ~~_____ (18) "In-kind contribution" or "in-kind expenditure", a contribution or~~
250 ~~expenditure in a form other than money;~~

251 ~~_____ (19) "Labor organization", any organization of any kind, or any agency~~
252 ~~or employee representation committee or plan, in which employees participate~~
253 ~~and which exists for the purpose, in whole or in part, of dealing with employers~~
254 ~~concerning grievances, labor disputes, wages, rates of pay, hours of employment,~~
255 ~~or conditions of work;~~

256 ~~_____ (20) "Loan", a transfer of money, property or anything of ascertainable~~
257 ~~monetary value in exchange for an obligation, conditional or not, to repay in~~
258 ~~whole or in part and which was contracted, used, or intended for use in an~~
259 ~~election campaign, or which was made or received by a committee or which was~~
260 ~~contracted, used, or intended to pay previously incurred campaign debts or~~
261 ~~obligations of a candidate or the debts or obligations of a committee;~~

262 ~~_____ (21) "Person", an individual, group of individuals, corporation,~~
263 ~~partnership, committee, proprietorship, joint venture, any department, agency,~~
264 ~~board, institution or other entity of the state or any of its political subdivisions,~~
265 ~~union, labor organization, trade or professional or business association,~~
266 ~~association, political party or any executive committee thereof, or any other club~~
267 ~~or organization however constituted or any officer or employee of such entity~~
268 ~~acting in the person's official capacity;~~

269 ~~————— (22) "Political action committee", a committee of continuing existence~~
270 ~~which is not formed, controlled or directed by a candidate, and is a committee~~
271 ~~other than a candidate committee, political party committee, campaign~~
272 ~~committee, exploratory committee, or debt service committee, whose primary or~~
273 ~~incidental purpose is to receive contributions or make expenditures to influence~~
274 ~~or attempt to influence the action of voters whether or not a particular candidate~~
275 ~~or candidates or a particular ballot measure or measures to be supported or~~
276 ~~opposed has been determined at the time the committee is required to file any~~
277 ~~statement or report pursuant to the provisions of this chapter. Such a committee~~
278 ~~includes, but is not limited to, any committee organized or sponsored by a~~
279 ~~business entity, a labor organization, a professional association, a trade or~~
280 ~~business association, a club or other organization and whose primary purpose is~~
281 ~~to solicit, accept and use contributions from the members, employees or~~
282 ~~stockholders of such entity and any individual or group of individuals who accept~~
283 ~~and use contributions to influence or attempt to influence the action of voters.~~
284 ~~Such committee shall be formed no later than sixty days prior to the election for~~
285 ~~which the committee receives contributions or makes expenditures;~~
286 ~~————— (23) "Political merchandise", goods such as bumper stickers, pins, hats,~~
287 ~~ties, jewelry, literature, or other items sold or distributed at a fund-raising event~~
288 ~~or to the general public for publicity or for the purpose of raising funds to be used~~
289 ~~in supporting or opposing a candidate for nomination or election or in supporting~~
290 ~~or opposing the qualification, passage or defeat of a ballot measure;~~
291 ~~————— (24) "Political party", a political party which has the right under law to~~
292 ~~have the names of its candidates listed on the ballot in a general election;~~
293 ~~————— (25) "Political party committee", a committee of a political party which~~
294 ~~may be organized as a not-for-profit corporation under Missouri law and has the~~
295 ~~primary or incidental purpose of receiving contributions and making expenditures~~
296 ~~to influence or attempt to influence the action of voters on behalf of the political~~
297 ~~party. Political party committees shall only take the following forms:~~
298 ~~————— (a) One congressional district committee per political party for each~~
299 ~~congressional district in the state; and~~
300 ~~————— (b) One state party committee per political party;~~
301 ~~————— (26) "Public office" or "office", any state, judicial, county, municipal,~~
302 ~~school or other district, ward, township, or other political subdivision office or~~
303 ~~any political party office which is filled by a vote of registered voters;~~
304 ~~————— (27) "Regular session", includes that period beginning on the first~~
305 ~~Wednesday after the first Monday in January and ending following the first~~
306 ~~Friday after the second Monday in May;~~
307 ~~————— (28) "Write-in candidate", an individual whose name is not printed on the~~
308 ~~ballot but who otherwise meets the definition of candidate in subdivision (4) of~~
309 ~~this section.]~~
310

