

FIRST REGULAR SESSION

SENATE BILL NO. 378

102ND GENERAL ASSEMBLY

INTRODUCED BY SENATOR ROWDEN.

0415S.01H

KRISTINA MARTIN, Secretary

AN ACT

To repeal section 130.046, RSMo, and to enact in lieu thereof one new section relating to campaign finance disclosure deadlines.

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

Section A. Section 130.046, RSMo, is repealed and one new
2 section enacted in lieu thereof, to be known as section 130.046,
3 to read as follows:

130.046. 1. The disclosure reports required by
2 section 130.041 for all committees shall be filed at the
3 following times and for the following periods:

4 (1) Not later than the eighth day before an election
5 for the period closing on the twelfth day before the
6 election if the committee has made any contribution or
7 expenditure either in support or opposition to any candidate
8 or ballot measure;

9 (2) Not later than the thirtieth day after an election
10 for a period closing on the twenty-fifth day after the
11 election, if the committee has made any contribution or
12 expenditure either in support of or opposition to any
13 candidate or ballot measure; except that, a successful
14 candidate who takes office prior to the twenty-fifth day
15 after the election shall have complied with the report
16 requirement of this subdivision if a disclosure report is
17 filed by such candidate and any candidate committee under
18 the candidate's control before such candidate takes office,

19 and such report shall be for the period closing on the day
20 before taking office; and

21 (3) Not later than the fifteenth day following the
22 close of each calendar quarter.

23 Notwithstanding the provisions of this subsection, if any
24 committee accepts contributions or makes expenditures in
25 support of or in opposition to a ballot measure or a
26 candidate, and the report required by this subsection for
27 the most recent calendar quarter is filed prior to the
28 fortieth day before the election on the measure or
29 candidate, the committee shall file an additional disclosure
30 report not later than the fortieth day before the election
31 for the period closing on the forty-fifth day before the
32 election.

33 2. In the case of a ballot measure to be qualified to
34 be on the ballot by initiative petition or referendum
35 petition, or a recall petition seeking to remove an
36 incumbent from office, disclosure reports relating to the
37 time for filing such petitions shall be made as follows:

38 (1) In addition to the disclosure reports required to
39 be filed pursuant to subsection 1 of this section the
40 treasurer of a committee, other than a continuing committee,
41 supporting or opposing a petition effort to qualify a
42 measure to appear on the ballot or to remove an incumbent
43 from office shall file an initial disclosure report fifteen
44 days after the committee begins the process of raising or
45 spending money. After such initial report, the committee
46 shall file quarterly disclosure reports as required by
47 subdivision (3) of subsection 1 of this section until such
48 time as the reports required by subdivisions (1) and (2) of
49 subsection 1 of this section are to be filed. In addition

50 the committee shall file a second disclosure report no later
51 than the fifteenth day after the deadline date for
52 submitting such petition. The period covered in the initial
53 report shall begin on the day the committee first accepted
54 contributions or made expenditures to support or oppose the
55 petition effort for qualification of the measure and shall
56 close on the fifth day prior to the date of the report;

57 (2) If the measure has qualified to be on the ballot
58 in an election and if a committee subject to the
59 requirements of subdivision (1) of this subsection is also
60 required to file a preelection disclosure report for such
61 election any time within thirty days after the date on which
62 disclosure reports are required to be filed in accordance
63 with subdivision (1) of this subsection, the treasurer of
64 such committee shall not be required to file the report
65 required by subdivision (1) of this subsection, but shall
66 include in the committee's preelection report all
67 information which would otherwise have been required by
68 subdivision (1) of this subsection.

69 3. The candidate, if applicable, treasurer or deputy
70 treasurer of a committee shall file disclosure reports
71 pursuant to this section, except for any calendar quarter in
72 which the contributions received by the committee or the
73 expenditures or contributions made by the committee do not
74 exceed five hundred dollars. The reporting dates and
75 periods covered for such quarterly reports shall not be
76 later than the fifteenth day of January, April, July and
77 October for periods closing on the thirty-first day of
78 December, the thirty-first day of March, the thirtieth day
79 of June and the thirtieth day of September. No candidate,
80 treasurer or deputy treasurer shall be required to file the
81 quarterly disclosure report required not later than the

82 fifteenth day of any January immediately following a
83 November election, provided that such candidate, treasurer
84 or deputy treasurer shall file the information required on
85 such quarterly report on the quarterly report to be filed
86 not later than the fifteenth day of April immediately
87 following such November election. Each report by such
88 committee shall be cumulative from the date of the last
89 report. In the case of the continuing committee's first
90 report, the report shall be cumulative from the date of the
91 continuing committee's organization. Every candidate,
92 treasurer or deputy treasurer shall file, at a minimum, the
93 campaign disclosure reports covering the quarter immediately
94 preceding the date of the election and those required by
95 subdivisions (1) and (2) of subsection 1 of this section. A
96 continuing committee shall submit additional reports if it
97 makes aggregate expenditures, other than contributions to a
98 committee, of five hundred dollars or more, within the
99 reporting period at the following times for the following
100 periods:

101 (1) Not later than the eighth day before an election
102 for the period closing on the twelfth day before the
103 election;

104 (2) Not later than twenty-four hours after aggregate
105 expenditures of two hundred fifty dollars or more are made
106 after the twelfth day before the election; and

107 (3) Not later than the thirtieth day after an election
108 for a period closing on the twenty-fifth day after the
109 election.

