



HB 1788

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Path to full text:

<https://documents.house.mo.gov/billtracking/bills261/hlrbillspdf/5473H.01I.pdf>

PART 1 – QUICK SNAPSHOT

1.1 One-Paragraph Overview (Plain Language)

HB 1788 rewrites **§130.031 (campaign finance restrictions)** and, while most of the section restates existing campaign-finance rules (cash limits, anti-anonymous rules, disclaimer requirements, etc.), it adds two notable changes. First, it **prohibits “campaign committees” from soliciting automatically recurring donations** (e.g., monthly auto-charges). Second, it requires that **all fundraising solicitations clearly disclose which specific committee will benefit** from the solicitation. In practice, this aims to reduce deceptive fundraising practices and make donors more informed, but it also restricts a common small-dollar fundraising tool that many grassroots operations rely upon.

1.2 Triage Table (Fast Flags)

- **Single-Subject / Clear Title (Art. III §23):** Likely compliant legally; conceptually single-subject (campaign finance rules within §130.031).
- **Title Specificity (0–3):** 1 — “relating to campaign finance” is a broad catch-all and does not alert citizens to the **recurring-donation ban** specifically.
- **Department Scope: Single** — primarily within the Missouri Ethics Commission campaign-finance enforcement framework; no clear multi-agency omnibus structure.
- **Does it grow government? Somewhat** — increases compliance rules/enforcement exposure (more prohibited conduct; more disclosure requirements).
- **Impact on Missouri families: Mixed** — protects donors from “dark pattern” fundraising, but may reduce small-dollar grassroots fundraising flexibility.

- **Alignment with Act for Missouri core beliefs: Mixed/Unclear** — transparency aligns; broad fundraising restrictions can be used against dissident grassroots speech.
- **Initial stance: Watch / Mixed**

PART 2 – PURPOSE & PROVISION MAP

2.1 Stated Purpose & Title

- **Bill title/purpose:** “To repeal section 130.031... relating to campaign finance.”
- **What it really does:** Maintains Missouri’s existing contribution/expenditure integrity rules, but adds new restrictions targeting (a) **recurring donation solicitations** by campaign committees and (b) **clarity in solicitations** about which committee benefits.

Fair-notice concern: The title is broad enough to cover these changes, but it is not especially informative to ordinary citizens that a new recurring-donation prohibition is being created.

2.2 Provision-by-Provision Map (Major Clusters)

1. **§130.031.1 – Cash contribution cap (\$100 per contributor per election)**
 - **Summary:** Bars accepting/making cash contributions over \$100.
 - **Tag:** [Good] anti-fraud/traceability.
2. **§130.031.2 – Expenditure controls; limits cash spending**
 - **Summary:** Requires expenditures >\$50 to be by check/electronic means; caps single cash expenditures at \$50; caps annual cash spending to the lesser of \$5,000 or 10% of annual expenditures.
 - **Tag:** [Good] improves auditability; limits “cash politics.”
3. **§130.031.3 – Ban on straw donors/fictitious names; disclosure to treasurer**
 - **Summary:** Prohibits contributions/expenditures made through another person to conceal the true source/recipient; requires intermediaries to disclose source/recipient details to the committee.
 - **Tag:** [Good] core transparency/anti-money laundering rule.
4. **§130.031.4–6 – Anonymous contribution limits + fundraiser-event exception**
 - **Summary:** Caps anonymous contributions (>\$25 prohibited; aggregate caps); provides a carve-out for certain fundraising events if rules/announcements/records are maintained and reported.
 - **Tag:** [Mixed] generally pro-transparency, but the event exception can be exploited if enforcement is weak.

5. **§130.031.7 – Out-of-state committee restrictions**

- **Summary:** Prohibits Missouri candidates/committees from accepting money from out-of-state committees unless those committees file Missouri organization statements or required reports.
- **Tag:** [Good] strengthens transparency for imported political money.

6. **§130.031.8–11 – “Paid for by” disclaimer rules; broadcast sponsor identification; violations**

- **Summary:** Requires clear sponsor identification on printed matter; references federal sponsor ID rules for broadcast; makes refusal/false info a violation; includes notable exemptions (personal residence signs, etc.).
- **Tag:** [Mixed] transparency benefit, but compelled-disclosure rules are always a speech-sensitive area (risk of overreach depending on enforcement).

7. **§130.031.12 – Ban on prize incentives for endorsement/distribution**

- **Summary:** Prohibits committees from offering chances to win prizes/money to encourage endorsements or distribution activities (while allowing normal paid campaign staff).
- **Tag:** [Good] targets manipulative “bounty” style electioneering.

8. **§130.031.13 – NEW: Ban on soliciting automatically recurring donations (campaign committees only)**

- **Summary:** A “campaign committee” may not solicit recurring donations via EFT/credit/debit/automated systems.
- **Tag:** [Concern] potentially overbroad; may burden grassroots small-dollar fundraising and raise First Amendment risk (political fundraising restrictions). Also raises category/loophole questions about whether other committee types can still conduct recurring solicitations.

9. **§130.031.14 – NEW: Solicitation must clearly state which committee benefits**

- **Summary:** Requires solicitations to conspicuously identify the benefiting committee (continuing/campaign/party/exploratory/candidate committee).
- **Tag:** [Good] straightforward transparency that helps donors.

