

SECOND REGULAR SESSION

SENATE BILL NO. 1052

99TH GENERAL ASSEMBLY

INTRODUCED BY SENATOR SCHAAF.

Read 1st time February 28, 2018, and ordered printed.

ADRIANE D. CROUSE, Secretary.

6616S.011

AN ACT

To repeal section 130.047, RSMo, and to enact in lieu thereof one new section relating to requiring reports of noncommittee independent expenditures.

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

Section A. Section 130.047, RSMo, is repealed and one new section
2 enacted in lieu thereof, to be known as section 130.047, to read as follows:

130.047. [Any person who is not a defined committee who makes an
2 expenditure or expenditures aggregating five hundred dollars or more in support
3 of, or opposition to, one or more candidates or in support of, or in opposition to,
4 the qualification or passage of one or more ballot measures, other than a
5 contribution made directly to a candidate or committee, shall file a report signed
6 by the person making the expenditures, or that person's authorized agent. The
7 report shall include the name and address of the person making the expenditure,
8 the date and amount of the expenditure or expenditures, the name and address
9 of the payee, and a description of the nature and purpose of each
10 expenditure. Such report shall be filed with the appropriate officer having
11 jurisdiction over the election of the candidate or ballot measure in question as set
12 forth in section 130.026 no later than fourteen days after the date of making an
13 expenditure which by itself or when added to all other such expenditures during
14 the same campaign equals five hundred dollars or more. If, after filing such
15 report, additional expenditures are made, a further report shall be filed no later
16 than fourteen days after the date of making the additional expenditures; except
17 that, if any such expenditure is made within fourteen days prior to an election,
18 the report shall be filed no later than forty-eight hours after the date of such
19 expenditure. The provisions of this subsection shall not apply to a person who

EXPLANATION—Matter enclosed in bold-faced brackets [thus] in this bill is not enacted and is intended to be omitted in the law.

20 uses only the person's funds or resources to make an expenditure or expenditures
21 in support of or in coordination or consultation with a candidate or committee;
22 provided that, any such expenditure is recorded as a contribution to such
23 candidate or committee and so reported by the candidate or committee being
24 supported by the expenditure or expenditures.] 1. **As used in this section, the**

25 **following terms mean:**

26 (1) **"Donation", a payment or transfer of money or anything of**
27 **value to a person who makes independent expenditures. A donation of**
28 **anything of value shall be deemed to have a money value equivalent to**
29 **the fair market value. "Donation" shall not include:**

30 (a) **A payment or transfer of money or anything of value made in**
31 **a commercial transaction in the ordinary course of any trade or**
32 **business conducted by a person; or**

33 (b) **A payment or transfer of money or anything of value if the**
34 **person making the payment or transfer prohibited, in writing, the use**
35 **of such payment or transfer for making independent expenditures and**
36 **the recipient of the payment or transfer agreed to follow the**
37 **prohibition by segregating the payment or transfer from any funds or**
38 **accounts used to make independent expenditures; provided that the**
39 **recipient did not, in fact, use the payment or transfer for making**
40 **independent expenditures;**

41 (2) **"Independent expenditure", a purchase, payment, agreement,**
42 **or promise of payment, advance, conveyance, or deposit of money or**
43 **anything of value for the purpose of supporting or opposing the**
44 **nomination or election of any candidate for public office or the**
45 **qualification or passage of any ballot measure which is not made in**
46 **cooperation, consultation, or coordination with, or at the request or**
47 **suggestion of, a candidate, political party, or committee. An**
48 **independent expenditure of anything of value shall be deemed to have**
49 **a money value equivalent to the fair market value.**

50 (a) **"Independent expenditure" includes a purchase, payment,**
51 **agreement or promise of payment, advance, conveyance, or deposit of**
52 **money or anything of value for a print, radio, broadcast, cable, satellite,**
53 **electronic, or internet communication that:**

54 a. **Unambiguously refers to a candidate or ballot measure; and**

55 b. **Is publicly distributed within sixty days before a general**
56 **election or thirty days before a primary or special election to an**

57 audience that includes members of the electorate for the office sought
58 by the candidate or the constituency voting on the ballot measure.

