

FIRST REGULAR SESSION

# HOUSE BILL NO. 678

## 91ST GENERAL ASSEMBLY

---

INTRODUCED BY REPRESENTATIVE SEIGFREID.

Read 1<sup>st</sup> time February 7, 2001, and 1000 copies ordered printed.

TED WEDEL, Chief Clerk

0952L.011

---

### AN ACT

To repeal sections 105.473, 105.475, 105.477, 105.961, 130.011, 130.016, 130.021, 130.031, 130.041, 130.046, 130.049, 130.050, 130.056 and 130.081, RSMo 2000, relating to ethics, and to enact in lieu thereof fourteen new sections relating to the same subject, with penalty provisions.

---

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

Section A. Sections 105.473, 105.475, 105.477, 105.961, 130.011, 130.016, 130.021, 2 130.031, 130.041, 130.046, 130.049, 130.050, 130.056 and 130.081, RSMo 2000, are repealed 3 and fourteen new sections enacted in lieu thereof, to be known as sections 105.473, 105.477, 4 105.961, 130.011, 130.016, 130.021, 130.031, 130.041, 130.046, 130.049, 130.056, 130.062, 5 130.063 and 130.081, to read as follows:

105.473. 1. Each lobbyist shall, not later than five days after beginning any activities 2 as a lobbyist, file standardized registration forms, verified by a written declaration that it is made 3 under the penalties of perjury, along with a filing fee of ten dollars, with the commission. The 4 forms shall include the lobbyist's name and business address, the name and address of all persons 5 such lobbyist employs for lobbying purposes, the name and address of each lobbyist principal 6 by whom such lobbyist is employed or in whose interest such lobbyist appears or works. The 7 commission shall maintain files on all lobbyists' filings, which shall be open to the public. Each 8 lobbyist shall file an updating statement under oath within one week of any addition, deletion, 9 or change in the lobbyist's employment or representation. The filing fee shall be deposited to the 10 general revenue fund of the state. The lobbyist principal or a lobbyist employing another person 11 for lobbying purposes may notify the commission that a judicial, executive or legislative lobbyist

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

12 is no longer authorized to lobby for the principal or the lobbyist and should be removed from the  
13 commission's files.

14         2. Each person shall, before giving testimony before any committee of the general  
15 assembly, give to the secretary of such committee such person's name and address and the  
16 identity of any lobbyist or organization, if any, on whose behalf such person appears. A person  
17 who is not a lobbyist as defined in section 105.470 shall not be required to give such person's  
18 address if the committee determines that the giving of such address would endanger the person's  
19 physical health.

20         3. (1) During any period of time in which a lobbyist continues to act as an executive  
21 lobbyist, judicial lobbyist or a legislative lobbyist, the lobbyist shall file with the commission on  
22 standardized forms prescribed by the commission monthly reports which shall be due at the close  
23 of business on the tenth day of the following month;

24         (2) Each report filed pursuant to this subsection shall include a statement, verified by a  
25 written declaration that it is made under the penalties of perjury, setting forth the following:

26         (a) The total of all expenditures by the lobbyist or his or her lobbyist principals made on  
27 behalf of all public officials, their staffs and employees, and their spouses and dependent  
28 children, which expenditures shall be separated into at least the following categories by the  
29 executive branch, judicial branch and legislative branch of government: [printing and  
30 publication expenses; media and other advertising expenses;] travel; entertainment; [honoraria;]  
31 meals, food and beverages; and gifts;

32         (b) An itemized listing of the name of the recipient and the nature and amount of each  
33 expenditure by the lobbyist or his or her lobbyist principal, including a service or anything of  
34 value, for all expenditures made during any reporting period, paid or provided to or for a public  
35 official, such official's staff, employees, spouse or dependent children;

36         (c) The total of all expenditures made by a lobbyist or lobbyist principal for occasions  
37 and the identity of the group invited, the date and description of the occasion and the amount of  
38 the expenditure for each occasion when any of the following are invited in writing:

39             a. All members of the senate;

40             b. All members of the house of representatives;

41             c. All members of a joint committee of the general assembly or a standing committee of  
42 either the house of representatives or senate; or

43             d. All members of a caucus of the general assembly if the caucus consists of at least ten  
44 members, a list of the members of the caucus has been previously filed with the ethics committee  
45 of the house or the senate, and such list has been approved by either of such ethics committees;

46         (d) Any expenditure made on behalf of a public official, or the public official's staff,  
47 employees, spouse or dependent children, if such expenditure is solicited by such public official,

48 the public official's staff, employees, or spouse or dependent children, from the lobbyist or his  
49 or her lobbyist principals and the name of such person or persons, except any expenditures made  
50 to any not for profit corporation, charitable, fraternal or civic organization or other association  
51 formed to provide for good in the order of benevolence;

52 (e) A statement detailing any direct business relationship or association or partnership  
53 the lobbyist has with any public official.

54

55 The reports required by this subdivision shall cover the time periods since the filing of the last  
56 report or since the lobbyist's employment or representation began, whichever is most recent.

57 4. No expenditure reported pursuant to this section shall include any amount expended  
58 by a lobbyist or lobbyist principal on himself or herself. **No expenditure reported pursuant**  
59 **to this section shall include any payment, gift, compensation, fee expenditure or anything**  
60 **of value which is bestowed upon or given to any public official or a staff member,**  
61 **employee, spouse or dependent child of a public official when it is compensation for**  
62 **employment or given as an employment benefit and when such employment is in addition**  
63 **to their employment as a public official.** All expenditures disclosed pursuant to this section  
64 shall be valued on the report at the actual amount of the payment made, or the charge, expense,  
65 cost, or obligation, debt or bill incurred by the lobbyist or the person the lobbyist represents.  
66 Whenever a lobbyist principal employs more than one lobbyist, expenditures of the lobbyist  
67 principal shall not be reported by each lobbyist, but shall be reported by one of such lobbyists.  
68 5. Any lobbyist principal shall provide in a timely fashion whatever information is  
69 reasonably requested by the lobbyist principal's lobbyist for use in filing the reports required by  
70 this section.

71 6. All information required to be filed pursuant to the provisions of this section with the  
72 commission shall be kept available by the executive director of the commission at all times open  
73 to the public for inspection and copying for a reasonable fee for a period of five years from the  
74 date when such information was filed.

75 7. No person shall knowingly employ any person who is required to register as a  
76 registered lobbyist but is not registered pursuant to this section. Any person who knowingly  
77 violates this subsection shall be subject to a civil penalty in an amount of not more than ten  
78 thousand dollars for each violation. Such civil penalties shall be collected by action filed by the  
79 commission.

