

SECOND REGULAR SESSION

HOUSE BILL NO. 2548

98TH GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVE KOLKMEYER.

6201H.011

D. ADAM CRUMBLISS, Chief Clerk

AN ACT

To repeal section 130.016, RSMo, section 130.026 as enacted by senate bill no. 844, ninety-fifth general assembly, second regular session, and section 130.026 as enacted by senate bill no. 262, eighty-sixth general assembly, first regular session, and to enact in lieu thereof two new sections relating to ethics.

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

Section A. Section 130.016, RSMo, section 130.026 as enacted by senate bill no. 844, 2 ninety-fifth general assembly, second regular session, and section 130.026 as enacted by senate 3 bill no. 262, eighty-sixth general assembly, first regular session, are repealed and two new 4 sections enacted in lieu thereof, to be known as sections 130.016 and 130.026, to read as follows:

130.016. 1. No candidate for statewide elected office, general assembly, or municipal 2 office in a city with a population of more than one hundred thousand shall be required to comply 3 with the requirements to file a statement of organization or disclosure reports of contributions 4 and expenditures for any election in which neither the aggregate of contributions received nor 5 the aggregate of expenditures made on behalf of such candidate exceeds five hundred dollars and 6 no single contributor, other than the candidate, has contributed more than three hundred 7 twenty-five dollars, provided that:

8 (1) The candidate files a sworn exemption statement with the appropriate officer that the 9 candidate does not intend to either receive contributions or make expenditures in the aggregate 10 of more than five hundred dollars or receive contributions from any single contributor, other than 11 the candidate, that aggregate more than three hundred twenty-five dollars, and that the total of 12 all contributions received or expenditures made by the candidate and all committees or any other 13 person with the candidate's knowledge and consent in support of the candidacy will not exceed

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 five hundred dollars and that the aggregate of contributions received from any single contributor
15 will not exceed the amount of the limitation on contributions to elect an individual to the office
16 of state representative as calculated in subsection 2 of section 130.032. Such exemption
17 statement shall be filed no later than the date set forth in section 130.046 on which a disclosure
18 report would otherwise be required if the candidate does not file the exemption statement. The
19 exemption statement shall be filed on a form furnished to each appropriate officer by the
20 executive director of the Missouri ethics commission. Each appropriate officer shall make the
21 exemption statement available to candidates and shall direct each candidate's attention to the
22 exemption statement and explain its purpose to the candidate; and

23 (2) The sworn exemption statement includes a statement that the candidate understands
24 that records of contributions and expenditures must be maintained from the time the candidate
25 first receives contributions or makes expenditures and that an exemption from filing a statement
26 of organization or disclosure reports does not exempt the candidate from other provisions of this
27 chapter. Each candidate described in this subsection who files a statement of exemption shall
28 file a statement of limited activity for each reporting period described in section 130.046.

29 2. Any candidate who has filed an exemption statement as provided in subsection 1 of
30 this section shall not accept any contribution or make any expenditure in support of the person's
31 candidacy, either directly or indirectly or by or through any committee or any other person acting
32 with the candidate's knowledge and consent, which would cause such contributions or
33 expenditures to exceed the limits specified in subdivision (1) of subsection 1 of this section
34 unless the candidate later rejects the exemption pursuant to subsection 3 of this section. Any
35 contribution received in excess of such limits shall be returned to the donor or transmitted to the
36 state treasurer to escheat to the state.

37 3. If, after filing the exemption statement provided for in this section, the candidate
38 subsequently determines the candidate wishes to exceed any of the limits in subdivision (1) of
39 subsection 1 of this section, the candidate shall file a notice of rejection of the exemption with
40 the appropriate officer; however, such rejection shall not be filed later than thirty days before
41 election. A notice of rejection of exemption shall be accompanied by a statement of organization
42 as required by section 130.021 and any other statements and reports which would have been
43 required if the candidate had not filed an exemption statement.

44 4. A primary election and the immediately succeeding general election are separate
45 elections, and restrictions on contributions and expenditures set forth in subsection 2 of this
46 section shall apply to each election; however, if a successful primary candidate has correctly filed
47 an exemption statement prior to the primary election and has not filed a notice of rejection prior
48 to the date on which the first disclosure report applicable to the succeeding general election is
49 required to be filed, the candidate shall not be required to file an exemption statement for that

50 general election if the limitations set forth in subsection 1 of this section apply to the succeeding
51 general election.