110 4. The reports required to be filed no later than the
111 thirtieth day after an election and any subsequently
112 required report shall be cumulative so as to reflect the
113 total receipts and disbursements of the reporting committee

114 for the entire election campaign in question. The period
115 covered by each disclosure report shall begin on the day
116 after the closing date of the most recent disclosure report
117 filed and end on the closing date for the period covered.
118 If the committee has not previously filed a disclosure
119 report, the period covered begins on the date the committee
120 was formed; except that in the case of a candidate
121 committee, the period covered begins on the date the
122 candidate became a candidate according to the definition of
123 the term candidate in section 130.011.

124 5. Notwithstanding any other provisions of this
125 chapter to the contrary:

126 (1) Certain disclosure reports pertaining to any
127 candidate who receives nomination in a primary election and
128 thereby seeks election in the immediately succeeding general
129 election shall not be required in the following cases:

130 (a) If there are less than fifty days between a
131 primary election and the immediately succeeding general
132 election, the disclosure report required to be filed
133 quarterly; provided that, any other report required to be
134 filed prior to the primary election and all other reports
135 required to be filed not later than the eighth day before
136 the general election are filed no later than the final dates
137 for filing such reports;

138 (b) If there are less than eighty-five days between a
139 primary election and the immediately succeeding general
140 election, the disclosure report required to be filed not
141 later than the thirtieth day after the primary election need
142 not be filed; provided that any report required to be filed
143 prior to the primary election and any other report required
144 to be filed prior to the general election are filed no later
145 than the final dates for filing such reports; and

146 (2) No disclosure report needs to be filed for any
147 reporting period if during that reporting period the
148 committee has neither received contributions aggregating
149 more than five hundred dollars nor made expenditure
150 aggregating more than five hundred dollars and has not
151 received contributions aggregating more than three hundred
152 dollars from any single contributor and if the committee's
153 treasurer files a statement with the appropriate officer
154 that the committee has not exceeded the identified
155 thresholds in the reporting period. Any contributions
156 received or expenditures made which are not reported because
157 this statement is filed in lieu of a disclosure report shall
158 be included in the next disclosure report filed by the
159 committee. This statement shall not be filed in lieu of the
160 report for two or more consecutive disclosure periods if
161 either the contributions received or expenditures made in
162 the aggregate during those reporting periods exceed five
163 hundred dollars. This statement shall not be filed, in lieu
164 of the report, later than the thirtieth day after an
165 election if that report would show a deficit of more than
166 one thousand dollars.

167 6. (1) If the disclosure report required to be filed
168 by a committee not later than the thirtieth day after an
169 election shows a deficit of unpaid loans and other
170 outstanding obligations in excess of five thousand dollars,
171 semiannual supplemental disclosure reports shall be filed
172 with the appropriate officer for each succeeding semiannual
173 period until the deficit is reported in a disclosure report
174 as being reduced to five thousand dollars or less; except
175 that, a supplemental semiannual report shall not be required
176 for any semiannual period which includes the closing date
177 for the reporting period covered in any regular disclosure

178 report which the committee is required to file in connection
179 with an election. The reporting dates and periods covered
180 for semiannual reports shall be not later than the fifteenth
181 day of January and July for periods closing on the thirty-
182 first day of December and the thirtieth day of June.

183 (2) Committees required to file reports pursuant to
184 subsection 2 or 3 of this section which are not otherwise
185 required to file disclosure reports for an election shall
186 file semiannual reports as required by this subsection if
187 their last required disclosure report shows a total of
188 unpaid loans and other outstanding obligations in excess of
189 five thousand dollars.

190 7. In the case of a committee which disbands and is
191 required to file a termination statement pursuant to the
192 provisions of section 130.021 with the appropriate officer
193 not later than the tenth day after the committee was
194 dissolved, the candidate, committee treasurer or deputy
195 treasurer shall attach to the termination statement a
196 complete disclosure report for the period closing on the
197 date of dissolution. A committee shall not utilize the
198 provisions of subsection 8 of section 130.021 or the
199 provisions of this subsection to circumvent or otherwise
200 avoid the reporting requirements of subsection 6 or 7 of
201 this section.

202 8. Disclosure reports shall be filed with the
203 appropriate officer not later than 5:00 p.m. prevailing
204 local time of the day designated for the filing of the
205 report and a report postmarked not later than midnight of
206 the day previous to the day designated for filing the report
207 shall be deemed to have been filed in a timely manner. The
208 appropriate officer may establish a policy whereby
209 disclosure reports may be filed by facsimile transmission.

210 9. Each candidate for the office of state
211 representative, state senator, and for statewide elected
212 office shall file all disclosure reports described in
213 section 130.041 electronically with the Missouri ethics
214 commission. The Missouri ethics commission shall promulgate
215 rules establishing the standard for electronic filings with
216 the commission and shall propose such rules for the
217 importation of files to the reporting program.

218 10. **The executive director of the Missouri ethics**
219 **commission may extend any deadline in this section if, in**
220 **the discretion of the executive director, there are**
221 **extraordinary circumstances that would make complying with**
222 **such deadline impossible, provided that such deadline**
223 **extension shall not extend more than forty-eight hours**
224 **beyond the respective deadline established by this section.**

225 11. Any rule or portion of a rule, as that term is
226 defined in section 536.010, that is created under the
227 authority delegated in this section shall become effective
228 only if it complies with and is subject to all of the
229 provisions of chapter 536 and, if applicable, section
230 536.028. This section and chapter 536 are nonseverable and
231 if any of the powers vested with the general assembly
232 pursuant to chapter 536 to review, to delay the effective
233 date, or to disapprove and annul a rule are subsequently
234 held unconstitutional, then the grant of rulemaking
235 authority and any rule proposed or adopted after August 28,
236 2006, shall be invalid and void.

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