130.011. As used in this chapter, unless the context clearly indicates otherwise, the following terms mean:

(1) "Appropriate officer" or "appropriate officers", the person or persons designated in section 130.026 to receive certain required statements and reports;

(2) "Ballot measure" or "measure", any proposal submitted or intended to be submitted to qualified voters for their approval or rejection, including any proposal submitted by initiative petition, referendum petition, or by the general assembly or any local governmental body having authority to refer proposals to the voter;

(3) "Candidate", an individual who seeks nomination or election to public office. The term "candidate" includes an elected officeholder who is the subject of a recall election, an individual who seeks nomination by the individual's political party for election to public office, an individual standing for retention in an election to an office to which the individual was previously appointed, an individual who seeks nomination or election whether or not the specific elective public office to be sought has been finally determined by such individual at the time the individual meets the conditions described in paragraph (a) or (b) of this subdivision, and an individual who is a write-in candidate as defined in ~~[subdivision (28) of]~~ this section. A candidate shall be deemed to seek nomination or election when the person first:

(a) Receives contributions or makes expenditures or reserves space or facilities with intent to promote the person's candidacy for office; or

(b) Knows or has reason to know that contributions are being received or expenditures are being made or space or facilities are being reserved with the intent to promote the person's candidacy for office; except that, such individual shall not be deemed a candidate if the person files a statement with the appropriate officer within five days after learning of the receipt of contributions, the making of expenditures, or the reservation of space or facilities disavowing the candidacy and stating that the person will not accept nomination or take office if elected; provided that, if the election at which such individual is supported as a candidate is to take place within five days after the person's learning of the above-specified activities, the individual shall file the statement disavowing the candidacy within one day; or

(c) Announces or files a declaration of candidacy for office;

(4) "Cash", currency, coin, United States postage stamps, or any negotiable instrument which can be transferred from one person to another person without the signature or endorsement of the transferor;

(5) "Check", a check drawn on a state or federal bank, or a draft on a negotiable order of withdrawal account in a savings and loan association or a share draft account in a credit union;

(6) "Closing date", the date through which a statement or report is required to be complete;

37 (7) "Committee", a person or any combination of persons, who accepts contributions or
38 makes expenditures for the primary or incidental purpose of influencing or attempting to
39 influence the action of voters for or against the nomination or election to public office of one or
40 more candidates or the qualification, passage or defeat of any ballot measure or for the purpose
41 of paying a previously incurred campaign debt or obligation of a candidate or the debts or
42 obligations of a committee or for the purpose of contributing funds to another committee:

43 (a) "Committee", does not include:

44 a. A person or combination of persons, if neither the aggregate of expenditures made nor
45 the aggregate of contributions received during a calendar year exceeds five hundred dollars and
46 if no single contributor has contributed more than two hundred fifty dollars of such aggregate
47 contributions;

48 b. An individual, other than a candidate, who accepts no contributions and who deals
49 only with the individual's own funds or property;

50 c. A corporation, cooperative association, partnership, proprietorship, or joint venture
51 organized or operated for a primary or principal purpose other than that of influencing or
52 attempting to influence the action of voters for or against the nomination or election to public
53 office of one or more candidates or the qualification, passage or defeat of any ballot measure, and
54 it accepts no contributions, and all expenditures it makes are from its own funds or property
55 obtained in the usual course of business or in any commercial or other transaction and which are
56 not contributions as defined by subdivision (12) of this section;

57 d. A labor organization organized or operated for a primary or principal purpose other
58 than that of influencing or attempting to influence the action of voters for or against the
59 nomination or election to public office of one or more candidates, or the qualification, passage,
60 or defeat of any ballot measure, and it accepts no contributions, and expenditures made by the
61 organization are from its own funds or property received from membership dues or membership
62 fees which were given or solicited for the purpose of supporting the normal and usual activities
63 and functions of the organization and which are not contributions as defined by subdivision (12)
64 of this section;

65 e. A person who acts as an authorized agent for a committee in soliciting or receiving
66 contributions or in making expenditures or incurring indebtedness on behalf of the committee
67 if such person renders to the committee treasurer or deputy treasurer or candidate, if applicable,
68 an accurate account of each receipt or other transaction in the detail required by the treasurer to
69 comply with all record-keeping and reporting requirements of this chapter;

