

COMMITTEE ON LEGISLATIVE RESEARCH  
OVERSIGHT DIVISION

**FISCAL NOTE**

L.R. No.: 5196-03  
Bill No.: HB 2300  
Subject: Ethics; Political Parties; Campaign Finance; Elections  
Type: Original  
Date: March 17, 2010

---

Bill Summary: Changes provisions relating to ethics.

**FISCAL SUMMARY**

<b>ESTIMATED NET EFFECT ON GENERAL REVENUE FUND</b>			
FUND AFFECTED	FY 2011	FY 2012	FY 2013
General Revenue	(\$119,470)	(\$57,443)	(\$59,165)
<b>Total Estimated Net Effect on General Revenue Fund</b>	<b>(\$119,470)</b>	<b>(\$57,443)</b>	<b>(\$59,165)</b>

<b>ESTIMATED NET EFFECT ON OTHER STATE FUNDS</b>			
FUND AFFECTED	FY 2011	FY 2012	FY 2013
<b>Total Estimated Net Effect on <u>Other</u> State Funds</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>

Numbers within parentheses: ( ) indicate costs or losses.  
This fiscal note contains 16 pages.

<b>ESTIMATED NET EFFECT ON FEDERAL FUNDS</b>			
<b>FUND AFFECTED</b>	<b>FY 2011</b>	<b>FY 2012</b>	<b>FY 2013</b>
<b>Total Estimated Net Effect on <u>All</u> Federal Funds</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>

<b>ESTIMATED NET EFFECT ON FULL TIME EQUIVALENT (FTE)</b>			
<b>FUND AFFECTED</b>	<b>FY 2011</b>	<b>FY 2012</b>	<b>FY 2013</b>
Missouri Ethics Commission	1 FTE	1 FTE	1 FTE
<b>Total Estimated Net Effect on FTE</b>	<b>1 FTE</b>	<b>1 FTE</b>	<b>1 FTE</b>

Estimated Total Net Effect on All funds expected to exceed \$100,000 savings or (cost).

Estimated Net Effect on General Revenue Fund expected to exceed \$100,000 (cost).

<b>ESTIMATED NET EFFECT ON LOCAL FUNDS</b>			
<b>FUND AFFECTED</b>	<b>FY 2011</b>	<b>FY 2012</b>	<b>FY 2013</b>
<b>Local Government</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>

---

## FISCAL ANALYSIS

### ASSUMPTION

Officials at the **Missouri Ethics Commission (MEC)** assume the proposed legislation would do the following:

- prohibit in certain instances the use of state or political subdivision property for campaign activities;
- defining political consultant in Section 105.450;
- prohibit a member of the general assembly from acting, serving, or registering as a lobbyist;
- prohibit a member of the general assembly from accepting \$1,000 or more lobbyist expenditures with a given year;
- report the location for lobbyist group expenditures;
- modify the time period covered on candidate PFD's;
- expand the MEC's instance of when an investigation can be conducted;
- prohibit a treasurer or deputy treasurer from serving on more than one committee;
- require a committee organization statement to be filed within 24 hours listing all candidates and/or ballot measures supported or opposed;
- prohibit an individual from forming a new committee or serve as a treasurer or deputy treasurer if that individual has not complied with all of the reporting requirements or has not paid any outstanding penalties imposed by the MEC;
- prohibit committee to committee transfers;
- assess late fees on limited activity reports filed under Chapter 130; implement campaign finance limits and requiring electronic filing for all campaign finance reports as outlined in Chapter 130.

The implementation of the above responsibilities would require the following additional computer resources:

\$10,080 in expense and equipment to develop the MEC electronic filing capabilities to include the "location" for group expenditures.

\$15,120 in expense and equipment to develop the MEC internal search capabilities for oversight of the campaign finance committees' adherence to the specific contribution limits, as established in 105.955.14, RSMo. Current campaign finance data collection would allow the MEC to use search capabilities, providing for a manual review by MEC staff of adherence to the established limits.