80 8. No lobbyist shall knowingly omit, conceal, or falsify in any manner information  
81 required pursuant to this section.

82 9. The prosecuting attorney of Cole County shall be reimbursed only out of funds  
83 specifically appropriated by the general assembly for investigations and prosecutions for

84 violations of this section.

85       10. Any public official or other person whose name appears in any lobbyist report filed  
86 pursuant to this section who contests the accuracy of the portion of the report applicable to such  
87 person may petition the commission for an audit of such report and shall state in writing in such  
88 petition the specific disagreement with the contents of such report. The commission shall  
89 investigate such allegations in the manner described in section 105.959. If the commission  
90 determines that the contents of such report are incorrect, incomplete or erroneous, it shall enter  
91 an order requiring filing of an amended or corrected report.

92       11. The commission shall provide a report listing the total spent by a lobbyist for the  
93 month and year to any member or member-elect of the general assembly, judge or judicial  
94 officer, or any other person holding an elective office of state government on or before the  
95 twentieth day of each month. For the purpose of providing accurate information to the public,  
96 the commission shall not publish information in either written or electronic form for ten working  
97 days after providing the report pursuant to this subsection. The commission shall not release any  
98 portion of the lobbyist report if the accuracy of the report has been questioned pursuant to  
99 subsection 10 of this section unless it is conspicuously marked "Under Review".

100       12. Each lobbyist or lobbyist principal by whom the lobbyist was employed, or in whose  
101 behalf the lobbyist acted, shall provide a general description of the proposed legislation or action  
102 by the executive branch or judicial branch which the lobbyist or lobbyist principal supported or  
103 opposed. This information shall be supplied to the commission on March fifteenth and May  
104 thirtieth of each year.

2               [105.475. 1. The provisions of sections 105.470 to 105.473 shall not apply  
3 to any public official or a staff member, employee, spouse or dependent child of a  
4 public official when employed by a lobbyist principal and who is acting on behalf of  
5 the lobbyist principal in their employment, except if such person's employment is as  
6 a lobbyist for the lobbyist principal.

7               2. The provisions of sections 105.470 to 105.473 shall not apply to any  
8 member of a union who is acting in either an employment capacity or contractual  
9 capacity in association with the union, except if such person's employment or  
contractual capacity is as a lobbyist for the union.]

105.477. 1. The commission shall supply a computer program which shall be used for  
2 filing by modem or by a common magnetic media chosen by the commission. The computer  
3 program shall be able to run on DOS, Windows or Macintosh based personal computers [or run  
4 on any other common personal computer operating environment which may become available  
5 in the future].

6       2. The commission shall have the appropriate software and hardware in place by  
7 January 1, 1998, for acceptance of reports electronically. The commission shall make this  
8 information available via an Internet Web site connection by no later than January 1, 1999.

9           3. All lobbyists shall file expenditure reports required by the commission electronically  
10 either through modem or common magnetic media. In addition, lobbyists shall file a signed form  
11 prescribed by the commission which verifies the information filed electronically within five  
12 working days; except that, [if] **when** a means becomes available which will allow a verifiable  
13 electronic signature, the commission may accept this in lieu of a [written statement] **signed form**.

14           4. All records that are in electronic format, not otherwise closed by law, shall be  
15 available in electronic format to the public. The commission shall maintain and provide for  
16 public inspection, a listing of all reports, with a complete description for each field contained on  
17 the report, that has been used to extract information from their database files. The commission  
18 shall develop a report or reports which contain every field in each database.

19           5. Annually, the commission shall provide[, without cost, a system-wide dump of] **to the**  
20 **general assembly at no cost a complete copy of** information contained in the commission's  
21 electronic **reporting** database files [to the general assembly]. The information [is to] **shall** be  
22 copied onto a medium specified by the general assembly. Such information shall not contain  
23 records otherwise closed by law. It is the intent of the general assembly to provide open access  
24 to the commission's records. The commission shall make every reasonable effort to comply with  
25 requests for information and shall take a liberal interpretation when considering such requests.  
26 Priority shall be given to public requests for reports identifying lobbyist or lobbyist principal  
27 expenditures per individual legislator.

105.961. 1. Upon receipt of a complaint as described by section 105.957, the  
2 commission shall assign the complaint to a special investigator, who may be a commission  
3 employee, who shall investigate and determine the merits of the complaint. Within ten days of  
4 such assignment, the special investigator shall review such complaint and disclose, in writing,  
5 to the commission any conflict of interest which the special investigator has or might have with  
6 respect to the investigation and subject thereof. Within one hundred twenty days of receipt of  
7 the complaint from the commission, the special investigator shall submit the special  
8 investigator's report to the commission. The commission, after review of such report, shall  
9 determine:

10           (1) That there is reasonable grounds for belief that a violation has occurred; or

11           (2) That there are no reasonable grounds for belief that a violation exists and the  
12 complaint should be dismissed; or

13           (3) That additional time is necessary to complete the investigation, and the status and  
14 progress of the investigation to date. The commission, in its discretion, may allow the  
15 investigation to proceed for additional successive periods of one hundred twenty days each,  
16 pending reports regarding the status and progress of the investigation at the end of each such  
17 period.

18           2. When the commission concludes, based on the report from the special investigator,  
19 or based on an audit conducted pursuant to section 105.959, that there are reasonable grounds  
20 to believe that a violation of any criminal law has occurred, and if the commission believes that  
21 criminal prosecution would be appropriate upon a vote of **at least** four members of the  
22 commission, the commission shall refer the report to the Missouri office of prosecution services,  
23 prosecutors coordinators training council established in section 56.760, RSMo, which shall  
24 submit a panel of five attorneys for recommendation to the court having criminal jurisdiction,  
25 for appointment of an attorney to serve as a special prosecutor; except that, the attorney general  
26 of Missouri or any assistant attorney general shall not act as such special prosecutor. The court  
27 shall then appoint from such panel a special prosecutor pursuant to section 56.110, RSMo, who  
28 shall have all the powers provided by section 56.130, RSMo. The court shall allow a reasonable  
29 and necessary attorney's fee for the services of the special prosecutor. Such fee shall be assessed  
30 as costs if a case is filed, or ordered by the court if no case is filed, and paid together with all  
31 other costs in the proceeding by the state, in accordance with rules and regulations promulgated  
32 by the state courts administrator, subject to funds appropriated to the office of administration for  
33 such purposes. If the commission does not have sufficient funds to pay a special prosecutor, the  
34 commission shall refer the case to the prosecutor or prosecutors having criminal jurisdiction. If  
35 the prosecutor having criminal jurisdiction is not able to prosecute the case due to a conflict of  
36 interest, the court may appoint a special prosecutor, paid from county funds, upon appropriation  
37 by the county or the attorney general to investigate and, if appropriate, prosecute the case. The  
38 special prosecutor or prosecutor shall commence an action based on the report by the filing of  
39 an information or seeking an indictment within sixty days of the date of such prosecutor's  
40 appointment, or shall file a written statement with the commission explaining why criminal  
41 charges should not be sought. If the special prosecutor or prosecutor fails to take either action  
42 required by this subsection, upon request of the commission, a new special prosecutor, who may  
43 be the attorney general, shall be appointed. The report may also be referred to the appropriate  
44 disciplinary authority over the person who is the subject of the report.

