

SECOND REGULAR SESSION

# HOUSE BILL NO. 1101

## 92ND GENERAL ASSEMBLY

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INTRODUCED BY REPRESENTATIVES YATES (Sponsor), SUTHERLAND, SMITH (118),  
STEVENSON, DUSENBERG, HOBBS, DIXON, REINHART, SMITH (14), MUNZLINGER,  
PORTWOOD AND PHILLIPS (Co-sponsors).

Read 1<sup>st</sup> time January 15, 2004, and copies ordered printed.

STEPHEN S. DAVIS, Chief Clerk

3758L.011

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### AN ACT

To repeal section 130.041, RSMo, and to enact in lieu thereof one new section relating to campaign finance disclosure reports.

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

Section A. Section 130.041, RSMo, is repealed and one new section enacted in lieu thereof, to be known as section 130.041, to read as follows:

130.041. 1. Except as provided in subsection 5 of section 130.016, the candidate, if applicable, treasurer or deputy treasurer of every committee which is required to file a statement of organization, shall file a legibly printed or typed disclosure report of receipts and expenditures. The reports shall be filed with the appropriate officer designated in section 130.026 at the times and for the periods prescribed in section 130.046. Except as provided in sections 130.049 and 130.050, each report shall set forth:

(1) The full name, as required in the statement of organization pursuant to subsection 5 of section 130.021, and mailing address of the committee filing the report and the full name, mailing address and telephone number of the committee's treasurer and deputy treasurer if the committee has named a deputy treasurer;

(2) The amount of money, including cash on hand at the beginning of the reporting period;

(3) Receipts for the period, including:

(a) Total amount of all monetary contributions received which can be identified in the committee's records by name and address of each contributor. In addition, the candidate committee shall make a reasonable effort to obtain and report the employer, or occupation if self-employed or notation of retirement, of each person from whom the committee received one

18 or more contributions which in the aggregate total in excess of one hundred dollars and shall  
19 make a reasonable effort to obtain and report a description of any contractual relationship over  
20 five hundred dollars between the contributor and the state if the candidate is seeking election to  
21 a state office or between the contributor and any political subdivision of the state if the candidate  
22 is seeking election to another political subdivision of the state;

23 (b) Total amount of all anonymous contributions accepted;

24 (c) Total amount of all monetary contributions received through fund-raising events or  
25 activities from participants whose names and addresses were not obtained with such  
26 contributions, with an attached statement or copy of the statement describing each fund-raising  
27 event as required in subsection 6 of section 130.031;

28 (d) Total dollar value of all in-kind contributions received;

29 (e) A separate listing by name and address and employer, or occupation if self-employed  
30 or notation of retirement, of each person from whom the committee received contributions, in  
31 money or any other thing of value, aggregating more than one hundred dollars, together with the  
32 date and amount of each such contribution;

33 (f) A listing of each loan received by name and address of the lender and date and  
34 amount of the loan. For each loan of more than one hundred dollars, a separate statement shall  
35 be attached setting forth the name and address of the lender and each person liable directly,  
36 indirectly or contingently, and the date, amount and terms of the loan;

37 (4) Expenditures for the period, including:

38 (a) The total dollar amount of expenditures made by check drawn on the committee's  
39 depository;

40 (b) The total dollar amount of expenditures made in cash;

41 (c) The total dollar value of all in-kind expenditures made;

42 (d) The full name and mailing address of each person to whom an expenditure of money  
43 or any other thing of value in the amount of more than one hundred dollars has been made,  
44 contracted for or incurred, together with the date, amount and purpose of each expenditure.  
45 Expenditures of one hundred dollars or less may be grouped and listed by categories of  
46 expenditure showing the total dollar amount of expenditures in each category, except that the  
47 report shall contain an itemized listing of each payment made to campaign workers by name,  
48 address, date, amount and purpose of each payment and the aggregate amount paid to each such  
49 worker;

50 (e) A list of each loan made, by name and mailing address of the person receiving the  
51 loan, together with the amount, terms and date;

52 (5) The total amount of cash on hand as of the closing date of the reporting period  
53 covered, including amounts in depository accounts and in petty cash fund;

54 (6) The total amount of outstanding indebtedness as of the closing date of the reporting  
55 period covered;