\$15,120 in expense and equipment to develop the MEC electronic filing capabilities to capture

JH:LR:OD

ASSUMPTION (continued)

the multiple candidates and/or ballot measures supported or opposed by a campaign finance committee within 24 hours of such activity. Again, the assumption of the MEC is to require electronic filing of this provision to avoid the necessity of additional FTE's and allow transparent and timely access of the information to the public.

\$30,240 in expense and equipment to develop the MEC electronic filing capabilities to carry forward on all future reports the contributions received over \$2,000. Again, the assumption of the MEC is the cumulative totals would be based on calendar year or election cycle as set out in current provisions of Chapter 130 RSMo.

**Oversight** has shown the cost of the computer upgrades in the fiscal note.

Officials at the **Missouri Ethics Commission** assume the need for a Business Analyst to conduct the routine work necessary in reviewing and providing oversight for the lobbyist provisions of this legislation. The Business Analyst would provide the following:

- review the lobbyist registrations to ensure compliance of the prohibition of general assembly member acting, serving or registering as a lobbyist until the conclusion of the Missouri General Assembly in which the member last served; also requiring notices to be sent, answering necessary correspondence and communication and tracking the results;
- review the monthly expenditure reports ensure compliance of the \$1,000 cumulative threshold of lobbyist expenditures to a member of the general assembly in calendar year; also requiring notices to be sent, answering necessary correspondence and communication and tracking the results;
- review of the lobbyist monthly expenditure reports ensure group expenditures disclose the location; also requiring notices to be sent, answering necessary correspondence and communication and tracking the results;
- the Commission's current resource assists all lobbyists with the monthly filing and bi-annual filings, answers all lobbyists questions, sends out all lobbyists late and non filer notices, handles the lobbyist annual registrations also provides the support for the Campaign Finance filers. This resource would be unable to provide any additional support for the increased work anticipated.

**Oversight** assumes that the proposed changes in section 105.450 prohibits certain elected officials from registering as a lobbyist. It is unclear if the change would increase or decrease the

ASSUMPTION (continued)

number of individuals filing lobbyist reports. **Oversight** assumes the MEC should be able to absorb the cost of this proposal.

**Oversight** assumes that the cumulative total of all expenditures for lobbyists needs to be printed on the report due to the general assembly per this proposal. This proposal allows the general assembly member to reimburse all expenses over \$1,000. Since this proposal gives the responsibility to reimburse to the general assembly member, MEC could absorb the review of these reports with existing staff.

Officials at the **Missouri Ethics Commission** assume the need for a Business Analyst to conduct the routine work necessary in reviewing and providing oversight for the campaign finance provisions of this legislation. The Business Analyst would provide the following:

- review of committee reports to ensure compliance of the prohibition of an individual forming a new committee or serving as a treasurer or deputy treasurer if there are outstanding reports or penalties relating to that individual; also requiring notices to be sent, answering necessary correspondence and communication and tracking the results; review of committee reports to ensure compliance of the prohibition of a treasurer or deputy treasurer serving on more than one committee; also requiring notices to be sent, answering necessary correspondence and communication and tracking the results;
- review of committee of organization statement to ensure compliance of listing all candidates or ballot measures supported or opposed; also requiring notices to be sent, answering necessary correspondence and communication and tracking the results;
- reviewing, auditing and cross-checking campaign finance disclosure reports to ensure compliance of the prohibition of committee to committee transfers; also requiring notices to be sent, answering necessary correspondence and communication and tracking the results;
- reviewing, auditing and cross-checking campaign finance disclosure reports to ensure compliance of contribution limits; also requiring notices to be sent, answering necessary correspondence and communication and tracking the results;
- preparing notices regarding surcharges, tracking receipt of payment and coordinating the necessary collection efforts;

ASSUMPTION (continued)

- Currently the Commission receives approximately 11,000 campaign finance reports annually.

This proposal prohibits an individual forming a new committee or serving as a treasurer or deputy treasurer if there are outstanding reports or penalties relating to that individual.

**Oversight** assumes that the once candidates are informed of the new requirements they will comply with the provisions. Due to the limited number of non-compilers, MEC should be able to handle the review of the files with existing staff.

