

# SENATE BILL NO. 417

## 101ST GENERAL ASSEMBLY

INTRODUCED BY SENATOR SCHUPP.

1897S.02I

ADRIANE D. CROUSE, Secretary

### AN ACT

To repeal section 130.011, RSMo, and to enact in lieu thereof two new sections relating to campaign finance, with an effective date.

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

Section A. Section 130.011, RSMo, is repealed and two new sections enacted in lieu thereof, to be known as sections 130.011 and 130.062, to read as follows:

130.011. As used in this chapter, unless the context clearly indicates otherwise, the following terms mean:

(1) "Appropriate officer" or "appropriate officers", the person or persons designated in section 130.026 to receive certain required statements and reports;

(2) "Ballot measure" or "measure", any proposal submitted or intended to be submitted to qualified voters for their approval or rejection, including any proposal submitted by initiative petition, referendum petition, or by the general assembly or any local governmental body having authority to refer proposals to the voter;

(3) "Candidate", an individual who seeks nomination or election to public office. The term "candidate" includes an elected officeholder who is the subject of a recall election, an individual who seeks nomination by the individual's political party for election to public office, an individual standing for retention in an election to an office to which the individual was previously appointed, an

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

19 individual who seeks nomination or election whether or not  
20 the specific elective public office to be sought has been  
21 finally determined by such individual at the time the  
22 individual meets the conditions described in paragraph (a)  
23 or (b) of this subdivision, and an individual who is a write-  
24 in candidate as defined in subdivision (28) of this  
25 section. A candidate shall be deemed to seek nomination or  
26 election when the person first:

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

30 (b) Knows or has reason to know that contributions are  
31 being received or expenditures are being made or space or  
32 facilities are being reserved with the intent to promote the  
33 person's candidacy for office; except that, such individual  
34 shall not be deemed a candidate if the person files a  
35 statement with the appropriate officer within five days  
36 after learning of the receipt of contributions, the making  
37 of expenditures, or the reservation of space or facilities  
38 disavowing the candidacy and stating that the person will  
39 not accept nomination or take office if elected; provided  
40 that, if the election at which such individual is supported  
41 as a candidate is to take place within five days after the  
42 person's learning of the above-specified activities, the  
43 individual shall file the statement disavowing the candidacy  
44 within one day; or

45 (c) Announces or files a declaration of candidacy for  
46 office;

47 (4) "Cash", currency, coin, United States postage  
48 stamps, or any negotiable instrument which can be  
49 transferred from one person to another person without the  
50 signature or endorsement of the transferor;

51           (5) "Check", a check drawn on a state or federal bank,  
52 or a draft on a negotiable order of withdrawal account in a  
53 savings and loan association or a share draft account in a  
54 credit union;

55           (6) "Closing date", the date through which a statement  
56 or report is required to be complete;

57           (7) "Committee", a person or any combination of  
58 persons, who accepts contributions or makes expenditures for  
59 the primary or incidental purpose of influencing or  
60 attempting to influence the action of voters for or against  
61 the nomination or election to public office of one or more  
62 candidates or the qualification, passage or defeat of any  
63 ballot measure or for the purpose of paying a previously  
64 incurred campaign debt or obligation of a candidate or the  
65 debts or obligations of a committee or for the purpose of  
66 contributing funds to another committee:

67           (a) "Committee", does not include:

68           a. A person or combination of persons, if neither the  
69 aggregate of expenditures made nor the aggregate of  
70 contributions received during a calendar year exceeds five  
71 hundred dollars and if no single contributor has contributed  
72 more than two hundred fifty dollars of such aggregate  
73 contributions;

74           b. An individual, other than a candidate, who accepts  
75 no contributions and who deals only with the individual's  
76 own funds or property;

77           c. A corporation, cooperative association,  
78 partnership, proprietorship, or joint venture organized or  
79 operated for a primary or principal purpose other than that  
80 of influencing or attempting to influence the action of  
81 voters for or against the nomination or election to public  
82 office of one or more candidates or the qualification,

