

SECOND REGULAR SESSION

SENATE JOINT RESOLUTION NO. 26

99TH GENERAL ASSEMBLY

INTRODUCED BY SENATOR HOLSMAN.

Pre-filed December 1, 2017, and ordered printed.

ADRIANE D. CROUSE, Secretary.

4624S.011

JOINT RESOLUTION

Submitting to the qualified voters of Missouri, an amendment repealing section 23 of article VIII of the Constitution of Missouri, and adopting two new sections in lieu thereof relating to financial disclosure for entities engaging in certain political campaign activities.

Be it resolved by the Senate, the House of Representatives concurring therein:

That at the next general election to be held in the state of Missouri, on
2 Tuesday next following the first Monday in November, 2018, or at a special
3 election to be called by the governor for that purpose, there is hereby submitted
4 to the qualified voters of this state, for adoption or rejection, the following
5 amendment to article VIII of the Constitution of the state of Missouri:

Section A. Section 23, article VIII, Constitution of Missouri, is repealed
2 and two new sections adopted in lieu thereof, to be known as sections 23 and 24,
3 to read as follows:

Section 23. 1. This section shall be known as the "Missouri Campaign
2 Contribution Reform Initiative."

3 2. The people of the state of Missouri hereby find and declare that
4 excessive campaign contributions to political candidates create the potential for
5 corruption and the appearance of corruption; that large campaign contributions
6 made to influence election outcomes allow wealthy individuals, corporations and
7 special interest groups to exercise a disproportionate level of influence over the
8 political process; that the rising costs of campaigning for political office prevent
9 qualified citizens from running for political office; that political contributions
10 from corporations and labor organizations are not necessarily an indication of
11 popular support for the corporation's or labor organization's political ideas and

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

12 can unfairly influence the outcome of Missouri elections; and that the interests
13 of the public are best served by limiting campaign contributions, providing for full
14 and timely disclosure of campaign contributions, and strong enforcement of
15 campaign finance requirements.

16 3. (1) Except as provided in subdivisions (2), (3) and (4) of this subsection,
17 the amount of contributions made by or accepted from any person other than the
18 candidate in any one election shall not exceed the following:

19 (a) To elect an individual to the office of governor, lieutenant governor,
20 secretary of state, state treasurer, state auditor, attorney general, office of state
21 senator, office of state representative or any other state or judicial office, two
22 thousand six hundred dollars.

23 (2) (a) No political party shall accept aggregate contributions from any
24 person that exceed twenty-five thousand dollars per election at the state, county,
25 municipal, district, ward, and township level combined.

26 (b) No political party shall accept aggregate contributions from any
27 committee that exceed twenty-five thousand dollars per election at the state,
28 county, municipal, district, ward, and township level combined.

29 (3) (a) It shall be unlawful for a corporation or labor organization to make
30 contributions to a campaign committee, candidate committee, exploratory
31 committee, political party committee or a political party; except that a corporation
32 or labor organization may establish a continuing committee which may accept
33 contributions or dues from members, officers, directors, employees or security
34 holders.

35 (b) The prohibition contained in subdivision (a) of this subsection shall not
36 apply to a corporation that:

37 (i) Is formed for the purpose of promoting political ideas and cannot
38 engage in business activities; and

39 (ii) Has no security holders or other persons with a claim on its assets or
40 income; and

41 (iii) Was not established by and does not accept contributions from
42 business corporations or labor organizations.

43 (4) No candidate's candidate committee shall accept contributions from,
44 or make contributions to, another candidate committee, including any candidate
45 committee, or equivalent entity, established under federal law.

46 (5) Notwithstanding any other subdivision of this subsection to the
47 contrary, a candidate's candidate committee may receive a loan from a financial

48 institution organized under state or federal law if the loan bears the usual and
49 customary interest rate, is made on a basis that assures repayments, is evidenced
50 by a written instrument, and is subject to a due date or amortization
51 schedule. The contribution limits described in this subsection shall not apply to
52 a loan as described in this subdivision.

53 (6) No campaign committee, candidate committee, continuing committee,
54 exploratory committee, political party committee, and political party shall accept
55 a contribution in cash exceeding one hundred dollars per election.

