

# Senate Bill 844

## Fact Sheet



### **Overview**

Senate Bill 844 contains changes to Missouri's ethics and campaign finance laws. The bill becomes effective August 28, 2010.

### **Campaign Finance**

#### **Candidate**

- ✓ Adds prohibiting any person from filing for office until the existing candidate committee or any committee where the person served as a treasurer or deputy treasurer has paid all fees assessed by the Commission (*Currently prohibited until all campaign finance disclosure reports are filed*)
- ✓ Adds prohibiting a successful candidate from taking office until the existing candidate committee or any committee where the candidate served as treasurer or deputy treasurer has paid all fees assessed by the Commission (*Currently prohibited until all campaign finance disclosure reports are filed*)

#### **Committee Definitions**

##### *Political Party Committees*

- ✓ Allows political party campaign finance committees to take only the following forms:
  - One (1) congressional district campaign finance committee, per political party for each district
  - One (1) state party campaign finance committee, per political party
- ✓ Removes, for the purposes of Chapter 130 campaign finance law, the portion which defines a political party as a "state, district, county, city, or area committee of a political party as defined in Section 115.603, RSMo.,"

##### *Political Action Committees (currently Continuing Committees)*

- ✓ Renames what is currently defined in Section 130.011, RSMo., as continuing committees to political action committees; the definition remains the same

#### **Contributions**

- ✓ Provides that *political action committees* can only receive contributions from:
  - Individuals
  - Unions
  - Federal political action committees
  - Corporations, associations, and partnerships formed under Chapters 347-360, RSMo.

- ✓ Prohibits *political action committees* from receiving contributions from:
  - Other political action committees
  - Candidate committees
  - Political party committees
  - Campaign committees
  - Exploratory committees
  - Debt service committees
  - ***Except, allows for*** contributions from:
    - State House political action committee per political party designated by the majority or minority floor leader of the House of Representatives;
    - State Senate political action committee per political party designated by the majority or minority floor leaders of the Senate;
    - Chair of the state party if the party does not have a majority or minority party status in the House or Senate
- ✓ Allows candidate, political party, campaign, exploratory and debt service committees to return contributions to a donor of a political action committee that is the origin of the contribution
- ✓ Provides penalties for violations of law related to the transfer of anything of value to a committee with the intent to conceal its actual source

### **Electronic Reporting**

- ✓ Effective Jan 1, 2011 requires all campaign finance committees, currently required to file campaign finance disclosure reports with the Commission, to file electronically

### **Reporting Contributions During Leg. Session > \$500**

- ✓ Requires current office holders or candidates for the office of State Representative or State Senator to electronically report to the Commission any contributions received over \$500, during the regular legislative session, within 48 hours
- ✓ Requires current office holders or candidates for the office of Governor, Lieutenant Governor, Treasurer, Attorney General, Secretary of State, and Auditor to electronically report to the Commission any contributions received over \$500, during the regular legislative session *and* any time when legislation from the regular legislative session awaits gubernatorial action, within 48 hours
- ✓ Subject to assessment of late fees

### **Treasurer/Deputy Treasurer**

- ✓ Removes the requirement for a treasurer or deputy treasurer to reside in the district or county in which a committee sits (must still be a Missouri resident)
- ✓ Prohibits a person from forming a new committee or serving as deputy treasurer of *any* committee unless all prior campaign finance disclosure reports for all prior elections have been filed and all fees assessed by the Commission have been paid

## **Candidate Disqualification**

- ✓ Prohibits a candidate, who has been previously disqualified as a candidate for office in the:
  - Primary election from being selected by a party nominating committee for the same office in the same primary election *or* in the corresponding general election
  - General election from being selected by a party nominating committee for the same office in the same general election

## **Conflict of Interest**

### **Bribery**

- ✓ Prohibits statewide elected officials, general assembly members, or persons acting on their behalf to make any offer or promise to confer paid employment in exchange for the official's vote; individual making the offer is guilty of the crime of bribery of a public servant under Section 576.010, RSMo and the official accepting the offer is guilty of the crime of acceding to corruption under Section 576.020, RSMo.

### **Gubernatorial Appointments**

- ✓ Requires gubernatorial nominees requiring Senate confirmation to file a Personal Financial Disclosure statement and submit a list of political contributions, made within a 4-year period, to the Senate

## **Commission Enforcement**

### **Investigations**

- ✓ Allows the Commission, without receipt of a formal complaint, upon approval of all six (6) Commission members, to conduct investigations on:
  - Lobbyists
  - Personal financial disclosure
  - Campaign finance
  - Codes of conduct by a dept, division, agency of the state, state institutions of higher learning, or executive order
  - Conflict of interest
  - Constitutional provisions, state statute, order, ordinance, or resolution of a political subdivision relating to a public official's conduct

### **Late Fees**

- ✓ Authorizes the Commission to assess late filing fees for all campaign finance disclosure reports, including Statements of Limited Activity
- ✓ Increases late filing fees to \$50 per day, not to exceed \$3,000, for all campaign finance reports, including Statements of Limited Activity (except for the 8-Day Before Election Report assessed at \$100 per day, not to exceed \$3,000)

- ✓ Requires the Commission to send notice of the failure to file or timely file campaign finance reports within seven (7) business days of the failure to file
- ✓ Requires the Commission to send notice to any candidate and the treasurer of the campaign finance committee
- ✓ Allows individuals assessed a late filing fee to file an appeal of the fee (within 10 days) with the Commission or with the Circuit Court of Cole County (within 14 days)
- ✓ Provides for the Commission when collecting judgments for unpaid late filing fees to include garnishment and execution against the committee's official depository account after a 30-day delinquency

### **Obstruction of Justice**

- ✓ Specifically defines obstruction of an ethics investigation and a violation as a Class A misdemeanor

### **Lobbyist**

#### **Group Reporting**

- ✓ Requires expenditures, reported as a group expenditure, to show the location of the expenditure
- ✓ Expands the group expenditure definition to include statewide elected officials and to include employees of the related public official

#### **Penalties**

- ✓ Establishes penalties for knowingly omitting, concealing, or falsifying information as a Class A misdemeanor