52 5. A candidate who has an existing candidate committee formed for a prior election for
53 which all statements and reports required by this chapter have been properly filed shall be
54 eligible to file the exemption statement as provided in subsection 1 of this section and shall not
55 be required to file the disclosure reports pertaining to the election for which the candidate is
56 eligible to file the exemption statement if the candidate and the treasurer or deputy treasurer of
57 such existing candidate committee continue to comply with the requirements, limitations and
58 restrictions set forth in subsections 1, 2, 3 and 4 of this section. The exemption permitted by this
59 subsection does not exempt a candidate or the treasurer of the candidate's existing candidate
60 committee from complying with the requirements of subsections 6 and 7 of section 130.046
61 applicable to a prior election.

62 6. No candidate for supreme court, circuit court, or associate circuit court, or candidate
63 for political party office, or for county office or municipal office in a city of one hundred
64 thousand or less, or for any special purpose district office shall be required to file an exemption
65 statement pursuant to this section in order to be exempted from forming a committee and filing
66 disclosure reports required of committees pursuant to this chapter if the aggregate of
67 contributions received or expenditures made by the candidate and any other person with the
68 candidate's knowledge and consent in support of the person's candidacy does not exceed [one]
69 **three** thousand dollars and the aggregate of contributions from any single contributor does not
70 exceed three hundred twenty-five dollars. No candidate for any office listed in this subsection
71 shall be excused from complying with the provisions of any section of this chapter, other than
72 the filing of an exemption statement under the conditions specified in this subsection.

73 7. If any candidate for an office listed in subsection 6 of this section exceeds the limits
74 specified in subsection 6 of this section, the candidate shall form a committee no later than thirty
75 days prior to the election for which the contributions were received or expended which shall
76 comply with all provisions of this chapter for committees.

77 8. No member of or candidate for the general assembly shall form a candidate committee
78 for the office of speaker of the house of representatives or president pro tem of the senate.

2 [130.026. 1. For the purpose of this section, the term "election authority"
3 or "local election authority" means the county clerk, except that in a city or
4 county having a board of election commissioners the board of election
5 commissioners shall be the election authority. For any political subdivision or
6 other district which is situated within the jurisdiction of more than one election
7 authority, as defined herein, the election authority is the one in whose jurisdiction
8 the candidate resides or, in the case of ballot measures, the one in whose
9 jurisdiction the most populous portion of the political subdivision or district for
which an election is held is situated, except that a county clerk or a county board

10 of election commissioners shall be the election authority for all candidates for
11 elective county offices other than county clerk and for any countywide ballot
12 measures.

13 2. The appropriate officer or officers for candidates and ballot measures
14 shall be as follows:

15 (1) In the case of candidates for the offices of governor, lieutenant
16 governor, secretary of state, state treasurer, state auditor, attorney general, judges
17 of the supreme court and appellate court judges, the appropriate officer shall be
18 the Missouri ethics commission;

19 (2) Notwithstanding the provisions of subsection 1 of this section, in the
20 case of candidates for the offices of state senator, state representative, county
21 clerk, and associate circuit court judges and circuit court judges, the appropriate
22 officers shall be the Missouri ethics commission and the election authority for the
23 place of residence of the candidate;

24 (3) In the case of candidates for elective municipal offices in
25 municipalities of more than one hundred thousand inhabitants and elective county
26 offices in counties of more than one hundred thousand inhabitants, the
27 appropriate officers shall be the Missouri ethics commission and the election
28 authority of the municipality or county in which the candidate seeks office;

29 (4) In the case of all other offices, the appropriate officer shall be the
30 election authority of the district or political subdivision for which the candidate
31 seeks office;

32 (5) In the case of ballot measures, the appropriate officer or officers shall
33 be:

34 (a) The Missouri ethics commission for a statewide measure;

35 (b) The local election authority for any political subdivision or district as
36 determined by the provisions of subsection 1 of this section for any measure,
37 other than a statewide measure, to be voted on in that political subdivision or
38 district.

39 3. The appropriate officer or officers for candidate committees and
40 campaign committees shall be the same as designated in subsection 2 of this
41 section for the candidates or ballot measures supported or opposed as indicated
42 in the statement of organization required to be filed by any such committee.

43 4. The appropriate officer for political party committees shall be as
44 follows:

45 (1) In the case of state party committees, the appropriate officer shall be
46 the Missouri ethics commission;

47 (2) In the case of any district, county or city political party committee, the
48 appropriate officer shall be the Missouri ethics commission and the election
49 authority for that district, county or city.