56 (7) No contribution shall be made or accepted, directly or indirectly, in a
57 fictitious name, in the name of another person, or by or through another person
58 in such a manner as to conceal the identity of the actual source of the
59 contribution or the actual recipient. Any person who receives contributions for
60 a committee shall disclose to that committee's treasurer, deputy treasurer or
61 candidate the recipient's own name and address and the name and address of the
62 actual source of each contribution such person has received for that committee.

63 (8) No anonymous contribution of more than twenty-five dollars shall be
64 made by any person, and no anonymous contribution of more than twenty-five
65 dollars shall be accepted by any candidate or committee. If any anonymous
66 contribution of more than twenty-five dollars is received, it shall be returned
67 immediately to the contributor, if the contributor's identity can be ascertained,
68 and if the contributor's identity cannot be ascertained, the candidate, committee
69 treasurer or deputy treasurer shall immediately transmit that portion of the
70 contribution which exceeds twenty-five dollars to the state treasurer and it shall
71 escheat to the state.

72 (9) The maximum aggregate amount of anonymous contributions which
73 shall be accepted per election by any committee shall be the greater of five
74 hundred dollars or one percent of the aggregate amount of all contributions
75 received by that committee in the same election. If any anonymous contribution
76 is received which causes the aggregate total of anonymous contributions to exceed
77 the foregoing limitation, it shall be returned immediately to the contributor, if the
78 contributor's identity can be ascertained, and, if the contributor's identity cannot
79 be ascertained, the committee treasurer, deputy treasurer or candidate shall
80 immediately transmit the anonymous contribution to the state treasurer to
81 escheat to the state.

82 (10) Notwithstanding the provisions of subdivision (9) of this subsection,
83 contributions from individuals whose names and addresses cannot be ascertained

84 which are received from a fund-raising activity or event[, such as defined in
85 section 130.011, RSMo, as amended from time to time,] shall not be deemed
86 anonymous contributions, provided the following conditions are met:

87 (a) There are twenty-five or more contributing participants in the activity
88 or event;

89 (b) The candidate, committee treasurer, deputy treasurer or the person
90 responsible for conducting the activity or event makes an announcement that it
91 is illegal for anyone to make or receive a contribution in excess of one hundred
92 dollars unless the contribution is accompanied by the name and address of the
93 contributor;

94 (c) The person responsible for conducting the activity or event does not
95 knowingly accept payment from any single person of more than one hundred
96 dollars unless the name and address of the person making such payment is
97 obtained and recorded pursuant to the record-keeping requirements of section
98 130.036, RSMo, as amended from time to time;

99 (d) A statement describing the event shall be prepared by the candidate
100 or the treasurer of the committee for whom the funds were raised or by the
101 person responsible for conducting the activity or event and attached to the
102 disclosure report of contributions and expenditures required by section 130.041,
103 RSMo, as amended from time to time. The following information to be listed in
104 the statement is in addition to, not in lieu of, the requirements elsewhere in [this
105 chapter] **Missouri law** relating to the recording and reporting of contributions
106 and expenditures:

107 (i) The name and mailing address of the person or persons responsible for
108 conducting the event or activity and the name and address of the candidate or
109 committee for whom the funds were raised;

110 (ii) The date on which the event occurred;

111 (iii) The name and address of the location where the event occurred and
112 the approximate number of participants in the event;

113 (iv) A brief description of the type of event and the fund-raising methods
114 used;

115 (v) The gross receipts from the event and a listing of the expenditures
116 incident to the event;

117 (vi) The total dollar amount of contributions received from the event from
118 participants whose names and addresses were not obtained with such
119 contributions and an explanation of why it was not possible to obtain the names

120 and addresses of such participants;

121 (vii) The total dollar amount of contributions received from contributing
122 participants in the event who are identified by name and address in the records
123 required to be maintained pursuant to section 130.036, RSMo, as amended from
124 time to time.

125 (11) No candidate or committee in this state shall accept contributions
126 from any out-of-state committee unless the out-of-state committee from whom the
127 contributions are received has filed a statement of organization pursuant to
128 section 130.021, RSMo, as amended from time to time, or has filed the reports
129 required by sections 130.049 and 130.050, RSMo, as amended from time to time,
130 whichever is applicable to that committee.