83 passage or defeat of any ballot measure, and it accepts no  
84 contributions, and all expenditures it makes are from its  
85 own funds or property obtained in the usual course of  
86 business or in any commercial or other transaction and which  
87 are not contributions as defined by subdivision (12) of this  
88 section;

89 d. A labor organization organized or operated for a  
90 primary or principal purpose other than that of influencing  
91 or attempting to influence the action of voters for or  
92 against the nomination or election to public office of one  
93 or more candidates, or the qualification, passage, or defeat  
94 of any ballot measure, and it accepts no contributions, and  
95 expenditures made by the organization are from its own funds  
96 or property received from membership dues or membership fees  
97 which were given or solicited for the purpose of supporting  
98 the normal and usual activities and functions of the  
99 organization and which are not contributions as defined by  
100 subdivision (12) of this section;

101 e. A person who acts as an authorized agent for a  
102 committee in soliciting or receiving contributions or in  
103 making expenditures or incurring indebtedness on behalf of  
104 the committee if such person renders to the committee  
105 treasurer or deputy treasurer or candidate, if applicable,  
106 an accurate account of each receipt or other transaction in  
107 the detail required by the treasurer to comply with all  
108 record-keeping and reporting requirements of this chapter;

109 f. Any department, agency, board, institution or other  
110 entity of the state or any of its subdivisions or any  
111 officer or employee thereof, acting in the person's official  
112 capacity;

113 (b) The term "committee" includes, but is not limited  
114 to, each of the following committees: campaign committee,

115 candidate committee, continuing committee and political  
116 party committee;

117 (8) "Campaign committee", a committee, other than a  
118 candidate committee, which shall be formed by an individual  
119 or group of individuals to receive contributions or make  
120 expenditures and whose sole purpose is to support or oppose  
121 the qualification and passage of one or more particular  
122 ballot measures in an election or the retention of judges  
123 under the nonpartisan court plan, such committee shall be  
124 formed no later than thirty days prior to the election for  
125 which the committee receives contributions or makes  
126 expenditures, and which shall terminate the later of either  
127 thirty days after the general election or upon the  
128 satisfaction of all committee debt after the general  
129 election, except that no committee retiring debt shall  
130 engage in any other activities in support of a measure for  
131 which the committee was formed;

132 (9) "Candidate committee", a committee which shall be  
133 formed by a candidate to receive contributions or make  
134 expenditures in behalf of the person's candidacy and which  
135 shall continue in existence for use by an elected candidate  
136 or which shall terminate the later of either thirty days  
137 after the general election for a candidate who was not  
138 elected or upon the satisfaction of all committee debt after  
139 the election, except that no committee retiring debt shall  
140 engage in any other activities in support of the candidate  
141 for which the committee was formed. Any candidate for  
142 elective office shall have only one candidate committee for  
143 the elective office sought, which is controlled directly by  
144 the candidate for the purpose of making expenditures. A  
145 candidate committee is presumed to be under the control and  
146 direction of the candidate unless the candidate files an

147 affidavit with the appropriate officer stating that the  
148 committee is acting without control or direction on the  
149 candidate's part;

150 (10) "Continuing committee", a committee of continuing  
151 existence which is not formed, controlled or directed by a  
152 candidate, and is a committee other than a candidate  
153 committee or campaign committee, whose primary or incidental  
154 purpose is to receive contributions or make expenditures to  
155 influence or attempt to influence the action of voters  
156 whether or not a particular candidate or candidates or a  
157 particular ballot measure or measures to be supported or  
158 opposed has been determined at the time the committee is  
159 required to file any statement or report pursuant to the  
160 provisions of this chapter. "Continuing committee"  
161 includes, but is not limited to, any committee organized or  
162 sponsored by a business entity, a labor organization, a  
163 professional association, a trade or business association, a  
164 club or other organization and whose primary purpose is to  
165 solicit, accept and use contributions from the members,  
166 employees or stockholders of such entity and any individual  
167 or group of individuals who accept and use contributions to  
168 influence or attempt to influence the action of voters.  
169 Such committee shall be formed no later than sixty days  
170 prior to the election for which the committee receives  
171 contributions or makes expenditures;