70 f. Any department, agency, board, institution or other entity of the state or any of its
71 subdivisions or any officer or employee thereof, acting in the person's official capacity;

72 (b) The term "committee" includes, but is not limited to, each of the following
73 committees: campaign committee, candidate committee, continuing committee and political
74 party committee;

75 (8) "Campaign committee", a committee, other than a candidate committee, which shall
76 be formed by an individual or group of individuals to receive contributions or make expenditures
77 and whose sole purpose is to support or oppose the qualification and passage of one or more
78 particular ballot measures in an election or the retention of judges under the nonpartisan court
79 plan, such committee shall be formed no later than thirty days prior to the election for which the
80 committee receives contributions or makes expenditures, and which shall terminate the later of
81 either thirty days after the general election or upon the satisfaction of all committee debt after
82 the general election, except that no committee retiring debt shall engage in any other activities
83 in support of a measure for which the committee was formed;

84 (9) "Candidate committee", a committee which shall be formed by a candidate to receive
85 contributions or make expenditures in behalf of the person's candidacy and which shall continue
86 in existence for use by an elected candidate or which shall terminate the later of either thirty days
87 after the general election for a candidate who was not elected or upon the satisfaction of all
88 committee debt after the election, except that no committee retiring debt shall engage in any
89 other activities in support of the candidate for which the committee was formed. Any candidate
90 for elective office shall have only one candidate committee for the elective office sought, which
91 is controlled directly by the candidate for the purpose of making expenditures. A candidate
92 committee is presumed to be under the control and direction of the candidate unless the candidate
93 files an affidavit with the appropriate officer stating that the committee is acting without control
94 or direction on the candidate's part;

95 (10) "Continuing committee", a committee of continuing existence which is not formed,
96 controlled or directed by a candidate, and is a committee other than a candidate committee or
97 campaign committee, whose primary or incidental purpose is to receive contributions or make
98 expenditures to influence or attempt to influence the action of voters whether or not a particular
99 candidate or candidates or a particular ballot measure or measures to be supported or opposed
100 has been determined at the time the committee is required to file any statement or report pursuant
101 to the provisions of this chapter. "Continuing committee" includes, but is not limited to, any
102 committee organized or sponsored by a business entity, a labor organization, a professional
103 association, a trade or business association, a club or other organization and whose primary
104 purpose is to solicit, accept and use contributions from the members, employees or stockholders
105 of such entity and any individual or group of individuals who accept and use contributions to
106 influence or attempt to influence the action of voters. Such committee shall be formed no later

107 than sixty days prior to the election for which the committee receives contributions or makes
108 expenditures;

109 (11) "Connected organization", any organization such as a corporation, a labor
110 organization, a membership organization, a cooperative, or trade or professional association
111 which expends funds or provides services or facilities to establish, administer or maintain a
112 committee or to solicit contributions to a committee from its members, officers, directors,
113 employees or security holders. An organization shall be deemed to be the connected
114 organization if more than fifty percent of the persons making contributions to the committee
115 during the current calendar year are members, officers, directors, employees or security holders
116 of such organization or their spouses;

117 (12) "Contribution", a payment, gift, loan, advance, deposit, or donation of money or
118 anything of value for the purpose of supporting or opposing the nomination or election of any
119 candidate for public office or the qualification, passage or defeat of any ballot measure, or for
120 the support of any committee supporting or opposing candidates or ballot measures or for paying
121 debts or obligations of any candidate or committee previously incurred for the above purposes.
122 A contribution of anything of value shall be deemed to have a money value equivalent to the fair
123 market value. "Contribution" includes, but is not limited to:

124 (a) A candidate's own money or property used in support of the person's candidacy other
125 than expense of the candidate's food, lodging, travel, and payment of any fee necessary to the
126 filing for public office;

127 (b) Payment by any person, other than a candidate or committee, to compensate another
128 person for services rendered to that candidate or committee;

129 (c) Receipts from the sale of goods and services, including the sale of advertising space
130 in a brochure, booklet, program or pamphlet of a candidate or committee and the sale of tickets
131 or political merchandise;