**Oversight** assumes that because of the provisions of this statute dealing with the transfer of funds between committees and the significant penalty that can be assessed for the violation of the statutes, that committees will comply and no penalties will be assessed.

In 2008, Senate Bill 1038 repealed campaign finance contribution limits in Missouri. At that time, the Missouri Ethics Commission did not reduce its number of FTE due to the cutback in the number of complaints and investigations caused by the campaign limits being repealed. Therefore, **Oversight** assumes the current FTE should be able to handle the increased number of complaints and investigations due to the limits being reimposed. **Oversight** assumes this proposal has no fiscal impact on the Missouri Ethics Commission.

Officials at the **Missouri Ethics Commission** assume for every 2,000 notices required to be sent out, the Commission would need one (1) Reporting Specialist. Any increase in late notices below this number, the Commission anticipates it would require hiring temporary help, at approximately \$985, to process the additional number of filings below 2,000.

**Oversight** assumes that according to the 2009 Calendar Year At a Glance published by the MEC that the number of late filers notified in 2009 was 463. Since MEC stated they would need a person only if the number of additional filings is above 2,000 Oversight assumes that MEC can absorb the additional fees assessed according to this proposal with existing staff.

Officials at the **Missouri Ethics Commission** assume the need for two Investigator II positions to accommodate the anticipated increase in enforcement duties as proposed in the legislation.

The additional areas a complaint or an investigation could be conducted are as follows:

- the prohibition of using state or political subdivision property to hold campaign activities;
- the prohibition of a general assembly member acting, serving or registering as a lobbyist;
- the prohibition of a general assembly member from receiving lobbyist expenditures in excess of \$1,000 per year;

ASSUMPTION (continued)

- disclosure of a lobbyist group expenditure location;
- a candidates Personal Financial Disclosure time period;
- expansion of instances when the MEC can conduct investigations;
- prohibition of committee to committee transfers;
- contribution limits;
- prohibition of an individual serving as treasurer or deputy treasurer of more than one committee;
- prohibition of an individual forming a committee or serving as treasurer or deputy treasurer of a committee with outstanding campaign finance reports or outstanding fees assessed by the MEC;
- requirement for disclosure within 24 hours on a committees statement of organization of all candidates or ballot measures supported or opposed.

Increases in investigations and oversight of the proposed legislation would require the addition of one (1) Investigator Supervisor (Investigator III). The Investigator Supervisor (Investigator III) will ensure adequate oversight, thorough and accurate investigations. The Supervisor position again will oversee all aspects of the proposed legislation to ensure thorough and accurate investigations. Currently, one (1) supervisory staff oversees all investigations, filing of 11,000 campaign finance reports, 15,852 monthly lobbyist reports, 8,500 personal financial disclosure reports, registering 1,000 lobbyists, education and outreach.

**Oversight** assumes the MEC currently investigates complaints and has the management staff necessary to begin handling the potential increase in internal investigations. Oversight has reflected in the fiscal note an Investigator II in FY 2011 for MEC. Oversight assumes MEC would not increase its existing staff unless it can show in future budget requests, an identifiable increase in the number of internal investigations initiated by the Commission which would necessitate the need for additional supervisors.

**Oversight** has, for fiscal note purposes only, changed the starting salary for the Investigator II to correspond to the second step above minimum for comparable positions in the state's merit system pay grid. This decision reflects a study of actual starting salaries for new state employees over the last six months of FY 2002 and policy of the Oversight Subcommittee of the Joint Committee on Legislative Research.

**Oversight** assumes MEC's estimate of expense and equipment cost for the new FTE could be overstated. If MEC is able to use existing desks, file cabinets, chairs, etc., the estimate for equipment for fiscal year 2011 could be reduced by roughly \$2,071.