131 (12) [Political action] **Continuing** committees shall only receive
132 contributions from individuals; unions; federal political action committees; and
133 corporations, associations, and partnerships formed under chapters 347 to 360,
134 RSMo, as amended from time to time, and shall be prohibited from receiving
135 contributions from other [political action] **continuing** committees, candidate
136 committees, political party committees, campaign committees, exploratory
137 committees, or debt service committees. However, candidate committees, political
138 party committees, campaign committees, exploratory committees, and debt service
139 committees shall be allowed to return contributions to a donor [political action]
140 **continuing** committee that is the origin of the contribution.

141 (13) The prohibited committee transfers described in subdivision (12) of
142 this subsection shall not apply to the following committees:

143 (a) The state house committee per political party designated by the
144 respective majority or minority floor leader of the house of representatives or the
145 chair of the state party if the party does not have majority or minority party
146 status;

147 (b) The state senate committee per political party designated by the
148 respective majority or minority floor leader of the senate or the chair of the state
149 party if the party does not have majority or minority party status.

150 (14) No person shall transfer anything of value to any committee with the
151 intent to conceal, from the Missouri ethics commission, the identity of the actual
152 source. Any violation of this subdivision shall be punishable as follows:

153 (a) For the first violation, the Missouri ethics commission shall notify such
154 person that the transfer to the committee is prohibited under this section within
155 five days of determining that the transfer is prohibited, and that such person

156 shall notify the committee to which the funds were transferred that the funds
157 must be returned within ten days of such notification;

158 (b) For the second violation, the person transferring the funds shall be
159 guilty of a class C misdemeanor;

160 (c) For the third and subsequent violations, the person transferring the
161 funds shall be guilty of a class D felony.

162 (15) No person shall make a contribution to a campaign committee,
163 candidate committee, continuing committee, exploratory committee, political party
164 committee, and political party with the expectation that some or all of the
165 amounts of such contribution will be reimbursed by another person. No person
166 shall be reimbursed for a contribution made to any campaign committee,
167 candidate committee, continuing committee, exploratory committee, political party
168 committee, and political party, nor shall any person make such reimbursement
169 [expect] **except** as provided in subdivision (5) of this subsection.

170 (16) No campaign committee, candidate committee, continuing committee,
171 exploratory committee, political party committee, and political party shall
172 knowingly accept contributions from:

173 (a) Any natural person who is not a citizen of the United States;

174 (b) A foreign government; or

175 (c) Any foreign corporation that does not have the authority to transact
176 business in this state pursuant to chapter 347, RSMo, as amended from time to
177 time.

178 (17) Contributions from persons under fourteen years of age shall be
179 considered made by the parents or guardians of such person and shall be
180 attributed toward any contribution limits prescribed in this chapter. Where the
181 contributor under fourteen years of age has two custodial parents or guardians,
182 fifty percent of the contribution shall be attributed to each parent or guardian,
183 and where such contributor has one custodial parent or guardian, all such
184 contributors shall be attributed to the custodial parent or guardian.

185 (18) Each limit on contributions described in subdivisions (1), (2)(a), and
186 (2)(b) of this subsection shall be adjusted by an amount based upon the average
187 of the percentage change over a four-year period in the United States Bureau of
188 Labor Statistics Consumer Price Index for Kansas City, all items, all consumers,
189 or its successor index, rounded to the nearest lowest twenty-five dollars and the
190 percentage change over a four-year period in the United States Bureau of Labor
191 Statistics Consumer Price Index for St. Louis, all items, all consumers, or its

192 successor index, rounded to the nearest lowest twenty-five dollars. The first
193 adjustment shall be done in the first quarter of 2019, and then every four years
194 thereafter. The secretary of state shall calculate such an adjustment in each
195 limit and specify the limits in rules promulgated in accordance with chapter 536,
196 RSMo, as amended from time to time.

197 4. (1) [Notwithstanding the provisions of subsection 3 of section 105.957,
198 RSMo, as amended from time to time,] Any natural person may file a complaint
199 with the Missouri ethics commission alleging a violation of the provisions of
200 [Section] **subsection 3** of this [Article] **section** by any candidate for elective
201 office, within sixty days prior to the primary election at which such candidate is
202 running for office, until after the general election. Any such complaint shall be
203 in writing, shall state all facts known by the complainant which have given rise
204 to the complaint, and shall be sworn to, under penalty of perjury, by the
205 complainant.