45           3. When the commission concludes, based on the report from the special investigator or  
46 based on an audit conducted pursuant to section 105.959, that there are reasonable grounds to  
47 believe that a violation of any law has occurred which is not a violation of criminal law or that  
48 criminal prosecution is not appropriate, the commission [shall] **may** conduct a hearing which  
49 shall be a closed meeting and not open to the public. The hearing shall be conducted pursuant  
50 to the procedures provided by sections 536.063 to 536.090, RSMo, and shall be considered to  
51 be a contested case for purposes of such sections. The commission shall determine, in its  
52 discretion, whether or not that there is probable cause that a violation has occurred. If the  
53 commission determines, by a vote of at least four members of the commission, that probable

54 cause exists that a violation has occurred, the commission may refer its findings and conclusions  
55 to the appropriate disciplinary authority over the person who is the subject of the report, as  
56 described in subsection 7 of this section. **If the commission determines by a vote of at least**  
57 **four members that a hearing is not appropriate, the commission may, by a vote of at least**  
58 **four members, seek an agreement with the party or parties determined to have violated the**  
59 **provisions of subsection 1 of section 105.957, and the commission may collect a fee for such**  
60 **violation in an amount not greater than one thousand dollars.** After the commission  
61 determines by a vote of at least four members of the commission that probable cause exists that  
62 a violation has occurred, and the commission has referred the findings and conclusions to the  
63 appropriate disciplinary authority over the person subject of the report, the subject of the report  
64 may appeal the determination of the commission to the administrative hearing commission. Such  
65 appeal shall stay the action of the Missouri ethics commission. Such appeal shall be filed not  
66 later than the fourteenth day after the subject of the commission's action receives actual notice  
67 of the commission's action.

68 4. If the appropriate disciplinary authority receiving a report from the commission  
69 pursuant to subsection 3 of this section fails to follow, within sixty days of the receipt of the  
70 report, the recommendations contained in the report, or if the commission determines, by a vote  
71 of at least four members of the commission that some action other than referral for criminal  
72 prosecution or for action by the appropriate disciplinary authority would be appropriate, the  
73 commission shall take any one or more of the following actions:

74 (1) Notify the person to cease and desist violation of any provision of law which the  
75 report concludes was violated and that the commission may seek judicial enforcement of its  
76 decision pursuant to subsection 5 of this section;

77 (2) Notify the person of the requirement to file, amend or correct any report, statement,  
78 or other document or information required by sections 105.473, 105.483 to 105.492, or chapter  
79 130, RSMo, and that the commission may seek judicial enforcement of its decision pursuant to  
80 subsection 5 of this section; and

81 (3) File the report with the executive director to be maintained as a public document; or

82 (4) Issue a letter of concern or letter of reprimand to the person, which would be  
83 maintained as a public document; or

84 (5) Issue a letter that no further action shall be taken, which would be maintained as a  
85 public document; or

86 (6) Through reconciliation agreements or civil action, the power to seek fees for  
87 violations in an amount not greater than one thousand dollars or double the amount involved in  
88 the violation.

89 5. Upon vote of at least four members, the commission may initiate formal judicial

90 proceedings seeking to obtain any of the following orders:

91 (1) Cease and desist violation of any provision of sections 105.450 to 105.496, or chapter  
92 130, RSMo, or sections 105.955 to 105.963;

93 (2) Pay any civil penalties required by sections 105.450 to 105.496 or chapter 130,  
94 RSMo;

95 (3) File any reports, statements, or other documents or information required by sections  
96 105.450 to 105.496, or chapter 130, RSMo; or

97 (4) Pay restitution for any unjust enrichment the violator obtained as a result of any  
98 violation of any criminal statute as described in subsection 6 of this section.

99

100 The Missouri ethics commission shall give actual notice to the subject of the complaint of the  
101 proposed action as set out in this section. The subject of the complaint may appeal the action of  
102 the Missouri ethics commission, other than a referral for criminal prosecution, to the  
103 administrative hearing commission. Such appeal shall stay the action of the Missouri ethics  
104 commission. Such appeal shall be filed no later than fourteen days after the subject of the  
105 commission's actions receives actual notice of the commission's actions.

106 6. In the proceeding in circuit court, the commission may seek restitution against any  
107 person who has obtained unjust enrichment as a result of violation of any provision of sections  
108 105.450 to 105.496, or chapter 130, RSMo, and may recover on behalf of the state or political  
109 subdivision with which the alleged violator is associated, damages in the amount of any unjust  
110 enrichment obtained and costs and attorney's fees as ordered by the court.

111 7. The appropriate disciplinary authority to whom a report shall be sent pursuant to  
112 subsection 2 or 3 of this section shall include, but not be limited to, the following:

113 (1) In the case of a member of the general assembly, the ethics committee of the house  
114 of which the subject of the report is a member;

115 (2) In the case of a person holding an elective office or an appointive office of the state,  
116 if the alleged violation is an impeachable offense, the report shall be referred to the ethics  
117 committee of the house of representatives;

118 (3) In the case of a person holding an elective office of a political subdivision, the report  
119 shall be referred to the governing body of the political subdivision;

120 (4) In the case of any officer or employee of the state or of a political subdivision, the  
121 report shall be referred to the person who has immediate supervisory authority over the  
122 employment by the state or by the political subdivision of the subject of the report;

123 (5) In the case of a judge of a court of law, the report shall be referred to the commission  
124 on retirement, removal and discipline, or if the inquiry involves an employee of the judiciary to  
125 the applicable presiding judge;



(6) In the case of a person holding an appointive office of the state, if the alleged violation is not an impeachable offense, the report shall be referred to the governor;

(7) In the case of a statewide elected official, the report shall be referred to the attorney general;

(8) In a case involving the attorney general, the report shall be referred to the prosecuting attorney of Cole County.