132 (d) Receipts from fund-raising events including testimonial affairs;

133 (e) Any loan, guarantee of a loan, cancellation or forgiveness of a loan or debt or other
134 obligation by a third party, or payment of a loan or debt or other obligation by a third party if the
135 loan or debt or other obligation was contracted, used, or intended, in whole or in part, for use in
136 an election campaign or used or intended for the payment of such debts or obligations of a
137 candidate or committee previously incurred, or which was made or received by a committee;

138 (f) Funds received by a committee which are transferred to such committee from another
139 committee or other source, except funds received by a candidate committee as a transfer of funds
140 from another candidate committee controlled by the same candidate but such transfer shall be
141 included in the disclosure reports;

142 (g) Facilities, office space or equipment supplied by any person to a candidate or
143 committee without charge or at reduced charges, except gratuitous space for meeting purposes
144 which is made available regularly to the public, including other candidates or committees, on an
145 equal basis for similar purposes on the same conditions;

146 (h) The direct or indirect payment by any person, other than a connected organization,
147 of the costs of establishing, administering, or maintaining a committee, including legal,
148 accounting and computer services, fund raising and solicitation of contributions for a committee;

149 (i) "Contribution" does not include:

150 a. Ordinary home hospitality or services provided without compensation by individuals
151 volunteering their time in support of or in opposition to a candidate, committee or ballot
152 measure, nor the necessary and ordinary personal expenses of such volunteers incidental to the
153 performance of voluntary activities, so long as no compensation is directly or indirectly asked
154 or given;

155 b. An offer or tender of a contribution which is expressly and unconditionally rejected
156 and returned to the donor within ten business days after receipt or transmitted to the state
157 treasurer;

158 c. Interest earned on deposit of committee funds;

159 d. The costs incurred by any connected organization listed pursuant to subdivision [~~4~~]
160 **(5)** of subsection 5 of section 130.021 for establishing, administering or maintaining a
161 committee, or for the solicitation of contributions to a committee which solicitation is solely
162 directed or related to the members, officers, directors, employees or security holders of the
163 connected organization;

164 (13) "County", any one of the several counties of this state or the city of St. Louis;

165 (14) **"Covered communication", any of the following:**

166 **(a) Paid advertisements broadcast over radio, television, cable, or satellite in this**
167 **state;**

168 **(b) Paid placement of content on the internet or other electronic communication**
169 **network targeted to voters in this state;**

170 **(c) Paid advertisements published in a periodical or on a billboard in this state;**

171 **(d) Paid telephone communications to five hundred or more households in this**
172 **state;**

173 **(e) Mailings sent or distributed through the United States Postal Service or similar**
174 **private mail carriers to two thousand or more recipients in this state; and**

175 **(f) Printed materials exceeding two thousand copies distributed in this state;**

176 (15) "Disclosure report", an itemized report of receipts, expenditures and incurred
177 indebtedness which is prepared on forms approved by the Missouri ethics commission and filed
178 at the times and places prescribed;

179 ~~[(15)]~~ (16) "Election", any primary, general or special election held to nominate or elect
180 an individual to public office, to retain or recall an elected officeholder or to submit a ballot
181 measure to the voters, and any caucus or other meeting of a political party or a political party
182 committee at which that party's candidate or candidates for public office are officially selected.
183 A primary election and the succeeding general election shall be considered separate elections;

184 (17) "Electioneering activity":

185 (a) Any of the following:

186 a. Any covered communication that influences or attempts to influence the action
187 of voters for or against the nomination or election to public office of one or more
188 candidates or the qualification, passage, or defeat of any ballot measure; and

189 b. Any covered communication made within forty-five days of a primary election
190 or ninety days of a general election that:

191 (i) Identifies or depicts a particular candidate by name but does not specifically call
192 for his or her election or defeat; or

193 (ii) Identifies or depicts a particular ballot measure by name or by its proposition
194 or amendment number but does not specifically call for its qualification, passage, or defeat;

195 (b) Does not include:

196 a. An activity or communication for the purpose of encouraging individuals to
197 register to vote or to vote, if that activity or communication does not mention or depict a
198 clearly identified candidate or ballot issue;