206 (2) Within the first business day after receipt of a complaint pursuant to
207 this section, the executive director shall supply a copy of the complaint to the
208 person or entity named in the complaint. The executive director of the Missouri
209 ethics commission shall notify the complainant and the person or entity named
210 in the complaint of the date and time at which the commission shall audit and
211 investigate the allegations contained in the complaint pursuant to subdivision (3)
212 of this subsection.

213 (3) Within fifteen business days of receipt of a complaint pursuant to this
214 section, the commission shall audit and investigate the allegations contained in
215 the complaint and shall determine by a vote of at least four members of the
216 commission that there are reasonable grounds to believe that a violation of law
217 has occurred within the jurisdiction of the commission. The respondent may
218 reply in writing or in person to the allegations contained in the complaint and
219 may state justifications to dismiss the complaint. The complainant may also
220 present evidence in support of the allegations contained in the complaint, but
221 such evidence shall be limited in scope to the allegations contained in the original
222 complaint, and such complaint may not be supplemented or otherwise enlarged
223 in scope.

224 (4) If, after audit and investigation of the complaint and upon a vote of
225 at least four members of the commission, the commission determines that there
226 are reasonable grounds to believe that a violation of law has occurred within the
227 jurisdiction of the commission, the commission shall proceed with such complaint

228 as provided by sections 105.957 to 105.963, RSMo, as amended from time to time.
229 If the commission does not determine that there are reasonable grounds to believe
230 that such a violation of law has occurred, the complaint shall be dismissed. If a
231 complaint is dismissed, the fact that such complaint was dismissed, with a
232 statement of the nature of the complaint, shall be made public within twenty-four
233 hours of the commission's action.

234 (5) Any complaint made pursuant to this section, and all proceedings and
235 actions concerning such a complaint, shall be subject to the provisions of
236 subsection 15 of section 105.961, RSMo, as amended from time to time.

237 (6) No complaint shall be accepted by the commission within fifteen days
238 prior to the primary or general election at which such candidate is running for
239 office.

240 5. Any person who knowingly and willfully accepts or makes a
241 contribution in violation of any provision of [Section 3 of this Article] **subsection**
242 **3 of this section** or who knowingly and willfully conceals a contribution by filing
243 a false or incomplete report or by not filing a required report under chapter 130,
244 RSMo, as amended from time to time, shall be held liable to the state in civil
245 penalties in an amount of at least double and up to five times the amount of any
246 such contribution.

247 6. (1) Any person who purposely violates the provisions of [Section 3 of
248 this Article is] **this section shall be** guilty of a class A misdemeanor.

249 (2) Notwithstanding any other provision of law which bars prosecutions
250 for any offenses other than a felony unless commenced within one year after the
251 commission of the offense, any offense under the provisions of this section may
252 be prosecuted if the indictment be found or prosecution be instituted within three
253 years after the commission of the alleged offense.

254 (3) Any prohibition to the contrary notwithstanding, no person shall be
255 deprived of the rights, guarantees, protections or privileges accorded by sections
256 130.011 to 130.026, 130.031 to 130.068, 130.072, and 130.081, RSMo, as amended
257 from time to time, by any person, corporation, entity or political subdivision.

258 7. As used in this [section] **article**, the following terms [have the
259 following meanings] **shall mean**:

260 (1) ["Appropriate officer" or "appropriate officers", the person or persons
261 designated in section 130.026, RSMo, or any successor section, to receive certain
262 required statements and reports;

263 (2)] "Candidate", an individual who seeks nomination or election to public

264 office. The term "candidate" includes an elected officeholder who is the subject
265 of a recall election, an individual who seeks nomination by the individual's
266 political party for election to public office, an individual standing for retention in
267 an election to an office to which the individual was previously appointed, an
268 individual who seeks nomination or election whether or not the specific elective
269 public office to be sought has been finally determined by such individual at the
270 time the individual meets the conditions described in paragraph (a) or (b) of this
271 subdivision, and an individual who is a write-in candidate [as defined in
272 subdivision (26) of this section]. A candidate shall be deemed to seek nomination
273 or election when the person first:

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

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

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

288 [(3)] **(2)** "Cash", currency, coin, United States postage stamps, or any
289 negotiable instrument which can be transferred from one person to another
290 person without the signature or endorsement of the transferor.