8. The special investigator having a complaint referred to the special investigator by the commission shall have the following powers:

(1) To request and shall be given access to information in the possession of any person or agency which the special investigator deems necessary for the discharge of the special investigator's responsibilities;

(2) To examine the records and documents of any person or agency, unless such examination would violate state or federal law providing for confidentiality;

(3) To administer oaths and affirmations;

(4) Upon refusal by any person to comply with a request for information relevant to an investigation, an investigator may issue a subpoena for any person to appear and give testimony, or for a subpoena duces tecum to produce documentary or other evidence which the investigator deems relevant to a matter under the investigator's inquiry. The subpoenas and subpoenas duces tecum may be enforced by applying to a judge of the circuit court of Cole County or any county where the person or entity that has been subpoenaed resides or may be found, for an order to show cause why the subpoena or subpoena duces tecum should not be enforced. The order and a copy of the application therefor shall be served in the same manner as a summons in a civil action, and if, after hearing, the court determines that the subpoena or subpoena duces tecum should be sustained and enforced, the court shall enforce the subpoena or subpoena duces tecum in the same manner as if it had been issued by the court in a civil action; and

(5) To request from the commission such investigative, clerical or other staff assistance or advancement of other expenses which are necessary and convenient for the proper completion of an investigation. Within the limits of appropriations to the commission, the commission may provide such assistance, whether by contract to obtain such assistance or from staff employed by the commission, or may advance such expenses.

9. (1) Any retired judge may request in writing to have the judge's name removed from the list of special investigators subject to appointment by the commission or may request to disqualify himself or herself from any investigation. Such request shall include the reasons for seeking removal;

(2) By vote of **at least** four members of the commission, the commission may disqualify a judge from a particular investigation or may permanently remove the name of any retired judge

162 from the list of special investigators subject to appointment by the commission.

163       10. Any person who is the subject of any investigation pursuant to this section shall be  
164 entitled to be represented by counsel at any proceeding before the special investigator or the  
165 commission.

166       11. The provisions of sections 105.957, 105.959 and 105.961 are in addition to other  
167 provisions of law under which any remedy or right of appeal or objection is provided for any  
168 person, or any procedure provided for inquiry or investigation concerning any matter. The  
169 provisions of this section shall not be construed to limit or affect any other remedy or right of  
170 appeal or objection.

171       12. No person shall be required to make or file a complaint to the commission as a  
172 prerequisite for exhausting the person's administrative remedies before pursuing any civil cause  
173 of action allowed by law.

174       13. If, in the opinion of the commission, the complaining party was motivated by malice  
175 or reason contrary to the spirit of any law on which such complaint was based, in filing the  
176 complaint without just cause, this finding shall be reported to appropriate law enforcement  
177 authorities. Any person who knowingly files a complaint without just cause, or with malice, is  
178 guilty of a class A misdemeanor.

179       14. A respondent party who prevails in a formal judicial action brought by the  
180 commission shall be awarded those reasonable fees and expenses incurred by that party in the  
181 formal judicial action, unless the court finds that the position of the commission was  
182 substantially justified or that special circumstances make such an award unjust.

183       15. The special investigator and members and staff of the commission shall maintain  
184 confidentiality with respect to all matters concerning a complaint until and if a report is filed with  
185 the commission, with the exception of communications with any person which are necessary to  
186 the investigation. The report filed with the commission resulting from a complaint acted upon  
187 under the provisions of this section shall not contain the name of the complainant or other person  
188 providing information to the investigator, if so requested in writing by the complainant or such  
189 other person. Any person who violates the confidentiality requirements imposed by this section  
190 or subsection 17 of section 105.955 required to be confidential is guilty of a class A  
191 misdemeanor and shall be subject to removal from or termination of employment by the  
192 commission.

193       16. Any judge of the court of appeals or circuit court who ceases to hold such office by  
194 reason of the judge's retirement and who serves as a special investigator pursuant to this section  
195 shall receive annual compensation, salary or retirement for such services at the rates of  
196 compensation provided for senior judges by subsections 1, 2 and 4 of section 476.682, RSMo.  
197 Such retired judges shall by the tenth day of each month following any month in which the judge

198 provided services pursuant to this section certify to the commission and to the state courts  
199 administrator the amount of time engaged in such services by hour or fraction thereof, the dates  
200 thereof, and the expenses incurred and allowable pursuant to this section. The commission shall  
201 then issue a warrant to the state treasurer for the payment of the salary and expenses to the extent,  
202 and within limitations, provided for in this section. The state treasurer upon receipt of such  
203 warrant shall pay the same out of any appropriations made for this purpose on the last day of the  
204 month during which the warrant was received by the state treasurer.

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

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

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

9 (3) "Candidate", an individual who seeks nomination or election to public office. The  
10 term "candidate" includes an elected officeholder who is the subject of a recall election, an  
11 individual who seeks nomination by the individual's political party for election to public office,  
12 an individual standing for retention in an election to an office to which the individual was  
13 previously appointed, an individual who seeks nomination or election whether or not the specific  
14 elective public office to be sought has been finally determined by such individual at the time the  
15 individual meets the conditions described in paragraph (a) or (b) of this subdivision, and an  
16 individual who is a "write-in candidate" as defined in subdivision (28) of this section. A  
17 candidate shall be deemed to seek nomination or election when the person first:

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

20 (b) Knows or has reason to know that contributions are being received or expenditures  
21 are being made or space or facilities are being reserved with the intent to promote the person's  
22 candidacy for office; except that, such individual shall not be deemed a candidate if the person  
23 files a statement with the appropriate officer within five days after learning of the receipt of  
24 contributions, the making of expenditures, or the reservation of space or facilities disavowing  
25 the candidacy and stating that the person will not accept nomination or take office if elected;  
26 provided that, if the election at which such individual is supported as a candidate is to take place  
27 within five days after the person's learning of the above-specified activities, the individual shall  
28 file the statement disavowing the candidacy within one day; or

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

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

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

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

37 (7) "Committee", a person or any combination of persons, who accepts contributions or  
38 makes expenditures for the primary or incidental purpose of influencing or attempting to  
39 influence the action of voters for or against the nomination or election to public office of one or  
40 more candidates or the qualification, passage or defeat of any ballot measure or for the purpose  
41 of paying a previously incurred campaign debt or obligation of a candidate or the debts or  
42 obligations of a committee or for the purpose of contributing funds to another committee:

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

44 a. A person or combination of persons, if neither the aggregate of expenditures made nor  
45 the aggregate of contributions received during a calendar year exceeds five hundred dollars and  
46 if no single contributor has contributed more than two hundred [fifty] **seventy-five** dollars of  
47 such aggregate contributions;

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

50 c. A corporation, cooperative association, partnership, proprietorship, or joint venture  
51 organized or operated for a primary or principal purpose other than that of influencing or  
52 attempting to influence the action of voters for or against the nomination or election to public  
53 office of one or more candidates or the qualification, passage or defeat of any ballot measure, and  
54 it accepts no contributions, and all expenditures it makes are from its own funds or property  
55 obtained in the usual course of business or in any commercial or other transaction and which are  
56 not contributions as defined by subdivision (12) of this section;

57 d. A labor organization organized or operated for a primary or principal purpose other  
58 than that of influencing or attempting to influence the action of voters for or against the  
59 nomination or election to public office of one or more candidates, or the qualification, passage,  
60 or defeat of any ballot measure, and it accepts no contributions, and expenditures made by the  
61 organization are from its own funds or property received from membership dues or membership  
62 fees which were given or solicited for the purpose of supporting the normal and usual activities  
63 and functions of the organization and which are not contributions as defined by subdivision (12)  
64 of this section;

65 e. A person who acts as an authorized agent for a committee in soliciting or receiving

66 contributions or in making expenditures or incurring indebtedness on behalf of the committee  
67 if such person renders to the committee treasurer or deputy treasurer or candidate, if applicable,  
68 an accurate account of each receipt or other transaction in the detail required by the treasurer to  
69 comply with all record keeping and reporting requirements of this chapter;

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

72 (b) The term "committee" includes, but is not limited to, each of the following  
73 committees: campaign committee, candidate committee, continuing committee and political  
74 party committee;

75 (8) "Campaign committee", a committee, other than a candidate committee, which shall  
76 be formed by an individual or group of individuals to receive contributions or make expenditures  
77 and whose sole purpose is to support or oppose the qualification and passage of one or more  
78 particular ballot measures in an election or the retention of judges under the nonpartisan court  
79 plan, such committee shall be formed no later than thirty days prior to the election for which the  
80 committee receives contributions or makes expenditures, and which shall terminate the later of  
81 either thirty days after the general election or upon the satisfaction of all committee debt after the  
82 general election, except that no committee retiring debt shall engage in any other activities in  
83 support of a measure for which the committee was formed;

84 (9) "Candidate committee", a committee which shall be formed by a candidate to receive  
85 contributions or make expenditures in behalf of the person's candidacy and which shall continue  
86 in existence for use by an elected candidate or which shall terminate the later of either thirty days  
87 after the general election for a candidate who was not elected or upon the satisfaction of all  
88 committee debt after the election, except that no committee retiring debt shall engage in any  
89 other activities in support of the candidate for which the committee was formed. Any candidate  
90 for elective office shall have only one candidate committee for the elective office sought, which  
91 is controlled directly by the candidate for the purpose of making expenditures. A candidate  
92 committee is presumed to be under the control and direction of the candidate unless the candidate  
93 files an affidavit with the appropriate officer stating that the committee is acting without control  
94 or direction on the candidate's part;

95 (10) "Continuing committee", a committee of continuing existence which is not formed,  
96 controlled or directed by a candidate, and is a committee other than a candidate committee or  
97 campaign committee, whose primary or incidental purpose is to receive contributions or make  
98 expenditures to influence or attempt to influence the action of voters whether or not a particular  
99 candidate or candidates or a particular ballot measure or measures to be supported or opposed  
100 has been determined at the time the committee is required to file any statement or report pursuant  
101 to the provisions of this chapter. "Continuing committee" includes, but is not limited to, any

102 committee organized or sponsored by a business entity, a labor organization, a professional  
103 association, a trade or business association, a club or other organization and whose primary  
104 purpose is to solicit, accept and use contributions from the members, employees or stockholders  
105 of such entity and any individual or group of individuals who accept and use contributions to  
106 influence or attempt to influence the action of voters. Such committee shall be formed no later  
107 than thirty days prior to the election for which the committee receives contributions or makes  
108 expenditures;

109 (11) "Connected organization", any organization such as a corporation, a labor  
110 organization, a membership organization, a cooperative, or trade or professional association  
111 which expends funds or provides services or facilities to establish, administer or maintain a  
112 committee or to solicit contributions to a committee from its members, officers, directors,  
113 employees or security holders. An organization shall be deemed to be the connected organization  
114 if more than fifty percent of the persons making contributions to the committee during the current  
115 calendar year are members, officers, directors, employees or security holders of such organization  
116 or their spouses;

117 (12) "Contribution", a payment, gift, loan, advance, deposit, or donation of money or  
118 anything of value for the purpose of supporting or opposing the nomination or election of any  
119 candidate for public office or the qualification, passage or defeat of any ballot measure, or for  
120 the support of any committee supporting or opposing candidates or ballot measures or for paying  
121 debts or obligations of any candidate or committee previously incurred for the above purposes.  
122 A contribution of anything of value shall be deemed to have a money value equivalent to the fair  
123 market value. "Contribution" includes, but is not limited to:

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

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

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

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

133 (e) Any loan, guarantee of a loan, cancellation or forgiveness of a loan or debt or other  
134 obligation by a third party, or payment of a loan or debt or other obligation by a third party if the  
135 loan or debt or other obligation was contracted, used, or intended, in whole or in part, for use in  
136 an election campaign or used or intended for the payment of such debts or obligations of a  
137 candidate or committee previously incurred, or which was made or received by a committee;

138 (f) Funds received by a committee which are transferred to such committee from another  
139 committee or other source, except funds received by a candidate committee as a transfer of funds  
140 from another candidate committee controlled by the same candidate but such transfer shall be  
141 included in the disclosure reports;

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

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

149 (i) "Contribution" does not include:

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

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

158 c. Interest earned on deposit of committee funds;

159 d. The costs incurred by any connected organization listed pursuant to subdivision (4)  
160 of subsection 5 of section 130.021 for establishing, administering or maintaining a committee,  
161 or for the solicitation of contributions to a committee which solicitation is solely directed or  
162 related to the members, officers, directors, employees or security holders of the connected  
163 organization;

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

165 (14) "Disclosure report", an itemized report of receipts, expenditures and incurred  
166 indebtedness which is prepared on forms approved by the Missouri ethics commission and filed  
167 at the times and places prescribed;