199 b. A bona fide news story, commentary, blog, or editorial distributed through the
200 facilities of any broadcasting station, newspaper, magazine, internet website, or other
201 periodical publication of general circulation;

202 c. A communication by any membership organization or corporation to its
203 members, stockholders, or employees; or

204 d. A communication that the Missouri ethics commission determines by rule is not
205 an electioneering activity;

206 ~~[(16)]~~ (18) "Expenditure", a payment, advance, conveyance, deposit, donation or
207 contribution of money or anything of value for the purpose of supporting or opposing the
208 nomination or election of any candidate for public office or the qualification or passage of any
209 ballot measure or for the support of any committee which in turn supports or opposes any
210 candidate or ballot measure or for the purpose of paying a previously incurred campaign debt or
211 obligation of a candidate or the debts or obligations of a committee; a payment, or an agreement

212 or promise to pay, money or anything of value, including a candidate's own money or property,
213 for the purchase of goods, services, property, facilities or anything of value for the purpose of
214 supporting or opposing the nomination or election of any candidate for public office or the
215 qualification or passage of any ballot measure or for the support of any committee which in turn
216 supports or opposes any candidate or ballot measure or for the purpose of paying a previously
217 incurred campaign debt or obligation of a candidate or the debts or obligations of a committee.
218 An expenditure of anything of value shall be deemed to have a money value equivalent to the
219 fair market value. "Expenditure" includes, but is not limited to:

220 (a) Payment by anyone other than a committee for services of another person rendered
221 to such committee;

222 (b) The purchase of tickets, goods, services or political merchandise in connection with
223 any testimonial affair or fund-raising event of or for candidates or committees, or the purchase
224 of advertising in a brochure, booklet, program or pamphlet of a candidate or committee;

225 (c) The transfer of funds by one committee to another committee;

226 (d) The direct or indirect payment by any person, other than a connected organization
227 for a committee, of the costs of establishing, administering or maintaining a committee,
228 including legal, accounting and computer services, fund raising and solicitation of contributions
229 for a committee; but

230 (e) "Expenditure" does not include:

231 a. Any news story, commentary or editorial which is broadcast or published by any
232 broadcasting station, newspaper, magazine or other periodical without charge to the candidate
233 or to any person supporting or opposing a candidate or ballot measure;

234 b. The internal dissemination by any membership organization, proprietorship, labor
235 organization, corporation, association or other entity of information advocating the election or
236 defeat of a candidate or candidates or the passage or defeat of a ballot measure or measures to
237 its directors, officers, members, employees or security holders, provided that the cost incurred
238 is reported pursuant to subsection 2 of section 130.051;

239 c. Repayment of a loan, but such repayment shall be indicated in required reports;

240 d. The rendering of voluntary personal services by an individual of the sort commonly
241 performed by volunteer campaign workers and the payment by such individual of the individual's
242 necessary and ordinary personal expenses incidental to such volunteer activity, provided no
243 compensation is, directly or indirectly, asked or given;

244 e. The costs incurred by any connected organization listed pursuant to subdivision [(4)]
245 (5) of subsection 5 of section 130.021 for establishing, administering or maintaining a
246 committee, or for the solicitation of contributions to a committee which solicitation is solely

247 directed or related to the members, officers, directors, employees or security holders of the
248 connected organization;

249 f. The use of a candidate's own money or property for expense of the candidate's personal
250 food, lodging, travel, and payment of any fee necessary to the filing for public office, if such
251 expense is not reimbursed to the candidate from any source;

252 ~~[(17)]~~ **(19)** ~~["Exploratory committees"]~~ **"Exploratory committee"**, a committee which
253 shall be formed by an individual to receive contributions and make expenditures on behalf of this
254 individual in determining whether or not the individual seeks elective office. Such committee
255 shall terminate no later than December thirty-first of the year prior to the general election for the
256 possible office;

257 ~~[(18)]~~ **(20)** "Fund-raising event", an event such as a dinner, luncheon, reception, coffee,
258 testimonial, rally, auction or similar affair through which contributions are solicited or received
259 by such means as the purchase of tickets, payment of attendance fees, donations for prizes or
260 through the purchase of goods, services or political merchandise;

261 ~~[(19)]~~ **(21)** "In-kind contribution" or "in-kind expenditure", a contribution or expenditure
262 in a form other than money;