291 **(3) "Commission", the Missouri ethics commission.**

292 (4) "Committee", a person or any combination of persons, who accepts
293 contributions or makes expenditures for the primary or incidental purpose of
294 influencing or attempting to influence the action of voters for or against the
295 nomination or election to public office of one or more candidates or the
296 qualification, passage or defeat of any ballot measure or for the purpose of paying
297 a previously incurred campaign debt or obligation of a candidate or the debts or
298 obligations of a committee or for the purpose of contributing funds to another
299 committee.

300 (5) "Committee", does not include:

301 (a) A person or combination of persons, if neither the aggregate of
302 expenditures made nor the aggregate of contributions received during a calendar
303 year exceeds five hundred dollars and if no single contributor has contributed
304 more than two hundred fifty dollars of such aggregate contributions;

305 (b) An individual, other than a candidate, who accepts no contributions
306 and who deals only with the individual's own funds or property;

307 (c) A corporation, cooperative association, partnership, proprietorship, or
308 joint venture organized or operated for a primary or principal purpose other than
309 that of influencing or attempting to influence the action of voters for or against
310 the nomination or election to public office of one or more candidates or the
311 qualification, passage or defeat of any ballot measure, and it accepts no
312 contributions, and all expenditures it makes are from its own funds or property
313 obtained in the usual course of business or in any commercial or other transaction
314 and which are not contributions [as defined by subdivision (7) of this section];

315 (d) A labor organization organized or operated for a primary or principal
316 purpose other than that of influencing or attempting to influence the action of
317 voters for or against the nomination or election to public office of one or more
318 candidates, or the qualification, passage, or defeat of any ballot measure, and it
319 accepts no contributions, and expenditures made by the organization are from its
320 own funds or property received from membership dues or membership fees which
321 were given or solicited for the purpose of supporting the normal and usual
322 activities and functions of the organization and which are not contributions [as
323 defined by subdivision (7) of this section];

324 (e) A person who acts as an authorized agent for a committee in soliciting
325 or receiving contributions or in making expenditures or incurring indebtedness
326 on behalf of the committee if such person renders to the committee treasurer or
327 deputy treasurer or candidate, if applicable, an accurate account of each receipt
328 or other transaction in the detail required by the treasurer to comply with all
329 record-keeping and reporting requirements; or

330 (f) Any department, agency, board, institution or other entity of the state
331 or any of its subdivisions or any officer or employee thereof, acting in the person's
332 official capacity.

333 (6) The term "committee" includes, but is not limited to, each of the
334 following committees: campaign committee, candidate committee, continuing
335 committee and political party committee:

336 (a) "Campaign committee", a committee, other than a candidate
337 committee, which shall be formed by an individual or group of individuals to
338 receive contributions or make expenditures and whose sole purpose is to support
339 or oppose the qualification and passage of one or more particular ballot measures
340 in an election or the retention of judges under the nonpartisan court plan, such
341 committee shall be formed no later than thirty days prior to the election for which
342 the committee receives contributions or makes expenditures, and which shall
343 terminate the later of either thirty days after the general election or upon the
344 satisfaction of all committee debt after the general election, except that no
345 committee retiring debt shall engage in any other activities in support of a
346 measure for which the committee was formed;

347 (b) "Candidate committee", a committee which shall be formed by a
348 candidate to receive contributions or make expenditures in behalf of the person's
349 candidacy and which shall continue in existence for use by an elected candidate
350 or which shall terminate the later of either thirty days after the general election
351 for a candidate who was not elected or upon the satisfaction of all committee debt
352 after the election, except that no committee retiring debt shall engage in any
353 other activities in support of the candidate for which the committee was
354 formed. Any candidate for elective office shall have only one candidate committee
355 for the elective office sought, which is controlled directly by the candidate for the
356 purpose of making expenditures. A candidate committee is presumed to be under
357 the control and direction of the candidate unless the candidate files an affidavit
358 with the [appropriate officer] **commission** stating that the committee is acting
359 without control or direction on the candidate's part;