56 (7) The amount of expenditures for or against a candidate or ballot measure during the  
57 period covered and the cumulative amount of expenditures for or against that candidate or ballot  
58 measure, with each candidate being listed by name, mailing address and office sought. For the  
59 purpose of disclosure reports, expenditures made in support of more than one candidate or ballot  
60 measure or both shall be apportioned reasonably among the candidates or ballot measure or both.  
61 In apportioning expenditures to each candidate or ballot measure, political party committees and  
62 continuing committees need not include expenditures for maintaining a permanent office, such  
63 as expenditures for salaries of regular staff, office facilities and equipment or other expenditures  
64 not designed to support or oppose any particular candidates or ballot measures; however, all such  
65 expenditures shall be listed pursuant to subdivision (4) of this subsection;

66 (8) A separate listing by full name and address of any committee including a candidate  
67 committee controlled by the same candidate for which a transfer of funds or a contribution in any  
68 amount has been made during the reporting period, together with the date and amount of each  
69 such transfer or contribution;

70 (9) A separate listing by full name and address of any committee, including a candidate  
71 committee controlled by the same candidate from which a transfer of funds or a contribution in  
72 any amount has been received during the reporting period, together with the date and amount of  
73 each such transfer or contribution;

74 (10) Each committee that receives a contribution which is restricted or designated in  
75 whole or in part by the contributor for transfer to a particular candidate, committee or other  
76 person shall include a statement of the name and address of that contributor in the next disclosure  
77 report required to be filed after receipt of such contribution, together with the date and amount  
78 of any such contribution which was so restricted or designated by that contributor, together with  
79 the name of the particular candidate or committee to whom such contribution was so designated  
80 or restricted by that contributor and the date and amount of such contribution.

81 2. For the purpose of this section and any other section in this chapter except sections  
82 130.049 and 130.050 which requires a listing of each contributor who has contributed a specified  
83 amount, the aggregate amount shall be computed by adding all contributions received from any  
84 one person during the following periods:

85 (1) In the case of a candidate committee, the period shall begin on the date on which the  
86 candidate became a candidate according to the definition of the term "candidate" in section  
87 130.011 and end at 11:59 p.m. on the day of the primary election, if the candidate has such an  
88 election or at 11:59 p.m. on the day of the general election. If the candidate has a general  
89 election held after a primary election, the next aggregating period shall begin at 12:00 midnight

90 on the day after the primary election day and shall close at 11:59 p.m. on the day of the general  
91 election. Except that for contributions received during the thirty-day period immediately  
92 following a primary election, the candidate shall designate whether such contribution is received  
93 as a primary election contribution or a general election contribution;

94 (2) In the case of a campaign committee, the period shall begin on the date the committee  
95 received its first contribution and end on the closing date for the period for which the report or  
96 statement is required;

97 (3) In the case of a political party committee or a continuing committee, the period shall  
98 begin on the first day of January of the year in which the report or statement is being filed and  
99 end on the closing date for the period for which the report or statement is required; except, if the  
100 report or statement is required to be filed prior to the first day of July in any given year, the  
101 period shall begin on the first day of July of the preceding year.

102 3. The disclosure report shall be signed and attested by the committee treasurer or deputy  
103 treasurer and by the candidate in case of a candidate committee.

104 4. The words "consulting or consulting services, fees, or expenses", or similar words,  
105 shall not be used to describe the purpose of a payment as required in this section. The reporting  
106 of any payment to such an independent contractor shall be on a form supplied by the appropriate  
107 officer, established by the ethics commission and shall include identification of the specific  
108 service or services provided including, but not limited to, public opinion polling, research on  
109 issues or opposition background, print or broadcast media production, print or broadcast media  
110 purchase, computer programming or data entry, direct mail production, postage, rent, utilities,  
111 phone solicitation, or fund raising, and the dollar amount prorated for each service.

112 **5. Any candidate who does not file the disclosure report required in this section**  
113 **within sixty days of the times for filing each report as required in section 130.046 shall be**  
114 **disqualified from being a candidate for the office the candidate is seeking. The Missouri**  
115 **ethics commission shall give actual notice to the candidate of the proposed disqualification.**  
116 **The candidate may appeal the action of the Missouri ethics commission to the**  
117 **administrative hearing commission. Such appeal shall stay the disqualification. Such**  
118 **appeal shall be filed no later than fourteen days after the candidate receives actual notice**  
119 **of the disqualification.**