

FIRST REGULAR SESSION

HOUSE BILL NO. 1108

99TH GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVE CORLEW.

2102H.011

D. ADAM CRUMBLISS, Chief Clerk

AN ACT

To amend chapter 130, RSMo, by adding thereto one new section relating to campaign finance, with penalty provisions.

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

Section A. Chapter 130, RSMo, is amended by adding thereto one new section, to be known as section 130.082, to read as follows:

130.082. 1. Notwithstanding any other provision of law to the contrary, the amount of contributions made by or accepted from any person other than the candidate in any one election to elect an individual to any municipal, political subdivision, or special district office in this state shall not exceed two thousand six hundred dollars.

2. (1) The limit on contributions established under subsection 1 of this section shall be adjusted by an amount based upon the average of the percentage change over a four-year period in the United States Bureau of Labor Statistics Consumer Price Index for Kansas City, all items, all consumers, or its successor index, rounded to the nearest lowest twenty-five dollars and the percentage change over a four-year period in the United States Bureau of Labor Statistics Consumer Price Index for St. Louis, all items, all consumers, or its successor index, rounded to the nearest lowest twenty-five dollars. The first adjustment shall be done in the first quarter of 2019, and then every four years thereafter.

(2) The secretary of state shall calculate such an adjustment in the limit and specify the limit in rules he or she shall promulgate. Any rule or portion of a rule, as that term is defined in section 536.010, that is created under the authority delegated in this section shall become effective only if it complies with and is subject to all of the provisions of chapter 536 and, if applicable, section 536.028. This section and chapter 536 are nonseverable, and

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.

18 if any of the powers vested with the general assembly pursuant to chapter 536 to review,
19 to delay the effective date, or to disapprove and annul a rule are subsequently held
20 unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted
21 after August 28, 2017, shall be invalid and void.

22 3. (1) Notwithstanding the provisions of section 105.957, any natural person may
23 file a complaint with the Missouri ethics commission alleging a violation of the provisions
24 of subsection 1 of this section by any candidate for elective office, within sixty days prior
25 to the primary election at which such candidate is running for office, until after the election
26 in which an individual is ultimately chosen for the office. Any such complaint shall be in
27 writing, shall state all facts known by the complainant that have given rise to the
28 complaint, and shall be sworn to, under penalty of perjury, by the complainant.

29 (2) Within the first business day after receipt of a complaint under this section, the
30 executive director of the Missouri ethics commission shall supply a copy of the complaint
31 to the person or entity named in the complaint. The executive director of the Missouri
32 ethics commission shall notify the complainant and the person or entity named in the
33 complaint of the date and time at which the commission shall audit and investigate the
34 allegations contained in the complaint in accordance with subdivision (3) of this subsection.

35 (3) Within fifteen business days of receipt of a complaint under this section, the
36 Missouri ethics commission shall audit and investigate the allegations contained in the
37 complaint and shall determine by a vote of the commission whether there are reasonable
38 grounds to believe that a violation of law has occurred within the jurisdiction of the
39 commission. The respondent may reply in writing or in person to the allegations contained
40 in the complaint and may state justifications to dismiss the complaint. The complainant
41 may also present evidence in support of the allegations contained in the complaint, but
42 such evidence shall be limited in scope to the allegations contained in the original
43 complaint, and such complaint shall not be supplemented or otherwise enlarged in scope.

44 (4) If, after audit and investigation of the complaint, four members of the ethics
45 commission determine that there are reasonable grounds to believe that a violation of law
46 has occurred within the jurisdiction of the commission, the commission shall proceed with
47 such complaint as provided by sections 105.957 to 105.963. If four members of the ethics
48 commission do not determine that there are reasonable grounds to believe that such a
49 violation of law has occurred, the complaint shall be dismissed. If a complaint is dismissed,
50 the fact that such complaint was dismissed, with a statement of the nature of the complaint,
51 shall be made public within twenty-four hours of the ethics commission's action.

52 **(5) Any complaint made under this section, and all proceedings and actions**
53 **concerning such a complaint, shall be subject to the provisions of subsection 15 of section**
54 **105.961.**

55 **(6) Notwithstanding subdivision (1) of this subsection, no complaint shall be**
56 **accepted by the commission within fifteen days prior to any election at which the candidate**
57 **is running for office.**

58 **4. Any person who knowingly and willfully accepts or makes a contribution in**
59 **violation of any provision of this section or who knowingly and willfully conceals a**
60 **contribution by filing a false or incomplete report or by not filing a required report under**
61 **this chapter shall be held liable to the state in civil penalties in an amount of at least double**
62 **and up to five times the amount of any such contribution.**

63 **5. This section is subject to the provisions of section 130.081.**

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