172 (11) "Connected organization", any organization such  
173 as a corporation, a labor organization, a membership  
174 organization, a cooperative, or trade or professional  
175 association which expends funds or provides services or  
176 facilities to establish, administer or maintain a committee  
177 or to solicit contributions to a committee from its members,  
178 officers, directors, employees or security holders. An

179 organization shall be deemed to be the connected  
180 organization if more than fifty percent of the persons  
181 making contributions to the committee during the current  
182 calendar year are members, officers, directors, employees or  
183 security holders of such organization or their spouses;

184 (12) "Contribution", a payment, gift, loan, advance,  
185 deposit, or donation of money or anything of value for the  
186 purpose of supporting or opposing the nomination or election  
187 of any candidate for public office or the qualification,  
188 passage or defeat of any ballot measure, or for the support  
189 of any committee supporting or opposing candidates or ballot  
190 measures or for paying debts or obligations of any candidate  
191 or committee previously incurred for the above purposes. A  
192 contribution of anything of value shall be deemed to have a  
193 money value equivalent to the fair market value.

194 "Contribution" includes, but is not limited to:

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

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

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

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

208 (e) Any loan, guarantee of a loan, cancellation or  
209 forgiveness of a loan or debt or other obligation by a third  
210 party, or payment of a loan or debt or other obligation by a

211 third party if the loan or debt or other obligation was  
212 contracted, used, or intended, in whole or in part, for use  
213 in an election campaign or used or intended for the payment  
214 of such debts or obligations of a candidate or committee  
215 previously incurred, or which was made or received by a  
216 committee;

217 (f) Funds received by a committee which are  
218 transferred to such committee from another committee or  
219 other source, except funds received by a candidate committee  
220 as a transfer of funds from another candidate committee  
221 controlled by the same candidate but such transfer shall be  
222 included in the disclosure reports;

223 (g) Facilities, office space or equipment supplied by  
224 any person to a candidate or committee without charge or at  
225 reduced charges, except gratuitous space for meeting  
226 purposes which is made available regularly to the public,  
227 including other candidates or committees, on an equal basis  
228 for similar purposes on the same conditions;

229 (h) The direct or indirect payment by any person,  
230 other than a connected organization, of the costs of  
231 establishing, administering, or maintaining a committee,  
232 including legal, accounting and computer services, fund  
233 raising and solicitation of contributions for a committee;

234 (i) "Contribution" does not include:

235 a. Ordinary home hospitality or services provided  
236 without compensation by individuals volunteering their time  
237 in support of or in opposition to a candidate, committee or  
238 ballot measure, nor the necessary and ordinary personal  
239 expenses of such volunteers incidental to the performance of  
240 voluntary activities, so long as no compensation is directly  
241 or indirectly asked or given;



242           b. An offer or tender of a contribution which is  
243 expressly and unconditionally rejected and returned to the  
244 donor within ten business days after receipt or transmitted  
245 to the state treasurer;

246           c. Interest earned on deposit of committee funds;

247           d. The costs incurred by any connected organization  
248 listed pursuant to subdivision [(4)] **(5)** of subsection 5 of  
249 section 130.021 for establishing, administering or  
250 maintaining a committee, or for the solicitation of  
251 contributions to a committee which solicitation is solely  
252 directed or related to the members, officers, directors,  
253 employees or security holders of the connected organization;

254           (13) "County", any one of the several counties of this  
255 state or the city of St. Louis;

256           (14) **"Covered communication":**

257           **(a) Paid advertisements broadcast over radio,**  
258 **television, cable, or satellite in this state;**