360 (c) "Continuing committee", a committee of continuing existence which is
361 not formed, controlled or directed by a candidate, and is a committee other than
362 a candidate committee or campaign committee, whose primary or incidental
363 purpose is to receive contributions or make expenditures to influence or attempt
364 to influence the action of voters whether or not a particular candidate or
365 candidates or a particular ballot measure or measures to be supported or opposed
366 has been determined at the time the committee is required to file any statement
367 or report pursuant to the provisions of this chapter. "Continuing committee"
368 includes, but is not limited to, any committee organized or sponsored by a
369 business entity, a labor organization, a professional association, a trade or
370 business association, a club or other organization and whose primary purpose is
371 to solicit, accept and use contributions from the members, employees or

372 stockholders of such entity and any individual or group of individuals who accept
373 and use contributions to influence or attempt to influence the action of
374 voters. Such committee shall be formed no later than sixty days prior to the
375 election for which the committee receives contributions or makes expenditures;
376 and

377 (d) "Connected organization", any organization such as a corporation, a
378 labor organization, a membership organization, a cooperative, or trade or
379 professional association which expends funds or provides services or facilities to
380 establish, administer or maintain a committee or to solicit contributions to a
381 committee from its members, officers, directors, employees or security holders. An
382 organization shall be deemed to be the connected organization if more than fifty
383 percent of the persons making contributions to the committee during the current
384 calendar year are members, officers, directors, employees or security holders of
385 such organization or their spouses.

386 (7) "Contribution", a payment, gift, loan, advance, deposit, or donation of
387 money or anything of value for the purpose of supporting or opposing the
388 nomination or election of any candidate for public office or the qualification,
389 passage or defeat of any ballot measure, or for the support of any committee
390 supporting or opposing candidates or ballot measures or for paying debts or
391 obligations of any candidate or committee previously incurred for the above
392 purposes. A contribution of anything of value shall be deemed to have a money
393 value equivalent to the fair market value. "Contribution" includes, but is not
394 limited to:

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

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

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

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

404 (e) Any loan, guarantee of a loan, cancellation or forgiveness of a loan or
405 debt or other obligation by a third party, or payment of a loan or debt or other
406 obligation by a third party if the loan or debt or other obligation was contracted,
407 used, or intended, in whole or in part, for use in an election campaign or used or

408 intended for the payment of such debts or obligations of a candidate or committee
409 previously incurred, or which was made or received by a committee;

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

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

420 (h) The direct or indirect payment by any person, other than a connected
421 organization, of the costs of establishing, administering, or maintaining a
422 committee, including legal, accounting and computer services, fund raising and
423 solicitation of contributions for a committee.

424 (8) "Contribution" does not include:

425 (a) Ordinary home hospitality or services provided without compensation
426 by individuals volunteering their time in support of or in opposition to a
427 candidate, committee or ballot measure, nor the necessary and ordinary personal
428 expenses of such volunteers incidental to the performance of voluntary activities,
429 so long as no compensation is directly or indirectly asked or given;

430 (b) An offer or tender of a contribution which is expressly and
431 unconditionally rejected and returned to the donor within ten business days after
432 receipt or transmitted to the state treasurer;

433 (c) Interest earned on deposit of committee funds; or

434 (d) The costs incurred by any connected organization listed pursuant to
435 subdivision (4) of subsection 5 of section 130.021, RSMo, as amended from time
436 to time, for establishing, administering or maintaining a committee, or for the
437 solicitation of contributions to a committee which solicitation is solely directed or
438 related to the members, officers, directors, employees or security holders of the
439 connected organization.

440 (9) "County", any one of the several counties of this state or the City of St.
441 Louis.

442 (10) "Disclosure report", an itemized report of receipts, expenditures and
443 incurred indebtedness which is prepared on forms approved by the Missouri

444 ethics commission and filed at the times and places prescribed.

445 (11) "Election", any primary, general or special election held to nominate
446 or elect an individual to public office, to retain or recall an elected officeholder or
447 to submit a ballot measure to the voters, and any caucus or other meeting of a
448 political party or a political party committee at which that party's candidate or
449 candidates for public office are officially selected. A primary election and the
450 succeeding general election shall be considered separate elections.