ASSUMPTION (continued)

Officials at the **Missouri Ethics Commission** assume the need for one Staff Attorney to conduct the legal proceedings in the following areas:

- the prohibition of using state or political subdivision property to hold campaign activities;
- the prohibition of a general assembly member acting, serving or registering as a lobbyist;
- the prohibition of a general assembly member from receiving lobbyist expenditures in excess of \$1,000 per year;
- disclosure of a lobbyist group expenditure location;
- a candidates Personal Financial Disclosure time period;
- expansion of instances when the MEC can conduct investigations,
- prohibition of committee to committee transfers;
- contribution limits;
- prohibition of an individual serving as treasurer or deputy treasurer of more than one committee;
- prohibition of an individual forming a committee or serving as treasurer or deputy treasurer of a committee with outstanding campaign finance reports or outstanding fees assessed by the MEC;
- requirement for disclosure within 24 hours on a committees statement of organization of all candidates or ballot measures supported or opposed;
- appeals regarding the late fee assessment of limited activity reports.

**Oversight** assumes that according to the 2009 Calendar Year At a Glance published by the MEC that they only had 165 complaint cases last year. 98 of those were dismissed as an unsubstantiated complaint and 6 were closed with a letter. Therefore, only 61 would have required a hearing. Oversight assumes MEC would not need to increase its existing staff unless it can show in future budget requests, an identifiable increase in the number of internal investigations initiated by the Commission which would necessitate the need for additional staff.

Officials at the **Missouri Ethics Commission** assume the need for one Trainer to create and conduct the necessary educational information required in the following areas:

Assumption: If the additional resource would not be funded the MEC would not be able to provide the current level of training and publications in regards to the provisions outlined in the proposed legislation.

- prohibition of using state or political subdivision property for campaign finance activities;
- incorporating the definition of paid political consultant in Section 105.450, RSMo.;
- prohibition of a member of the general assembly from acting, serving or registering as a lobbyist until the conclusion of the Missouri General Assembly in which the member last served;



ASSUMPTION (continued)

prohibition of a member of the general assembly from receiving cumulative expenditures of a\$1,000 or more in a year from a lobbyist;  
the additional reporting of location for a lobbyist group expenditure;  
the modification in a candidates time period of a personal financial; disclosure;  
expansion of the MEC's instances when an investigation can be conducted;  
prohibition of an individual from serving as treasurer or deputy treasurer of more than one committee;  
prohibition of an individual creating a committee or serving as treasurer or deputy treasurer until all campaign finance reports are filed and all penalties assessed by the MEC are paid;  
requirement to file a committee organization statement within 24 hours specifying the candidates or ballot measures supported or opposed;  
prohibition of committee to committee transfers;  
implementation of campaign finance limits;  
assessment of late filing fees for limited activity reports;  
requiring all committees to file campaign finance reports electronically.

**Oversight** assumes that according to the 2009 Calendar Year At a Glance published by the MEC that they currently due campaign reporting seminars and regional campaign finance seminars with the local election authorities. The changes outlined in this proposal would not require MEC to host additional seminars but rather present additional information at the currently scheduled seminars. Therefore MEC could absorb this training duties with existing staff.

Officials at the **Office of the Attorney General** assume that any potential costs arising from this proposal can be absorbed with existing resources.

Officials at the **Office of the State Public Defender** assume that there is no fiscal impact from this proposal.

In response to similar legislation filed this year, HB 2039, officials at the **Metropolitan Community College, Independence School District, City of Centralia, Platte County Board of Election Commission, Special School District, East Central College, Parkway School District, Office of the State Courts Administrator, Missouri Southern State University, Linn State Technical College** and the **Missouri Western State University** assume that there is no fiscal impact from this proposal.

In response to similar legislation filed this year, HB 2039, officials at the **City of Kansas City**

ASSUMPTION (continued)

assume this could have a negative impact as the City in the past has leased convention space for political events and rallies. If this bill is interpreted in a manner that bans such political events and rallies at the City owned convention space, then this bill will have a large impact on the City.

In response to similar legislation filed this year, HB 2039, officials at the **University of Central Missouri** assume a loss of \$500 a year in rental income.