259           **(b) Paid placement of content on the internet or other**  
260 **electronic communication network targeted to voters in this**  
261 **state;**

262           **(c) Paid advertisements published in a periodical or**  
263 **on a billboard in this state;**

264           **(d) Paid telephone communications to five hundred or**  
265 **more households in this state;**

266           **(e) Mailings sent or distributed through the United**  
267 **States Postal Service or similar private mail carriers to**  
268 **two thousand or more recipients in this state; and**

269           **(f) Printed materials exceeding two thousand copies**  
270 **distributed in this state;**

271           (15) "Covered organization", any organization that is  
272 exempt from taxation under Section 501(c)(4) of the Internal  
273 Revenue Code of 1986, as amended;

274           **(16)** "Disclosure report", an itemized report of  
275 receipts, expenditures and incurred indebtedness which is  
276 prepared on forms approved by the Missouri ethics commission  
277 and filed at the times and places prescribed;

278           [(15)] **(17)** "Election", any primary, general or  
279 special election held to nominate or elect an individual to  
280 public office, to retain or recall an elected officeholder  
281 or to submit a ballot measure to the voters, and any caucus  
282 or other meeting of a political party or a political party  
283 committee at which that party's candidate or candidates for  
284 public office are officially selected. A primary election  
285 and the succeeding general election shall be considered  
286 separate elections;

287           **(18) "Electioneering activities":**

288           **(a) Any covered communication that influences or**  
289 **attempts to influence the action of voters for or against**  
290 **the nomination or election to public office of one or more**  
291 **candidates or the qualification, passage, or defeat of any**  
292 **ballot measure; and**

293           **(b) Any covered communication made within forty-five**  
294 **days of a primary election or ninety days of a general**  
295 **election that:**

296           **a. Identifies or depicts a particular candidate by**  
297 **name but does not specifically call for his or her election**  
298 **or defeat; or**

299           **b. Identifies or depicts a particular ballot measure**  
300 **by name or by its proposition or amendment number but does**  
301 **not specifically call for its qualification, passage, or**  
302 **defeat;**

303           [(16)] **(19)** "Expenditure", a payment, advance,  
304 conveyance, deposit, donation or contribution of money or  
305 anything of value for the purpose of supporting or opposing

306 the nomination or election of any candidate for public  
307 office or the qualification or passage of any ballot measure  
308 or for the support of any committee which in turn supports  
309 or opposes any candidate or ballot measure or for the  
310 purpose of paying a previously incurred campaign debt or  
311 obligation of a candidate or the debts or obligations of a  
312 committee; a payment, or an agreement or promise to pay,  
313 money or anything of value, including a candidate's own  
314 money or property, for the purchase of goods, services,  
315 property, facilities or anything of value for the purpose of  
316 supporting or opposing the nomination or election of any  
317 candidate for public office or the qualification or passage  
318 of any ballot measure or for the support of any committee  
319 which in turn supports or opposes any candidate or ballot  
320 measure or for the purpose of paying a previously incurred  
321 campaign debt or obligation of a candidate or the debts or  
322 obligations of a committee. An expenditure of anything of  
323 value shall be deemed to have a money value equivalent to  
324 the fair market value. "Expenditure" includes, but is not  
325 limited to:

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

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

333 (c) The transfer of funds by one committee to another  
334 committee;

335 (d) The direct or indirect payment by any person,  
336 other than a connected organization for a committee, of the  
337 costs of establishing, administering or maintaining a

338 committee, including legal, accounting and computer  
339 services, fund raising and solicitation of contributions for  
340 a committee; but

341 (e) "Expenditure" does not include:

342 a. Any news story, commentary or editorial which is  
343 broadcast or published by any broadcasting station,  
344 newspaper, magazine or other periodical without charge to  
345 the candidate or to any person supporting or opposing a  
346 candidate or ballot measure;