263 ~~[(20)]~~ **(22)** "Labor organization", any organization of any kind, or any agency or
264 employee representation committee or plan, in which employees participate and which exists for
265 the purpose, in whole or in part, of dealing with employers concerning grievances, labor disputes,
266 wages, rates of pay, hours of employment, or conditions of work;

267 ~~[(21)]~~ **(23)** "Loan", a transfer of money, property or anything of ascertainable monetary
268 value in exchange for an obligation, conditional or not, to repay in whole or in part and which
269 was contracted, used, or intended for use in an election campaign, or which was made or
270 received by a committee or which was contracted, used, or intended to pay previously incurred
271 campaign debts or obligations of a candidate or the debts or obligations of a committee;

272 ~~[(22)]~~ **(24)** "Person", an individual, group of individuals, corporation, partnership,
273 committee, proprietorship, joint venture, any department, agency, board, institution or other
274 entity of the state or any of its political subdivisions, union, labor organization, trade or
275 professional or business association, association, political party or any executive committee
276 thereof, or any other club or organization however constituted or any officer or employee of such
277 entity acting in the person's official capacity;

278 ~~[(23)]~~ **(25)** "Political merchandise", goods such as bumper stickers, pins, hats, ties,
279 jewelry, literature, or other items sold or distributed at a fund-raising event or to the general
280 public for publicity or for the purpose of raising funds to be used in supporting or opposing a
281 candidate for nomination or election or in supporting or opposing the qualification, passage or
282 defeat of a ballot measure;

283 [(24)] (26) "Political party", a political party which has the right under law to have the
 284 names of its candidates listed on the ballot in a general election;

285 [(25)] (27) "Political party committee", a state, district, county, city, or area committee
 286 of a political party, as defined in section 115.603, which may be organized as a not-for-profit
 287 corporation under Missouri law, and which committee is of continuing existence, and has the
 288 primary or incidental purpose of receiving contributions and making expenditures to influence
 289 or attempt to influence the action of voters on behalf of the political party;

290 [(26)] (28) "Public office" or "office", any state, judicial, county, municipal, school or
 291 other district, ward, township, or other political subdivision office or any political party office
 292 which is filled by a vote of registered voters;

293 [(27)] (29) "Regular session", includes that period beginning on the first Wednesday
 294 after the first Monday in January and ending following the first Friday after the second Monday
 295 in May;

296 [(28)] (30) "Write-in candidate", an individual whose name is not printed on the ballot
 297 but who otherwise meets the definition of candidate in subdivision (3) of this section.

130.034. 1. Contributions as defined in section 130.011, received by any committee
 2 shall not be converted to any personal use.

3 2. Contributions may be used for any purpose allowed by law including, but not limited
 4 to:

5 (1) Any ordinary expenses incurred relating to a campaign;

6 (2) Any ordinary and necessary expenses incurred in connection with the duties of a
 7 holder of elective office;

8 (3) Any expenses associated with the duties of candidacy or of elective office pertaining
 9 to the entertaining of or providing social courtesies to constituents, professional associations, or
 10 other holders of elective office;

11 (4) The return of any contribution to the person who made the contribution to the
 12 candidate or holder of elective office;

13 (5) To contribute to a political organization or candidate committee as allowed by law;

14 (6) To establish a new committee as defined by this chapter; **or**

15 (7) To make an unconditional gift which is fully vested to any charitable, fraternal or
 16 civic organizations or other associations formed to provide for some good in the order of
 17 benevolence, if such candidate, former candidate or holder of elective office or such person's
 18 immediate family gain no direct financial benefit from the unconditional gift[;-

19 ~~(8) Except when such candidate, former candidate or holder of elective office dies while~~
 20 ~~the committee remains in existence, the committee may make an unconditional gift to a fund~~

21 established for the benefit of the spouse and children of the candidate, former candidate or holder
22 of elective office. ~~The provisions of this subdivision shall expire October 1, 1997].~~

23 3. Upon the death of the candidate, former candidate or holder of elective office who
24 received such contributions, all contributions shall be disposed of according to this section and
25 any funds remaining after final settlement of the candidate's decedent's estate, or if no estate is
26 opened, then twelve months after the candidate's death, will escheat to the state of Missouri to
27 be deposited in the general revenue fund.