Officials from the **Department of Corrections (DOC)** stated that they could not predict the number of new commitments which could result from the creation of the offense(s) outlined in the proposal. An increase in commitments would depend on the utilization of prosecutors and the actual sentences imposed by the courts. If additional persons were sentenced to the custody of the DOC due to the provisions of this legislation, the DOC would incur a corresponding increase in operational costs either through incarceration (FY 2009 average \$16.04 per inmate, per day or an annual cost of \$5,855) or through supervision provided by the Board of Probation and Parole (FY 2009 average \$3.71 per offender, per day or an annual cost of \$1,354).

The following factors contribute to DOC's minimal assumption:

- DOC assumes the narrow scope of the crime will not encompass a large number of offenders.
- The low felony status of the crime enhances the possibility of plea-bargaining or imposition of a probation sentence.
- The probability exists that offenders would be charged with a similar but more serious offense or that sentences may run concurrent to one another.

In summary, supervision by the DOC through probation or incarceration would result in some additional costs, but it is assumed the impact would be \$0 or a minimal amount that could be absorbed within existing resources.

Officials from the **Office of the Secretary of State (SOS)** state many bills considered by the General Assembly include provisions allowing or requiring agencies to submit rules and regulations to implement the act. The SOS is provided with core funding to handle a certain amount of normal activity resulting from each year's legislative session. The fiscal impact for this fiscal note to the SOS for Administrative Rules is less than \$2,500. The SOS recognizes that this is a small amount and does not expect that additional funding would be required to meet these costs. However, the SOS also recognizes that many such bills may be passed by the General Assembly in a given year and that collectively the costs may be in excess of what the office can sustain with the core budget. Therefore, the SOS reserves the right to request funding for the cost of supporting administrative rules requirements should the need arise based on a

ASSUMPTION (continued)

review of the finally approved bills signed by the governor.

**Oversight** assumes the SOS could absorb the costs of printing and distributing regulations related to this proposal. If multiple bills pass which require the printing and distribution of regulations at substantial costs, the SOS could request funding through the appropriation process.

<u>FISCAL IMPACT - State Government</u>	FY 2011 (10 Mo.)	FY 2012	FY 2013
<b>GENERAL REVENUE</b>			
<u>Cost - Missouri Ethics Commission</u>			
One-time computer upgrades	(\$70,560)	\$0	\$0
<u>Cost - Missouri Ethics Commission</u>			
Personal Services	(\$30,313)	(\$37,467)	(\$38,591)
Fringe Benefits	(\$15,896)	(\$19,648)	(\$20,237)
Expense and Equipment	<u>(\$2,701)</u>	<u>(\$328)</u>	<u>(\$337)</u>
<u>Total Cost - Missouri Ethics Commission</u>	<u>(\$48,910)</u>	<u>(\$57,443)</u>	<u>(\$59,165)</u>
FTE Change - MEC	1 FTE	1 FTE	1 to 4 FTE
<b>ESTIMATED NET EFFECT ON GENERAL REVENUE</b>			
	<b><u>(\$119,470)</u></b>	<b><u>(\$57,443)</u></b>	<b><u>(\$59,165)</u></b>
Estimated Net FTE Change on General Revenue			
	1 FTE	1 FTE	1 FTE
 <u>FISCAL IMPACT - Local Government</u>			
	FY 2011 (10 Mo.)	FY 2012	FY 2013
	<b><u>\$0</u></b>	<b><u>\$0</u></b>	<b><u>\$0</u></b>

FISCAL IMPACT - Small Business

No direct fiscal impact to small businesses would be expected as a result of this proposal.

## FISCAL DESCRIPTION

This bill changes the laws regarding conflicts of interest and lobbying, ethics, and campaign finance.