2.3 Changes to Existing Law (High-Level)

- Adds a **new prohibition:** campaign committees cannot solicit automatically recurring donations.
- Adds a **new solicitation transparency rule:** solicitations must clearly state which committee benefits.

- Otherwise, largely **recodifies/continues** existing §130.031 integrity and disclaimer rules.

PART 3 – CONSTITUTIONAL & PROCESS CHECKS

3.1 Single-Subject & Clear-Title (Art. III §23)

- **Main subject:** Campaign finance integrity and disclosure requirements under §130.031.
- **Additional subjects:** None that clearly break outside campaign finance; recurring-donation solicitation and solicitation disclosures still fall within the same policy domain.
- **Title clarity vs real effects:** The title is broad; it does not give strong fair notice of the recurring-donation ban.
- **Conclusion:** Likely complies legally, but fails on “fair notice” in spirit due to generic title language and a significant fundraising-method restriction.

3.2 U.S. & Missouri Constitutional Rights (Most Relevant: Speech/Association)

- **Political speech & association:** Regulating fundraising methods and compelling solicitation disclosures affects political activity. Disclosure rules are commonly upheld, but **outright bans on a fundraising mechanism** can trigger higher scrutiny and can have chilling effects—especially for grassroots challengers versus establishment-funded efforts.
- **Litigation risk:** Moderate, centered on whether §130.031.13 is narrowly tailored to a real problem versus a broad prophylactic restriction.

3.3 Delegation / Separation of Powers

- No obvious new open-ended delegation language appears in the text; this is a rules-based compliance approach enforced through existing mechanisms.

PART 4 – IMPACT ON MISSOURI FAMILIES

4.1 Economic Impacts

- **Relief:** Better donor clarity could reduce accidental recurring charges and misleading solicitations.
- **Burden:** Grassroots candidates/causes may lose a predictable small-dollar funding stream that competes with big-donor networks (and compliance complexity increases).
- **Net:** Mixed.

4.2 Family / Education

- Not directly implicated.

4.3 Moral & Cultural Climate

- Not directly implicated.

PART 5 – ACT FOR MISSOURI CORE PRINCIPLES CHECK

- **Sanctity of life:** Not directly implicated.
- **Limited government / biblical view of government:** Mixed—transparency and anti-deception are legitimate governmental functions, but restricting political fundraising tools can be used to entrench incumbents and suppress outsider movements.
- **Constitutionalism/rule of law:** Mixed—clear rules are good, but the recurring-donation ban may be broader than necessary.
- **Surveillance / financial control lens:** Mild concern—while not “CBDC-style control,” restricting payment mechanisms in politics is still a form of political-financial constraint that can expand over time.

Overall: Mixed.

PART 6 – SPECIAL TOPIC TESTS

Not applicable (no Amendment 3/personhood, no utilities/data centers, no federal strings apparent in the text, no surveillance infrastructure beyond campaign-finance compliance norms).

PART 7 – RED FLAGS, AMENDMENT IDEAS, & FINAL RECOMMENDATION

7.1 Red-Flag List (Prioritized)

1. **Recurring Donation Ban May Be Overbroad / Anti-Grassroots**
 - **Location:** §130.031.13
 - **Why it matters:** This removes a common small-dollar tool used by challengers and citizen movements; it could unintentionally advantage established interests with large-donor pipelines.
 - **Severity:** Serious
2. **Title Specificity / Fair-Notice Weakness**
 - **Location:** Bill title (“relating to campaign finance”)
 - **Why it matters:** Citizens skimming titles are unlikely to know a recurring-payment fundraising prohibition is inside.

- **Severity: Moderate**

3. **Loophole / Committee-Type Gaming Risk**

- **Location:** §130.031.13 applies to “campaign committee” (only)
- **Why it matters:** If other committee types can still solicit recurring donations, activity may simply migrate to a different committee classification, undermining the stated goal while still burdening some actors.
- **Severity: Serious**

Necessity & Limited-Government Justification Test

1. **Problem proof:** The bill text itself provides no findings/data demonstrating Missouri-specific harm.
2. **Existing authority:** Deceptive solicitations can often be addressed through clearer disclosure rules (and existing campaign-finance reporting), rather than bans.
3. **Least-government option:** A ban is not the least restrictive approach; a “clear opt-in, clear disclosure, easy cancel, no pre-checked boxes” model is narrower.
4. **Guardrails:** §130.031.13 is a blunt instrument; §130.031.14 is a strong, narrow guardrail.

Result: This fails the “least-government option” test as drafted, mainly due to subsection 13.

7.2 Possible Fixes / Amendments

If legislators truly want donor protection without suppressing grassroots fundraising:

- **Replace the ban with strict consent/disclosure rules**, for example:
 - Recurring donations must be **affirmatively opted-in** (no pre-checked boxes).
 - Solicitations must disclose **amount + frequency + how to cancel** in clear, conspicuous language.
 - Require a **confirmation step** (double opt-in) for recurring charges.
- **Clarify scope** to prevent loopholes: either apply consistently across committee types or explain why “campaign committee” is uniquely targeted.

7.3 Final Recommendation

Act for Missouri rates HB 1788 as WATCH / MIXED. We support the transparency goal in §130.031.14 (clear disclosure of which committee benefits), but we have serious concerns that §130.031.13 is an unnecessary, overly broad restriction that may harm grassroots political speech and fundraising more than it stops deception.