347 b. The internal dissemination by any membership  
348 organization, proprietorship, labor organization,  
349 corporation, association or other entity of information  
350 advocating the election or defeat of a candidate or  
351 candidates or the passage or defeat of a ballot measure or  
352 measures to its directors, officers, members, employees or  
353 security holders, provided that the cost incurred is  
354 reported pursuant to subsection 2 of section 130.051;

355 c. Repayment of a loan, but such repayment shall be  
356 indicated in required reports;

357 d. The rendering of voluntary personal services by an  
358 individual of the sort commonly performed by volunteer  
359 campaign workers and the payment by such individual of the  
360 individual's necessary and ordinary personal expenses  
361 incidental to such volunteer activity, provided no  
362 compensation is, directly or indirectly, asked or given;

363 e. The costs incurred by any connected organization  
364 listed pursuant to subdivision [(4)] (5) of subsection 5 of  
365 section 130.021 for establishing, administering or  
366 maintaining a committee, or for the solicitation of  
367 contributions to a committee which solicitation is solely  
368 directed or related to the members, officers, directors,  
369 employees or security holders of the connected organization;

370 f. The use of a candidate's own money or property for  
371 expense of the candidate's personal food, lodging, travel,  
372 and payment of any fee necessary to the filing for public  
373 office, if such expense is not reimbursed to the candidate  
374 from any source;

375 [(17)] (20) "Exploratory committees", a committee  
376 which shall be formed by an individual to receive  
377 contributions and make expenditures on behalf of this  
378 individual in determining whether or not the individual  
379 seeks elective office. Such committee shall terminate no  
380 later than December thirty-first of the year prior to the  
381 general election for the possible office;

382 [(18)] (21) "Fund-raising event", an event such as a  
383 dinner, luncheon, reception, coffee, testimonial, rally,  
384 auction or similar affair through which contributions are  
385 solicited or received by such means as the purchase of  
386 tickets, payment of attendance fees, donations for prizes or  
387 through the purchase of goods, services or political  
388 merchandise;

389 [(19)] (22) "In-kind contribution" or "in-kind  
390 expenditure", a contribution or expenditure in a form other  
391 than money;

392 [(20)] (23) "Labor organization", any organization of  
393 any kind, or any agency or employee representation committee  
394 or plan, in which employees participate and which exists for  
395 the purpose, in whole or in part, of dealing with employers  
396 concerning grievances, labor disputes, wages, rates of pay,  
397 hours of employment, or conditions of work;

398 [(21)] (24) "Loan", a transfer of money, property or  
399 anything of ascertainable monetary value in exchange for an  
400 obligation, conditional or not, to repay in whole or in part  
401 and which was contracted, used, or intended for use in an

402 election campaign, or which was made or received by a  
403 committee or which was contracted, used, or intended to pay  
404 previously incurred campaign debts or obligations of a  
405 candidate or the debts or obligations of a committee;

406        [(22)] (25) "Person", an individual, group of  
407 individuals, corporation, partnership, committee,  
408 proprietorship, joint venture, any department, agency,  
409 board, institution or other entity of the state or any of  
410 its political subdivisions, union, labor organization, trade  
411 or professional or business association, association,  
412 political party or any executive committee thereof, or any  
413 other club or organization however constituted or any  
414 officer or employee of such entity acting in the person's  
415 official capacity;

416        [(23)] (26) "Political merchandise", goods such as  
417 bumper stickers, pins, hats, ties, jewelry, literature, or  
418 other items sold or distributed at a fund-raising event or  
419 to the general public for publicity or for the purpose of  
420 raising funds to be used in supporting or opposing a  
421 candidate for nomination or election or in supporting or  
422 opposing the qualification, passage or defeat of a ballot  
423 measure;

424        [(24)] (27) "Political party", a political party which  
425 has the right under law to have the names of its candidates  
426 listed on the ballot in a general election;