## CONFLICTS OF INTEREST AND LOBBYING

(1) Prohibits the solicitation of expenditures and fund-raising activities and events supporting or opposing any candidate, ballot measure, political party, or political party committee on any property or in any building owned or leased by the state or any political subdivision unless the property or building is routinely used by and made available for rent or for a fee to all members of the public (Section 8.925, RSMo);

(2) Prohibits members of the General Assembly from receiving compensation of any kind as a paid political consultant as defined in the bill for another member of the General Assembly, a statewide office holder, or any committee defined in Chapter 130. The spouse, any dependent children, and the parents of a member also are prohibited from receiving compensation of any kind on behalf of a member who acts as a paid political consultant (Sections 105.450 and 105.456.3);

(3) Prohibits a member of the General Assembly from acting, serving, or registering as a legislative lobbyist until after the first regular session of the general assembly following the conclusion of the general assembly in which the member served and prohibits members from soliciting clients to represent as a legislative lobbyist. Individuals and business entities are prohibited from soliciting a legislator to become employed by that individual or entity as a lobbyist or paid political consultant while the legislator is holding office (Section 105.456);

(4) Specifies that the crime of bribery of a public servant includes when the Governor or an agent of the Governor exchanges various appointed positions for an official vote on a public matter by a member of the General Assembly and specifies that the crime of acceding to corruption by a public servant includes when a member of the General Assembly exchanges an official vote on a public matter for an appointment to certain positions (Section 105.456);

(5) Specifies that any person who intentionally offers or accepts anything of value from an elected or appointed official or employee of the state or any political subdivision in direct exchange for voting for or against or engaging in any action designed to benefit, delay, or hinder the passage or failure of any specific state legislation, rule or regulation, or any local legislation or ordinance will be guilty of a class D felony (Section 105.465);

(6) Allows a lobbyist to report the total expenditures for food or beverages provided to all members of the House of Representatives or Senate and their staff and employees, all members

FISCAL DESCRIPTION (continued)

of a joint committee of the General Assembly and their staff, a standing committee of the House of Representatives or the Senate and their staff, the majority or minority caucus of the House of Representatives or the Senate, and all statewide elected and appointed officials and their staff and employees when they are invited in writing (Section 105.473.3);

(7) Requires lobbyists and lobbyist principals to maintain accurate records relating to lobbyist receipts and expenditures for elected officials for three years and to make those records available to the Missouri Ethics Commission for inspection upon an investigation by the commission (Section 105.473.6);

(8) Specifies that any person who engages in lobbyist activities as defined in Section 105.470 and knowingly fails to register as a lobbyist will be guilty of a class B misdemeanor for the first violation and a class D felony for any subsequent violation (Section 105.478);

(9) Prohibits a member of the General Assembly or the member's spouse or dependent child from accepting or receiving cumulative expenditures, as defined in Section 105.470, from lobbyists in excess of \$1,000 per calendar year per member. If the report provided to a member by the commission indicates that the member has exceeded this limit, the member has 60 days to reimburse the lobbyist for the excess amount (Section 105.479); and

(10) Changes the reporting period for required personal financial disclosure statements by candidates and certain appointed officials and employees from for the 12 months prior to the closing date for filing to for the previous calendar year ending the immediately preceding December 31 to be consistent with the required time period for public officers. Certain reports will be considered timely filed if they are postmarked on the day due for filing rather than the day before that date (Sections 105.487 and 130.046).

ETHICS

(1) Authorizes the term of a member of the Missouri Ethics Commission to be extended one time for up to 120 days and allows the executive director of the commission, who serves at the pleasure of the commission, to serve for up to eight years instead of up to six years (Section 105.955);

(2) Authorizes the commission to conduct investigations and clarifies the commission's authority to issue subpoenas (Section 105.955);

(3) Requires a complaint to be signed and notarized and include the facts that are within the commission's jurisdiction before acceptance of the complaint by the commission. Language that

FISCAL DESCRIPTION (continued)

states a separate and distinct standard inapplicable to the frivolous complaint procedure is repealed (Section 105.957.2);

(4) Authorizes the executive director of the commission to conduct independent investigations without receipt of a complaint if there are reasonable grounds to believe a violation has occurred that could be the subject of a complaint and four members of the commission vote to proceed (Section 105.959.2);

(5) Clarifies complaint investigation procedures, investigation time frames, and the appeal process (Sections 105.961 and 105.966);