59 (b) "Independent expenditure" shall not include:

60 a. A news story, commentary, or editorial which is broadcast or
61 published by any broadcasting station, newspaper, magazine, or other
62 periodical without charge to any person supporting or opposing a
63 candidate or ballot measure;

64 b. A communication that constitutes a candidate debate or forum
65 or that solely promotes such a debate or forum and is made by or on
66 behalf of the person sponsoring the debate or forum;

67 c. The internal dissemination by any membership organization,
68 proprietorship, labor organization, corporation, association, or other
69 entity of information advocating the election or defeat of a candidate
70 or candidates or the passage or defeat of a ballot measure or measures
71 to its directors, officers, members, employees, or security holders,
72 provided that the cost incurred is reported pursuant to subsection 2 of
73 section 130.051; or

74 d. The rendering of voluntary personal services by an individual
75 of the sort commonly performed by volunteer campaign workers and
76 the payment by such individual of the individual's necessary and
77 ordinary personal expenses incidental to such volunteer activity,
78 provided no compensation is, directly or indirectly, asked or given.

79 2. Any person, other than a defined committee, who has made
80 one or more independent expenditures aggregating one thousand
81 dollars or more since the most recent general election shall file a report
82 signed by the person making the independent expenditure, or that
83 person's authorized agent.

84 3. The report required by subsection 2 of this section shall be
85 filed with the appropriate officer having jurisdiction over the election
86 of the candidate or ballot measure in question as set forth in section
87 130.026 no later than fourteen days after the date of making an
88 independent expenditure which by itself or when added to all other
89 independent expenditures made since the most recent general election
90 equals one thousand dollars or more. If, after filing such report,
91 additional independent expenditures are made, a further report shall
92 be filed no later than fourteen days after the date of making the
93 additional independent expenditures; except that, if any independent

94 expenditure is made within thirty days prior to an election, the report
95 shall be filed no later than forty-eight hours after the date of such
96 independent expenditure.

97 4. Each report required by subsection 2 of this section shall
98 include:

99 (1) The name and address of the person making the independent
100 expenditure or independent expenditures;

101 (2) The date and amount of each independent expenditure;

102 (3) The name and address of each payee;

103 (4) A description of the nature and purpose of each independent
104 expenditure; and

105 (5) The name, address, and employer, or occupation if
106 self-employed or notation of retirement, of each person who has made
107 one or more donations aggregating one thousand dollars or more since
108 the most recent general election to the person filing the report,
109 together with the date and amount of each such donation.

110 5. If a person required to file a report pursuant to subsection 2
111 of this section has filed any previous report under this section since the
112 most recent general election, any subsequent report need only include
113 updated information and need not contain information identical to that
114 in a previous report.

115 6. (1) Any person, other than a defined committee, may, unless
116 otherwise restricted or prohibited by law, make independent
117 expenditures from a campaign-related account that is maintained
118 separately from all other accounts controlled by the person.

119 (2) A campaign-related account shall consist exclusively of
120 donations paid directly to the account by persons other than the person
121 establishing the campaign-related account and the campaign-related
122 account shall not receive any payments or transfers from another
123 account controlled by the person establishing such campaign-related
124 account; except that, if a person who has made a donation to another
125 account controlled by the person establishing the campaign-related
126 account requests that such donation be used for making independent
127 expenditures, then the amount of such donation may be transferred to
128 the campaign-related account and shall be treated as a donation made
129 directly to the campaign-related account.

130 (3) A person who establishes a campaign-related account shall

131 not make independent expenditures from any source other than the
132 campaign-related account and shall exclusively use amounts in the
133 campaign-related account for making independent expenditures.

134 (4) If an independent expenditure is made from the
135 campaign-related account, any report filed pursuant to this section may
136 include only those persons who made one or more donations
137 aggregating one thousand dollars or more since the most recent general
138 election directly to the campaign-related account.

139 7. The requirements of this section shall not apply to a person
140 who uses only the person's funds or resources to make an expenditure
141 or expenditures in cooperation, consultation, or coordination with, or
142 at the request or suggestion of, a candidate, political party, or
143 committee; provided that, any such expenditure is recorded as a
144 contribution to such candidate, political party, or committee and so
145 reported by the candidate, political party, or committee being
146 supported by the expenditure or expenditures.

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Bill

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