451 (12) "Expenditure", a payment, advance, conveyance, deposit, donation or
452 contribution of money or anything of value for the purpose of supporting or
453 opposing the nomination or election of any candidate for public office or the
454 qualification or passage of any ballot measure or for the support of any committee
455 which in turn supports or opposes any candidate or ballot measure or for the
456 purpose of paying a previously incurred campaign debt or obligation of a
457 candidate or the debts or obligations of a committee; a payment, or an agreement
458 or promise to pay, money or anything of value, including a candidate's own money
459 or property, for the purchase of goods, services, property, facilities or anything of
460 value for the purpose of supporting or opposing the nomination or election of any
461 candidate for public office or the qualification or passage of any ballot measure
462 or for the support of any committee which in turn supports or opposes any
463 candidate or ballot measure or for the purpose of paying a previously incurred
464 campaign debt or obligation of a candidate or the debts or obligations of a
465 committee. An expenditure of anything of value shall be deemed to have a money
466 value equivalent to the fair market value. "Expenditure" includes, but is not
467 limited to:

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

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

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

475 (d) The direct or indirect payment by any person, other than a connected
476 organization for a committee, of the costs of establishing, administering or
477 maintaining a committee, including legal, accounting and computer services, fund
478 raising and solicitation of contributions for a committee.

479 (13) "Expenditure" does not include:

480 (a) Any news story, commentary or editorial which is broadcast or
481 published by any broadcasting station, newspaper, magazine or other periodical
482 without charge to the candidate or to any person supporting or opposing a
483 candidate or ballot measure;

484 (b) The internal dissemination by any membership organization,
485 proprietorship, labor organization, corporation, association or other entity of
486 information advocating the election or defeat of a candidate or candidates or the
487 passage or defeat of a ballot measure or measures to its directors, officers,
488 members, employees or security holders, provided that the cost incurred is
489 reported pursuant to subsection 2 of section 130.051, RSMo, as amended from
490 time to time;

491 (c) Repayment of a loan, but such repayment shall be indicated in
492 required reports;

493 (d) The rendering of voluntary personal services by an individual of the
494 sort commonly performed by volunteer campaign workers and the payment by
495 such individual of the individual's necessary and ordinary personal expenses
496 incidental to such volunteer activity, provided no compensation is, directly or
497 indirectly, asked or given;

498 (e) The costs incurred by any connected organization listed pursuant to
499 subdivision (4) of subsection 5 of section 130.021, RSMo, as amended from time
500 to time, for establishing, administering or maintaining a committee, or for the
501 solicitation of contributions to a committee which solicitation is solely directed or
502 related to the members, officers, directors, employees or security holders of the
503 connected organization; or

504 (f) The use of a candidate's own money or property for expense of the
505 candidate's personal food, lodging, travel, and payment of any fee necessary to the
506 filing for public office, if such expense is not reimbursed to the candidate from
507 any source.

508 (14) "Exploratory committees", a committee which shall be formed by an
509 individual to receive contributions and make expenditures on behalf of this
510 individual in determining whether or not the individual seeks elective
511 office. Such committee shall terminate no later than December thirty-first of the
512 year prior to the general election for the possible office.

513 (15) "Fund-raising event", an event such as a dinner, luncheon, reception,
514 coffee, testimonial, rally, auction or similar affair through which contributions are
515 solicited or received by such means as the purchase of tickets, payment of

516 attendance fees, donations for prizes or through the purchase of goods, services
517 or political merchandise.

518 (16) "In-kind contribution" or "in-kind expenditure", a contribution or
519 expenditure in a form other than money.

520 (17) "Labor organization", any organization of any kind, or any agency or
521 employee representation committee or plan, in which employees participate and
522 which exists for the purpose, in whole or in part, of dealing with employers
523 concerning grievances, labor disputes, wages, rates of pay, hours of employment,
524 or conditions of work.

525 (18) "Loan", a transfer of money, property or anything of ascertainable
526 monetary value in exchange for an obligation, conditional or not, to repay in
527 whole or in part and which was contracted, used, or intended for use in an
528 election campaign, or which was made or received by a committee or which was
529 contracted, used, or intended to pay previously incurred campaign debts or
530 obligations of a candidate or the debts or obligations of a committee.

531 (19) "Person", an individual, group of individuals, corporation,
532 partnership, committee, proprietorship, joint venture, any department, agency,
533 board, institution or other entity of the state or any of its political subdivisions,
534 [union,] labor organization, trade or professional or business association,
535 association, political party or any executive committee thereof, or any other club
536 or organization however constituted or any officer or employee of such entity
537 acting in the person's official capacity.