(6) Sets late fees assessed for delinquent reports to the commission at consistent rates for all report types with a maximum assessment per report of \$3,000 (Section 105.963);

(7) Authorizes the commission, after receiving a judgment for unpaid late filing fees, to use garnishment of and execution upon a committee's official depository account to collect the judgment (Section 105.963.5);

(8) Requires a candidate, in the required written declaration of candidacy, to affirm that the candidate is not a sham or feigned candidate (Section 115.349.3); and

(9) Creates a class three election offense for giving, lending, agreeing to give or lend, offering, promising, or endeavoring to procure money or anything of value with the intent to induce a person to run for any office in this state if the person has the same or a similar name as another candidate for that office and would not otherwise run for office. Legally made campaign contributions will not be construed as an inducement to run for elective office under the provisions of the bill (Section 115.635(12)).

CAMPAIGN FINANCE

(1) Moves the definitions regarding committee formation and termination to the proper section (Sections 130.011 and 130.021);

(2) Revises the definition of "political party committee" to include only a state, congressional district, or county party committee (Section 130.011);

(3) Prohibits a candidate from forming a new committee or serving as a treasurer or deputy treasurer for a committee until all required campaign disclosure reports have been filed (Section 130.021.3);

FISCAL DESCRIPTION (continued)

(4) Prohibits a committee from transferring any funds received by the committee to any other committee. Any person who violates this provision will be notified by the commission within five days of determining that the transfer is prohibited and the person must notify the committee to which the funds were transferred that they must be returned within 10 days. For a second violation, the person transferring the funds will be subject to a civil penalty of \$1,000. For a third and any subsequent violation, the person transferring the funds will be subject to a civil penalty of \$5,000, will be removed as treasurer for all committees served, and will be forever barred from acting as a treasurer for any committee. The prohibition will not apply to any transfer of funds from any committee to a campaign or candidate committee or from a candidate committee to a continuing committee unless the funds were transferred with the intent to conceal the identity of the actual source of the funds (Section 130.031.13);

(5) Limits campaign contributions from any one person other than the candidate in any one election to candidates for statewide office, state senator or representative, and all other offices at \$5,000 and requires contributions from a child younger than 14 years of age to be counted equally toward each parent's contribution limits or, in the case of a single parent, counted fully against that parent's contribution (Section 130.032);

(6) Specifies that disclosure reports must be available for inspection by the commission instead of the Campaign Finance Review Board which no longer exists (Section 130.036.8);

(7) Decreases the amount of a single contribution from \$5,000 to \$2,000 that must be disclosed electronically to the commission within 48 hours of receipt. Individuals and committees required to file disclosure reports who receive a single contribution of \$2,000 or more that must be reported under Section 130.044 must include that contribution on the current and all subsequent required disclosure reports or statements of limited activity. The contribution reportable under Section 130.044 will not be counted in the aggregate limit for a statement of limited activity filed under Section 130.046 (Sections 130.041, 130.044, and 130.046);

(8) Requires electronic filing for all campaign finance committees that must file with the commission (Section 130.057); and

(9) Prohibits a successful candidate from taking office until all delinquent reports are filed and assessed fees are paid (Section 130.071).

The bill becomes effective January 1, 2011.

This legislation is not federally mandated, would not duplicate any other program and would not

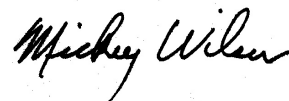
JH:LR:OD

FISCAL DESCRIPTION (continued)

require additional capital improvements or rental space.

SOURCES OF INFORMATION

Missouri Ethics Commission  
Office of the Attorney General  
Office of the State Public Defender  
Office of the Secretary of State  
Department of Corrections  
Metropolitan Community College  
Independence School District  
City of Centralia  
Platte County Board of Election Commission  
Special School District  
East Central College  
Parkway School District  
Office of the State Courts Administrator  
Missouri Southern State University  
Linn State Technical College  
Missouri Western State University  
City of Kansas City  
University of Central Missouri



Mickey Wilson, CPA  
Director  
March 17, 2010