168 (15) "Election", any primary, general or special election held to nominate or elect an  
169 individual to public office, to retain or recall an elected officeholder or to submit a ballot measure  
170 to the voters, and any caucus or other meeting of a political party or a political party committee  
171 at which that party's candidate or candidates for public office are officially selected. A primary  
172 election and the succeeding general election shall be considered separate elections;

173 (16) "Expenditure", a payment, advance, conveyance, deposit, donation or contribution

174 of money or anything of value for the purpose of supporting or opposing the nomination or  
175 election of any candidate for public office or the qualification or passage of any ballot measure  
176 or for the support of any committee which in turn supports or opposes any candidate or ballot  
177 measure or for the purpose of paying a previously incurred campaign debt or obligation of a  
178 candidate or the debts or obligations of a committee; a payment, or an agreement or promise to  
179 pay, money or anything of value, including a candidate's own money or property, for the purchase  
180 of goods, services, property, facilities or anything of value for the purpose of supporting or  
181 opposing the nomination or election of any candidate for public office or the qualification or  
182 passage of any ballot measure or for the support of any committee which in turn supports or  
183 opposes any candidate or ballot measure or for the purpose of paying a previously incurred  
184 campaign debt or obligation of a candidate or the debts or obligations of a committee. An  
185 expenditure of anything of value shall be deemed to have a money value equivalent to the fair  
186 market value. "Expenditure" includes, but is not limited to:

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

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

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

193 (d) The direct or indirect payment by any person, other than a connected organization for  
194 a committee, of the costs of establishing, administering or maintaining a committee, including  
195 legal, accounting and computer services, fund raising and solicitation of contributions for a  
196 committee; but

197 (e) "Expenditure" does not include:

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

201 b. The internal dissemination by any membership organization, proprietorship, labor  
202 organization, corporation, association or other entity of information advocating the election or  
203 defeat of a candidate or candidates or the passage or defeat of a ballot measure or measures to  
204 its directors, officers, members, employees or security holders, provided that the cost incurred  
205 is reported pursuant to [subsection 2] of section [130.051] **130.048**;

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

207 d. The rendering of voluntary personal services by an individual of the sort commonly  
208 performed by volunteer campaign workers and the payment by such individual of the individual's  
209 necessary and ordinary personal expenses incidental to such volunteer activity, provided no



210 compensation is, directly or indirectly, asked or given;

211 e. The costs incurred by any connected organization listed pursuant to subdivision (4)  
212 of subsection 5 of section 130.021 for establishing, administering or maintaining a committee,  
213 or for the solicitation of contributions to a committee which solicitation is solely directed or  
214 related to the members, officers, directors, employees or security holders of the connected  
215 organization;

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

219 (17) "Exploratory committees", a committee which shall be formed by an individual to  
220 receive contributions and make expenditures on behalf of this individual in determining whether  
221 or not the individual seeks elective office.

222 Such committee shall terminate no later than December thirty-first of the year prior to the  
223 general election for the possible office;

224 (18) "Fund-raising event", an event such as a dinner, luncheon, reception, coffee,  
225 testimonial, rally, auction or similar affair through which contributions are solicited or received  
226 by such means as the purchase of tickets, payment of attendance fees, donations for prizes or  
227 through the purchase of goods, services or political merchandise;

228 (19) "In-kind contribution" or "in-kind expenditure", a contribution or expenditure in a  
229 form other than money;

230 (20) "Labor organization", any organization of any kind, or any agency or employee  
231 representation committee or plan, in which employees participate and which exists for the  
232 purpose, in whole or in part, of dealing with employers concerning grievances, labor disputes,  
233 wages, rates of pay, hours of employment, or conditions of work;

234 (21) "Loan", a transfer of money, property or anything of ascertainable monetary value  
235 in exchange for an obligation, conditional or not, to repay in whole or in part and which was  
236 contracted, used, or intended for use in an election campaign, or which was made or received by  
237 a committee or which was contracted, used, or intended to pay previously incurred campaign  
238 debts or obligations of a candidate or the debts or obligations of a committee;

239 (22) "Person", an individual, group of individuals, corporation, partnership, committee,  
240 proprietorship, joint venture, any department, agency, board, institution or other entity of the state  
241 or any of its political subdivisions, union, labor organization, trade or professional or business  
242 association, association, political party or any executive committee thereof, or any other club or  
243 organization however constituted or any officer or employee of such entity acting in the person's  
244 official capacity;

245 (23) "Political merchandise", goods such as bumper stickers, pins, hats, ties, jewelry,

246 literature, or other items sold or distributed at a fund-raising event or to the general public for  
247 publicity or for the purpose of raising funds to be used in supporting or opposing a candidate for  
248 nomination or election or in supporting or opposing the qualification, passage or defeat of a  
249 ballot measure;

250 (24) "Political party", a political party which has the right under law to have the names  
251 of its candidates listed on the ballot in a general election;

252 (25) "Political party committee", a state, district, county, city, or area committee of a  
253 political party, as defined in section 115.603, RSMo, which may be organized as a not-for-profit  
254 corporation under Missouri law, and which committee is of continuing existence, and has the  
255 primary or incidental purpose of receiving contributions and making expenditures to influence  
256 or attempt to influence the action of voters on behalf of the political party;

257 (26) "Public office" or "office", any state, judicial, county, municipal, school or other  
258 district, ward, township, or other political subdivision office or any political party office which  
259 is filled by a vote of registered voters;

260 (27) "Regular session", includes that period beginning on the first Wednesday after the  
261 first Monday in January and ending following the first Friday after the second Monday in May;

262 (28) "Write-in candidate", an individual whose name is not printed on the ballot but who  
263 otherwise meets the definition of "candidate" in subdivision (3) of this section.