538 (20) ["Political action committee", a committee of continuing existence
539 which is not formed, controlled or directed by a candidate, and is a committee
540 other than a candidate committee, political party committee, campaign committee,
541 exploratory committee, or debt service committee, whose primary or incidental
542 purpose is to receive contributions or make expenditures to influence or attempt
543 to influence the action of voters whether or not a particular candidate or
544 candidates or a particular ballot measure or measures to be supported or opposed
545 has been determined at the time the committee is required to file any statement
546 or report pursuant to the provisions of this chapter. Such a committee includes,
547 but is not limited to, any committee organized or sponsored by a business entity,
548 a labor organization, a professional association, a trade or business association,
549 a club or other organization and whose primary purpose is to solicit, accept and
550 use contributions from the members, employees or stockholders of such entity and
551 any individual or group of individuals who accept and use contributions to

552 influence or attempt to influence the action of voters. Such committee shall be
553 formed no later than sixty days prior to the election for which the committee
554 receives contributions or makes expenditures.

555 (21)] "Political merchandise", goods such as bumper stickers, pins, hats,
556 ties, jewelry, literature, or other items sold or distributed at a fund-raising event
557 or to the general public for publicity or for the purpose of raising funds to be used
558 in supporting or opposing a candidate for nomination or election or in supporting
559 or opposing the qualification, passage or defeat of a ballot measure.

560 [(22)] (21) "Political party", a political party which has the right under
561 law to have the names of its candidates listed on the ballot in a general election.

562 [(23)] (22) "Political party committee", a state, district, county, city, or
563 area committee of a political party, [as defined in section 115.603, RSMo,] as
564 amended from time to time, which may be organized as a not-for-profit
565 corporation under Missouri law, and which committee is of continuing existence,
566 and has the primary or incidental purpose of receiving contributions and making
567 expenditures to influence or attempt to influence the action of voters on behalf
568 of the political party.

569 [(24)] (23) "Public office" or "office", any state, judicial, county,
570 municipal, school or other district, ward, township, or other political subdivision
571 office or any political party office which is filled by a vote of registered voters.

572 [(25)] (24) "Write-in candidate", an individual whose name is not printed
573 on the ballot but who otherwise meets the definition of candidate [in subdivision
574 (2) of this section].

575 8. The provisions of this section are self-executing. All of the provisions
576 of this section are severable. If any provision of this section is found by a court
577 of competent jurisdiction to be unconstitutional or unconstitutionally enacted, the
578 remaining provisions of this section shall be and remain valid.

Section 24. 1. Any nonprofit organization exempt from taxation
2 **under section 501(c)4 of the Internal Revenue Code of 1986, as**
3 **amended, that makes an expenditure in excess of one hundred dollars**
4 **for the purpose of a communication that is in the form of radio,**
5 **television, cable, or satellite broadcast, printed material, telephone**
6 **communication, or paid internet advertising, and that includes the**
7 **name, likeness, or voice of or otherwise clearly identifies any Missouri**
8 **resident shall file a report with the commission setting forth the**
9 **following:**

10 (1) The total amount of all anonymous contributions accepted;

11 (2) The total amount of all monetary contributions received
12 through fund-raising events or activities from participants whose
13 names and addresses were not obtained with such contributions, with
14 an attached statement or copy of the statement describing each
15 fund-raising event;

16 (3) The total dollar value of all in-kind contributions received;
17 and

18 (4) A separate listing by name and address and employer, or
19 occupation if self-employed or notation of retirement, of each person
20 from whom the committee received contributions, in money or any
21 other thing of value together with the date and amount of each such
22 contribution.

23 2. The report required by subsection 1 of this section shall be
24 filed with the commission not later than forty-eight hours after making
25 the expenditure.

26 3. The expenditure threshold described in subsection 1 of this
27 section shall be increased on the first day of January in each
28 even-numbered year by multiplying the base year amount by the
29 consumer price index, as defined in section 104.010 and rounded to the
30 nearest twenty-five-dollar amount. For purposes of this subsection
31 "base year amount" shall be the expenditure threshold prescribed in
32 this section on January 1, 2019.

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