28 4. No contributions, as defined in section 130.011, received by a candidate, former
29 candidate or holder of elective office shall be used to make restitution payments ordered of such
30 individual by a court of law or for the payment of any fine resulting from conviction of a
31 violation of any local, state or federal law.

32 5. Committees described in subdivision ~~[(17)]~~ **(19)** of section 130.011 shall make
33 expenditures only for the purpose of determining whether an individual will be a candidate.
34 Such expenditures include polling information, mailings, personal appearances, telephone
35 expenses, office and travel expenses but may not include contributions to other candidate
36 committees.

37 6. Any moneys in the exploratory committee fund may be transferred to the candidate
38 committee upon declaration of candidacy for the position being explored. Such funds shall be
39 included for the purposes of reporting and limitation. In the event that candidacy is not declared
40 for the position being explored, the remaining exploratory committee funds shall be returned to
41 the contributors on a pro rata basis. In no event shall the amount returned exceed the amount
42 given by each contributor nor be less than ten dollars.

43 7. Funds held in candidate committees, campaign committees, debt service committees,
44 and exploratory committees shall be liquid such that these funds shall be readily available for the
45 specific and limited purposes allowed by law. These funds may be invested only in short-term
46 treasury instruments or short-term bank certificates with durations of one year or less, or that
47 allow the removal of funds at any time without any additional financial penalty other than the
48 loss of interest income. Continuing committees, political party committees, and other
49 committees such as out-of-state committees not formed for the benefit of any single candidate
50 or ballot issue shall not be subject to the provisions of this subsection. This subsection shall not
51 be interpreted to restrict the placement of funds in an interest-bearing checking account.

**130.069. 1. For purposes of this section, "expenditure" means a payment, advance,
2 conveyance, deposit, donation, or contribution of moneys or anything of value made by a
3 person or entity. For purposes of this section, the term "expenditure" does not have the
4 same meaning given to that term under section 130.011.**

5 **2. Any person or entity that makes an expenditure in excess of one thousand dollars**
6 **for the purpose of electioneering activities by means of a covered communication shall**
7 **make an electronic disclosure report to the ethics commission within forty-eight hours.**
8 **The report shall state specifically the expenditure amount, the person or entity receiving**
9 **the expenditure, the ballot measure or candidate such expenditure concerns, and a**
10 **description of the position advocated by the person or entity with regard to the ballot**
11 **measure or candidate.**

12 **3. Any person or entity required to file disclosure reports under this section shall**
13 **make the disclosures electronically.**

14 **4. (1) If the expenditure described under subsection 2 of this section originated**
15 **from a segregated bank account of an entity, the electronic disclosure report required**
16 **under this section shall include the date and amount of each donation to the segregated**
17 **bank account, as well as the name, address, and employer, occupation if self-employed, or**
18 **notation of retirement of each donor who has donated over one thousand dollars to the**
19 **segregated bank account of the entity in the previous twelve-month period.**

20 **(2) If the expenditure described under subsection 2 of this section did not originate**
21 **solely from a segregated bank account of the entity, the electronic disclosure report**
22 **required under this section shall include the date and amount of each donation, as well as**
23 **the name, address, and employer, occupation if self-employed, or notation of retirement**
24 **of each donor who has donated over one thousand dollars to the entity in the previous**
25 **twelve-month period.**

26 **5. All information required to be reported to the ethics commission under this**
27 **section shall be a matter of public record that the ethics commission shall make available**
28 **to the public immediately after receiving the information.**

29 **6. The ethics commission may promulgate rules to implement the provisions of this**
30 **section. Any rule or portion of a rule, as that term is defined in section 536.010, that is**
31 **created under the authority delegated in this section shall become effective only if it**
32 **complies with and is subject to all of the provisions of chapter 536 and, if applicable,**
33 **section 536.028. This section and chapter 536 are nonseverable, and if any of the powers**
34 **vested with the general assembly pursuant to chapter 536 to review, to delay the effective**
35 **date, or to disapprove and annul a rule are subsequently held unconstitutional, then the**
36 **grant of rulemaking authority and any rule proposed or adopted after the effective date**
37 **of this section shall be invalid and void.**

Section B. Section A of this act shall become effective January 1, 2018.

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