130.016. 1. No candidate for statewide elected office, general assembly, judicial office  
2 other than municipal judge, or municipal office in a city with a population of more than one  
3 hundred thousand shall be required to comply with the requirements to file a statement of  
4 organization or disclosure reports of contributions and expenditures for any election in which  
5 neither the aggregate of contributions received nor the aggregate of expenditures made on behalf  
6 of such candidate exceeds five hundred dollars and no single contributor, other than the  
7 candidate, has contributed more than two hundred [fifty] **seventy-five** dollars of the aggregate  
8 contributions received, provided that:

9 (1) The candidate files a sworn exemption statement with the appropriate officer that the  
10 candidate does not intend to either receive contributions or make expenditures in the aggregate  
11 of more than five hundred dollars or receive contributions from any single contributor, other than  
12 himself or herself, that aggregate more than two hundred [fifty] **seventy-five** dollars and that the  
13 total of all contributions received or expenditures made by the candidate and all committees or  
14 any other person with his knowledge and consent in support of his candidacy will not exceed five  
15 hundred dollars and that the aggregate of contributions received from any single contributor will  
16 not exceed two hundred [fifty] **seventy-five** dollars. Such exemption statement shall be filed no  
17 later than the date set forth in section 130.046 on which a disclosure report would otherwise be  
18 required if the candidate does not file the exemption statement. The exemption statement shall

19 be filed on a form furnished to each appropriate officer by the executive director of the Missouri  
20 ethics commission. Each appropriate officer shall make the exemption statement available to  
21 candidates and shall direct each candidate's attention to the exemption statement and explain its  
22 purpose to the candidate; and

23 (2) The sworn exemption statement includes a statement that the candidate understands  
24 that records of contributions and expenditures must be maintained from the time the candidate  
25 first receives contributions or makes expenditures and that an exemption from filing a statement  
26 of organization or disclosure reports does not exempt the candidate from other provisions of this  
27 chapter. Each candidate described in subsection 1 of this section, who files a statement of  
28 exemption, shall file a statement of limited activity for each reporting period, described in section  
29 130.046.

30 2. Any candidate who has filed an exemption statement as provided in subsection 1 of  
31 this section shall not accept any contribution or make any expenditure in support of the person's  
32 candidacy, either directly or indirectly or by or through any committee or any other person acting  
33 with the candidate's knowledge and consent, which would cause such contributions or  
34 expenditures to exceed the limits specified in subdivision (1) of subsection 1 of this section  
35 unless the candidate later rejects the exemption pursuant to the provisions of subsection 3 of this  
36 section. Any contribution received in excess of such limits shall be returned to the donor or  
37 transmitted to the state treasurer to escheat to the state.

38 3. If, after filing the exemption statement provided for in this section, the candidate  
39 subsequently determines the candidate wishes to exceed any of the limits in subdivision (1) of  
40 subsection 1 of this section, the candidate shall file a notice of rejection of the exemption with  
41 the appropriate officer; however, such rejection shall not be filed later than thirty days before  
42 election. A notice of rejection of exemption shall be accompanied by a statement of organization  
43 as required by section 130.021 and any other statements and reports which would have been  
44 required if the candidate had not filed an exemption statement.

45 4. A primary election and the immediately succeeding general election are separate  
46 elections, and restrictions on contributions and expenditures set forth in subsection 2 of this  
47 section shall apply to each election; however, if a successful primary candidate has correctly filed  
48 an exemption statement prior to the primary election and has not filed a notice of rejection prior  
49 to the date on which the first disclosure report applicable to the succeeding general election is  
50 required to be filed, the candidate shall not be required to file an exemption statement for that  
51 general election if the limitations set forth in subsection 1 of this section apply to the succeeding  
52 general election.

53 5. A candidate who has an existing candidate committee formed for a prior election for  
54 which all statements and reports required by this chapter have been properly filed shall be

55 eligible to file the exemption statement as provided in subsection 1 of this section and shall not  
56 be required to file the disclosure reports pertaining to the election for which the candidate is  
57 eligible to file the exemption statement if the candidate and the treasurer or deputy treasurer of  
58 such existing candidate committee continue to comply with the requirements, limitations and  
59 restrictions set forth in subsections 1, 2, 3 and 4 of this section. The exemption permitted by this  
60 subsection does not exempt a candidate or the treasurer of the candidate's existing candidate  
61 committee from complying with the requirements of subsections 6 and 7 of section 130.046  
62 applicable to a prior election.

63         6. No nonpartisan candidate for supreme court, circuit court, or associate circuit court,  
64 or candidate for political party office, or for county office or municipal office in a city of one  
65 hundred thousand or less, or for any special purpose district office shall be required to file an  
66 exemption statement pursuant to this section in order to be exempted from forming a committee  
67 and filing disclosure reports required of committees pursuant to this chapter if the aggregate of  
68 contributions received or expenditures made by the candidate and any other person with the  
69 candidate's knowledge and consent in support of the person's candidacy does not exceed one  
70 thousand dollars and the aggregate of contributions from any single contributor does not exceed  
71 two hundred [fifty] **seventy-five** dollars. No candidate for any office listed in this subsection  
72 shall be excused from complying with the provisions of any section of this chapter, other than  
73 the filing of an exemption statement under the conditions specified in this subsection.

74         7. If any candidate for an office listed in subsection 6 of this section exceeds the limits  
75 specified in subsection 6 of this section, the candidate shall form a committee no later than thirty  
76 days prior to the election for which the contributions were received or expended which shall  
77 comply with all provisions of this chapter for committees.

130.021. 1. Every committee shall have a treasurer who, except as provided in  
2 subsection 10 of this section, shall be a resident of this state. A committee may also have a  
3 deputy treasurer who, except as provided in subsection 10 of this section, shall be a resident of  
4 this state, to serve in the capacity of committee treasurer in the event the committee treasurer is  
5 unable for any reason to perform the treasurer's duties.

6         2. Every candidate for offices listed in subsection 1 of section 130.016 who has not filed  
7 a statement of exemption pursuant to that subsection and every candidate for offices listed in  
8 subsection 6 of section 130.016 who is not excluded from filing a statement of organization and  
9 disclosure reports pursuant to subsection 6 shall form a candidate committee and appoint a  
10 treasurer. Thereafter, all contributions on hand and all further contributions received by such  
11 candidate and any of the candidate's own funds to be used in support of the person's candidacy  
12 shall be deposited in a candidate committee depository account established pursuant to the  
13 provisions of subsection 4 of this section, and all expenditures shall be made through the

14 candidate, treasurer or deputy treasurer of the person's candidate committee. Nothing in this  
15 chapter shall prevent a candidate from appointing himself or herself as a committee of one and  
16 serving as the person's own treasurer, maintaining the candidate's own records and filing all the  
17 reports and statements required to be filed by the treasurer of a candidate committee.

18         3. A candidate who has more than one candidate committee supporting the person's  
19 candidacy shall designate one of those candidate committees as the committee responsible for  
20 consolidating the aggregate contributions to all such committees under the candidate's control  
21 and direction as required by section 130.041.