50 5. The appropriate officers for a political action committee and for any
51 other committee not named in subsections 3, 4 and 5 of this section shall be as
52 follows:

53 (1) The Missouri ethics commission and the election authority for the
54 county in which the committee is domiciled; and

55 (2) If the committee makes or anticipates making expenditures other than
56 direct contributions which aggregate more than five hundred dollars to support
57 or oppose one or more candidates or ballot measures in the same political
58 subdivision or district for which the appropriate officer is an election authority
59 other than the one for the county in which the committee is domiciled, the
60 appropriate officers for that committee shall include such other election authority
61 or authorities, except that committees covered by this subsection need not file
62 statements required by section 130.021 and reports required by subsections 6, 7
63 and 8 of section 130.046 with any appropriate officer other than those set forth
64 in subdivision (1) of this subsection.

65 6. The term "domicile" or "domiciled" means the address of the
66 committee listed on the statement of organization required to be filed by that
67 committee in accordance with the provisions of section 130.021.]

130.026. 1. For the purpose of this section, the term "election authority" or "local
2 election authority" means the county clerk, except that in a city or county having a board of
3 election commissioners the board of election commissioners shall be the election authority. For
4 any political subdivision or other district which is situated within the jurisdiction of more than
5 one election authority, as defined herein, the election authority is the one in whose jurisdiction
6 the candidate resides or, in the case of ballot measures, the one in whose jurisdiction the most
7 populous portion of the political subdivision or district for which an election is held is situated,
8 except that a county clerk or a county board of election commissioners shall be the election
9 authority for all candidates for elective county offices other than county clerk and for any
10 countywide ballot measures.

11 2. The appropriate officer or officers for candidates and ballot measures shall be as
12 follows:

13 (1) In the case of candidates for the offices of governor, lieutenant governor, secretary
14 of state, state treasurer, state auditor, attorney general, judges of the supreme court and appellate
15 court judges, the appropriate officer shall be the Missouri ethics commission;

16 (2) Notwithstanding the provisions of subsection 1 of this section, in the case of
17 candidates for the offices of state senator, state representative, county clerk, and associate circuit
18 court judges and circuit court judges, the appropriate officers shall be the Missouri ethics
19 commission and the election authority for the place of residence of the candidate;

20 (3) In the case of candidates for elective municipal offices in municipalities of more than
21 one hundred thousand inhabitants and elective county offices in counties of more than one
22 hundred thousand inhabitants, the appropriate officers shall be the Missouri ethics commission
23 and the election authority of the municipality or county in which the candidate seeks office;

24 (4) In the case of all other offices, the appropriate officer shall be the election authority
25 of the district or political subdivision for which the candidate seeks office;

26 (5) In the case of ballot measures, the appropriate officer or officers shall be:

27 (a) The Missouri ethics commission for a statewide measure;

28 (b) The local election authority for any political subdivision or district as determined by
29 the provisions of subsection 1 of this section for any measure, other than a statewide measure,
30 to be voted on in that political subdivision or district.

31 3. The appropriate officer or officers for candidate committees and campaign committees
32 shall be the same as designated in subsection 2 of this section for the candidates or ballot
33 measures supported or opposed as indicated in the statement of organization required to be filed
34 by any such committee.

35 4. The appropriate officer for political party committees shall be as follows:

36 (1) In the case of state party committees, the appropriate officer shall be the Missouri
37 ethics commission;

38 (2) In the case of any district, county or city political party committee, the appropriate
39 officer shall be the Missouri ethics commission and the election authority for that district, county
40 or city.

41 5. The appropriate officers for a continuing committee and for any other committee not
42 named in subsections 3, 4 and 5 of this section shall be as follows:

43 (1) the Missouri ethics commission and the election authority for the county in which
44 the committee is domiciled; and

45 (2) If the committee makes or anticipates making expenditures other than direct
46 contributions which aggregate more than [five hundred] **three thousand** dollars to support or
47 oppose one or more candidates or ballot measures in the same political subdivision or district for
48 which the appropriate officer is an election authority other than the one for the county in which
49 the committee is domiciled, the appropriate officers for that committee shall include such other
50 election authority or authorities, except that committees covered by this subsection need not file
51 statements required by section 130.021 and reports required by subsections 6, 7 and 8 of section
52 130.046 with any appropriate officer other than those set forth in subdivision (1) of this
53 subsection.

54 6. The term "domicile" or "domiciled" means the address of the committee listed on the
55 statement of organization required to be filed by that committee in accordance with the
56 provisions of section 130.021.

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