

SENATE BILL NO. 242

103RD GENERAL ASSEMBLY

INTRODUCED BY SENATOR NURRENBERN.

1171S.01H

KRISTINA MARTIN, Secretary

AN ACT

To repeal section 130.034, RSMo, and to enact in lieu thereof one new section relating to permissible uses for campaign funds, with penalty provisions.

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

Section A. Section 130.034, RSMo, is repealed and one new
2 section enacted in lieu thereof, to be known as section 130.034,
3 to read as follows:

130.034. 1. Contributions as defined in section
2 130.011, received by any committee shall not be converted to
3 any personal use.

4 2. Contributions may be used for any purpose allowed
5 by law including, but not limited to:

6 (1) Any ordinary expenses incurred relating to a
7 campaign;

8 (2) Any ordinary and necessary expenses incurred in
9 connection with the duties of a holder of elective office;

10 (3) **Any childcare expenses that result directly from**
11 **campaigning for office or in connection with the duties of**
12 **public office that would not have been otherwise incurred**
13 **but for those activities. Eligible childcare expenses**
14 **include any expenses that provide for the well-being and**
15 **protection of the child, provided that no expenditure shall**
16 **be made to a member of the candidate's or office holder's**
17 **household;**

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

18 **(4)** Any expenses associated with the duties of
19 candidacy or of elective office pertaining to the
20 entertaining of or providing social courtesies to
21 constituents, professional associations, or other holders of
22 elective office;

23 **[(4)] (5)** The return of any contribution to the person
24 who made the contribution to the candidate or holder of
25 elective office;

26 **[(5)] (6)** To contribute to a political organization
27 **[or candidate committee]** as allowed by law;

28 **[(6)] (7)** To establish a new committee as defined by
29 this chapter;

30 **[(7)] (8)** To make an unconditional gift which is fully
31 vested to any charitable, fraternal or civic organizations
32 or other associations formed to provide for some good in the
33 order of benevolence, if such candidate, former candidate or
34 holder of elective office or such person's immediate family
35 gain no direct financial benefit from the unconditional gift;

36 **[(8)] (9)** Except when such candidate, former candidate
37 or holder of elective office dies while the committee
38 remains in existence, the committee may make an
39 unconditional gift to a fund established for the benefit of
40 the spouse and children of the candidate, former candidate
41 or holder of elective office. The provisions of this
42 subdivision shall expire October 1, 1997.

43 3. Upon the death of the candidate, former candidate
44 or holder of elective office who received such
45 contributions, all contributions shall be disposed of
46 according to this section and any funds remaining after
47 final settlement of the candidate's decedent's estate, or if
48 no estate is opened, then twelve months after the

49 candidate's death, will escheat to the state of Missouri to
50 be deposited in the general revenue fund.

51 4. No contributions, as defined in section 130.011,
52 received by a candidate, former candidate or holder of
53 elective office shall be used to make restitution payments
54 ordered of such individual by a court of law or for the
55 payment of any fine resulting from conviction of a violation
56 of any local, state or federal law.

57 5. Committees described in subdivision (17) of section
58 130.011 shall make expenditures only for the purpose of
59 determining whether an individual will be a candidate. Such
60 expenditures include polling information, mailings, personal
61 appearances, telephone expenses, office and travel expenses
62 but may not include contributions to other candidate
63 committees.

64 6. Any moneys in the exploratory committee fund may be
65 transferred to the candidate committee upon declaration of
66 candidacy for the position being explored. Such funds shall
67 be included for the purposes of reporting and limitation.
68 In the event that candidacy is not declared for the position
69 being explored, the remaining exploratory committee funds
70 shall be returned to the contributors on a pro rata basis.
71 In no event shall the amount returned exceed the amount
72 given by each contributor nor be less than ten dollars.

73 7. Funds held in candidate committees, campaign
74 committees, debt service committees, and exploratory
75 committees shall be liquid such that these funds shall be
76 readily available for the specific and limited purposes
77 allowed by law. These funds may be invested only in short-
78 term treasury instruments or short-term bank certificates
79 with durations of one year or less, or that allow the
80 removal of funds at any time without any additional

81 financial penalty other than the loss of interest income.
82 Continuing committees, political party committees, and other
83 committees such as out-of-state committees not formed for
84 the benefit of any single candidate or ballot issue shall
85 not be subject to the provisions of this subsection. This
86 subsection shall not be interpreted to restrict the
87 placement of funds in an interest-bearing checking account.

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