

SECOND REGULAR SESSION

HOUSE JOINT RESOLUTION NO. 91

95TH GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVE BRINGER.

4830L.011

D. ADAM CRUMBLISS, Chief Clerk

JOINT RESOLUTION

Submitting to the qualified voters of Missouri, an amendment to article VIII of the Constitution of Missouri, and adopting one new section relating to campaign contributions, with penalty provisions.

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

That at the next general election to be held in the state of Missouri, on Tuesday next
2 following the first Monday in November, 2010, or at a special election to be called by the
3 governor for that purpose, there is hereby submitted to the qualified voters of this state, for
4 adoption or rejection, the following amendment to article VIII of the Constitution of the state of
5 Missouri:

Section A. Article VIII, Constitution of Missouri, is amended by adding one new section,
2 to be known as section 23, to read as follows:

**Section 23. 1. In addition to other limitations imposed by law, the amount of
2 contributions made by or accepted from any person other than the candidate in any one
3 election shall not exceed the following:**

4 **(1) To elect an individual to the office of governor, lieutenant governor, secretary
5 of state, state treasurer, state auditor, or attorney general, one thousand two hundred
6 seventy-five dollars;**

7 **(2) To elect an individual to the office of state senator, six hundred fifty dollars;**

8 **(3) To elect an individual to the office of state representative, three hundred twenty-
9 five dollars;**

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.

10 (4) To elect an individual to any other office, including judicial office, if the
11 population of the electoral district, ward, or other unit according to the latest decennial
12 census is under one hundred thousand, three hundred twenty-five dollars;

13 (5) To elect an individual to any other office, including judicial office, if the
14 population of the electoral district, ward, or other unit according to the latest decennial
15 census is at least one hundred thousand but less than two hundred fifty thousand, six
16 hundred fifty dollars; and

17 (6) To elect an individual to any other office, including judicial office, if the
18 population of the electoral district, ward, or other unit according to the latest decennial
19 census is at least two hundred fifty thousand, one thousand two hundred seventy-five
20 dollars.

21 2. For purposes of this subsection, "base-year amount" shall be the contribution
22 limits prescribed in this section on January 1, 2011. Such limits shall be increased on the
23 first day of January in each even-numbered year by multiplying the base- year amount by
24 the cumulative consumer price index, as defined by law, and rounded to the nearest
25 twenty-five dollar amount, for all years since January 1, 2011.

26 3. Every committee established under law shall be subject to the limits prescribed
27 in subsection 1 of this section. The provisions of this subsection shall not limit the amount
28 of contributions that may be accumulated by a candidate committee and used for
29 expenditures to further the nomination or election of the candidate who controls such
30 candidate committee.

31 4. Except as limited by this subsection, the amount of cash contributions, and a
32 separate amount for the amount of in-kind contributions, made by or accepted from a
33 political party committee in any one election shall not exceed the following:

34 (1) To elect an individual to the office of governor, lieutenant governor, secretary
35 of state, state treasurer, state auditor or attorney general, ten thousand dollars;

36 (2) To elect an individual to the office of state senator, five thousand dollars;

37 (3) To elect an individual to the office of state representative, two thousand five
38 hundred dollars; and

39 (4) To elect an individual to any other office of an electoral district, ward, or unit,
40 ten times the allowable contribution limit for the office sought.

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42 The amount of contributions that may be made by or accepted from a political party
43 committee in the primary election to elect any candidate who is unopposed in such primary
44 shall be fifty percent of the amount of the allowable contributions as determined in this
45 subsection.

46 **5. Contributions from persons under fourteen years of age shall be considered**
47 **made by the parents or guardians of such person and shall be attributed toward any**
48 **contribution limits prescribed in this chapter. Where the contributor under fourteen years**
49 **of age has two custodial parents or guardians, fifty percent of the contribution shall be**
50 **attributed to each parent or guardian, and where such contributor has one custodial**
51 **parent or guardian, all such contributions shall be attributed to the custodial parent or**
52 **guardian.**

53 **6. Contributions received and expenditures made before January 1, 2011, shall be**
54 **reported as a separate account and under the laws in effect at the time such contributions**
55 **are received or expenditures made. Contributions received and expenditures made after**
56 **January 1, 2011, shall be reported under the provisions of this chapter as a separate**
57 **account from the other separate account described in this subsection. The account**
58 **reported under the prior law shall be retained as a separate account and any remaining**
59 **funds in such account may be used under law.**

60 **7. Any committee that accepts or gives contributions other than those allowed shall**
61 **be subject to a surcharge of one thousand dollars plus an amount equal to the contribution**
62 **per nonallowable contribution, to be paid to the ethics commission and which shall be**
63 **transferred to the director of revenue, upon notification of such nonallowable contribution**
64 **by the ethics commission, and after the candidate has had ten business days after receipt**
65 **of notice to return the contribution to the contributor. The candidate and the candidate**
66 **committee treasurer or deputy treasurer owing a surcharge shall be personally liable for**
67 **the payment of the surcharge or may pay such surcharge only from campaign funds**
68 **existing on the date of the receipt of notice. Such surcharge shall constitute a debt to the**
69 **state enforceable under state law.**

70 **8. (1) Except as provided in subdivision (2) of this subsection, no committee, as**
71 **defined by state campaign finance disclosure law, shall transfer any funds received by the**
72 **committee to any other committee. Any violation of this subdivision shall be punishable**
73 **as follows:**

74 **(a) For the first violation, the ethics commission shall notify such person that the**
75 **transfer to the committee is prohibited under this section within five days of determining**
76 **that the transfer is prohibited, and that such person shall notify the committee to which the**
77 **funds were transferred that the funds must be returned within ten days of such**
78 **notification;**

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

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

83 **(2) The prohibition in this subsection shall not apply to any transfer of funds from**
84 **a committee to a candidate committee, unless the funds were transferred to the candidate**
85 **committee with the intent to conceal the identity of the actual source of the funds.**

86 **(3) Any person who transfers or attempts to transfer funds from a committee to any**
87 **other committee with the intent to conceal the identity of the actual source of the funds**
88 **shall be guilty of a class D felony.**

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