427        [(25)] (28) "Political party committee", a state,  
428 district, county, city, or area committee of a political  
429 party, as defined in section 115.603, which may be organized  
430 as a not-for-profit corporation under Missouri law, and  
431 which committee is of continuing existence, and has the  
432 primary or incidental purpose of receiving contributions and

433 making expenditures to influence or attempt to influence the  
434 action of voters on behalf of the political party;

435        [(26)] (29) "Public office" or "office", any state,  
436 judicial, county, municipal, school or other district, ward,  
437 township, or other political subdivision office or any  
438 political party office which is filled by a vote of  
439 registered voters;

440        [(27)] (30) "Regular session", includes that period  
441 beginning on the first Wednesday after the first Monday in  
442 January and ending following the first Friday after the  
443 second Monday in May;

444        [(28)] (31) "Write-in candidate", an individual whose  
445 name is not printed on the ballot but who otherwise meets  
446 the definition of candidate in subdivision (3) of this  
447 section.

      130.062. 1. This section shall be known, and may be  
2 cited as, the "Eliminate Dark Money Act".

3        2. By January thirty-first of each year, any covered  
4 organization that made expenditures for the purpose of  
5 electioneering activities by means of a covered  
6 communication, or that made a contribution, including in-  
7 kind contributions, to a committee in the previous calendar  
8 year shall disclose in an electronic disclosure report to  
9 the ethics commission:

10        (1) All expenditures made for purposes of  
11 electioneering activities by means of a covered  
12 communication in the previous calendar year;

13        (2) All contributions, including in-kind  
14 contributions, made to a committee in the previous calendar  
15 year;

16 (3) The percentage of their total expenditures from  
17 the previous calendar year for purposes of electioneering  
18 activities by means of a covered communication;

19 (4) The percentage of their total expenditures made  
20 from the previous calendar year for contributions, including  
21 in-kind contributions, to a committee during the previous  
22 calendar year;

23 (5) The name and address of each person or entity  
24 making any single contribution to the covered organization  
25 over one thousand dollars, and each person or entity who has  
26 made, in the aggregate, contributions over one thousand  
27 dollars to such organization during the previous calendar  
28 year; and

29 (6) The date and amount of each contribution over one  
30 thousand dollars, or of any donation from a person who has  
31 made, in the aggregate, contributions over one thousand  
32 dollars to such organization during the previous calendar  
33 year.

34 Such information shall be a matter of public record which  
35 the ethics commission shall subsequently make available to  
36 the public.

37 3. Any covered organization required to file  
38 disclosure reports under subsection 2 of this section shall  
39 make such disclosures electronically.

40 4. Any covered organization that makes expenditures in  
41 excess of five thousand dollars for the purpose of  
42 electioneering activities by means of a covered  
43 communication shall make an electronic disclosure report to  
44 the ethics commission within forty-eight hours of exceeding  
45 such limit. The report shall state specifically the  
46 expenditure amount, the person or entity receiving the



47 expenditures, and with what ballot measure or candidate each  
48 expenditure concerns. If a covered communication calls  
49 specifically for the passage, election, or defeat of a  
50 candidate or measure, the report shall indicate such  
51 information.

52 5. Any covered organization that makes contributions,  
53 including in-kind contributions, of over five thousand  
54 dollars to a committee shall make an electronic disclosure  
55 report to the ethics commission within forty-eight hours of  
56 exceeding such limit. The report shall specifically state  
57 the contribution amount and the committee to which each  
58 contribution was made.

59 6. Every electronic disclosure report required under  
60 subsection 5 of this section shall include the date and  
61 amount of each contribution, as well as the name, address,  
62 and employer, occupation if self-employed, or notation of  
63 retirement of each person who has contributed over five  
64 thousand dollars to the covered organization in the previous  
65 twelve-month period.

66 7. The ethics commission shall assess fees on the  
67 board of directors of a covered organization for failure to  
68 file reports required by this section in the same manner as  
69 provided in section 105.963.

Section B. Section A of this act shall become  
2 effective January 1, 2022.

✓