22         4. (1) Every committee shall have a single official fund depository within this state  
23 which shall be a federally or state-chartered bank, a federally or state-chartered savings and loan  
24 association, or a federally or state-chartered credit union in which the committee shall open and  
25 thereafter maintain at least one official depository account in its own name. An "official  
26 depository account" shall be a checking account or some type of negotiable draft or negotiable  
27 order of withdrawal account, and the official fund depository shall, regarding an official  
28 depository account, be a type of financial institution which provides a record of deposits,  
29 canceled checks or other canceled instruments of withdrawal evidencing each transaction by  
30 maintaining copies within this state of such instruments and other transactions. All contributions  
31 which the committee receives in money, checks and other negotiable instruments shall be  
32 deposited in a committee's official depository account. Contributions shall not be accepted and  
33 expenditures shall not be made by a committee except by or through an official depository  
34 account and the committee treasurer, deputy treasurer or candidate. Contributions received by  
35 a committee shall not be commingled with any funds of an agent of the committee, a candidate  
36 or any other person, except that contributions from a candidate of the candidate's own funds to  
37 the person's candidate committee shall be deposited to an official depository account of the  
38 person's candidate committee. No expenditure shall be made by a committee when the office of  
39 committee treasurer is vacant except that when the office of a candidate committee treasurer is  
40 vacant, the candidate shall be the treasurer until the candidate appoints a new treasurer.

41         (2) A committee treasurer, deputy treasurer or candidate may withdraw funds from a  
42 committee's official depository account and deposit such funds in one or more savings accounts  
43 in the committee's name in any bank, savings and loan association or credit union within this  
44 state, and may also withdraw funds from an official depository account for investment in the  
45 committee's name in any certificate of deposit, bond or security. Proceeds from interest or  
46 dividends from a savings account or other investment or proceeds from withdrawals from a  
47 savings account or from the sale of an investment shall not be expended or reinvested, except in  
48 the case of renewals of certificates of deposit, without first redepositing such proceeds in an  
49 official depository account. Investments, other than savings accounts, held outside the

50 committee's official depository account at any time during a reporting period shall be disclosed  
51 by description, amount, any identifying numbers and the name and address of any institution or  
52 person in which or through which it is held in an attachment to disclosure reports the committee  
53 is required to file. Proceeds from an investment such as interest or dividends or proceeds from  
54 its sale, shall be reported by date and amount. In the case of the sale of an investment, the names  
55 and addresses of the persons involved in the transaction shall also be stated. Funds held in  
56 savings accounts and investments, including interest earned, shall be included in the report of  
57 money on hand as required by section 130.041.

58         5. The treasurer or deputy treasurer acting on behalf of any person or organization or  
59 group of persons which is a committee by virtue of the definitions of "committee" in section  
60 130.011 and any candidate who is not excluded from forming a committee in accordance with  
61 the provisions of section 130.016 shall file a statement of organization with the appropriate  
62 officer within twenty days after the person or organization becomes a committee but no later than  
63 [the date for filing the first report required pursuant to the provisions of section 130.046] **thirty**  
64 **days prior to the election for which the committee accepts contributions or makes**  
65 **expenditures.** The statement of organization shall contain the following information:

66         (1) The name, mailing address and telephone number, if any, of the committee filing the  
67 statement of organization. If the committee is deemed to be affiliated with a connected  
68 organization as provided in subdivision (11) of section 130.011, the name of the connected  
69 organization, or a legally registered fictitious name which reasonably identifies the connected  
70 organization, shall appear in the name of the committee. If the committee is a candidate  
71 committee, the name of the candidate shall be a part of the committee's name;

72         (2) The name, mailing address and telephone number of the candidate;

73         (3) The name, mailing address and telephone number of the committee treasurer, and the  
74 name, mailing address and telephone number of its deputy treasurer if the committee has named  
75 a deputy treasurer;

76         (4) The names, mailing addresses and titles of its officers, if any;

77         (5) The name and mailing address of any connected organizations with which the  
78 committee is affiliated;

79         (6) The name and mailing address of its depository, and the name and account number  
80 of each account the committee has in the depository;

81         (7) Identification of the major nature of the committee such as a candidate committee,  
82 campaign committee, continuing committee, political party committee, incumbent committee,  
83 or any other committee according to the definition of "committee" in section 130.011;

84         (8) In the case of the candidate committee designated in subsection 3 of this section, the  
85 full name and address of each other candidate committee which is under the control and direction

86 of the same candidate, together with the name, address and telephone number of the treasurer of  
87 each such other committee;

88 (9) The name and office sought of each candidate supported or opposed by the  
89 committee;

90 (10) The ballot measure concerned, if any, and whether the committee is in favor of or  
91 opposed to such measure.

92 6. A committee may omit the information required in subdivisions (9) and (10) of  
93 subsection 5 of this section if, on the date on which it is required to file a statement of  
94 organization, the committee has not yet determined the particular candidates or particular ballot  
95 measures it will support or oppose. Any contribution received over the allowable contribution  
96 limits described in section 130.032 shall be returned to the contributor by the committee within  
97 five business days of the declaration of candidacy or position on a candidate or a particular ballot  
98 measure of the committee.

99 7. A committee which has filed a statement of organization and has not terminated shall  
100 not be required to file another statement of organization, except that when there is a change in  
101 any of the information previously reported as required by subdivisions (1) to (8) of subsection  
102 5 of this section an amended statement of organization shall be filed within twenty days after the  
103 change occurs, but no later than the date of the filing of the next report required to be filed by that  
104 committee by section 130.046.

105 8. Upon termination of a committee, a termination statement indicating dissolution shall  
106 be filed not later than ten days after the date of dissolution with the appropriate officer or officers  
107 with whom the committee's statement of organization was filed. The termination statement shall  
108 include: the distribution made of any remaining surplus funds and the disposition of any deficits;  
109 and the name, mailing address and telephone number of the individual responsible for preserving  
110 the committee's records and accounts as required in section 130.036.

111 9. Any statement required by this section shall be signed and attested by the committee  
112 treasurer or deputy treasurer, and by the candidate in the case of a candidate committee.

113 10. A committee domiciled outside this state shall be required to file a statement of  
114 organization and appoint a treasurer residing in this state and open an account in a depository  
115 within this state; provided that either of the following conditions prevails:

116 (1) The aggregate of all contributions received from persons domiciled in this state  
117 exceeds twenty percent in total dollar amount of all funds received by the committee in the  
118 preceding twelve months; or

119 (2) The aggregate of all contributions and expenditures made to support or oppose  
120 candidates and ballot measures in this state exceeds one thousand five hundred dollars in the  
121 current calendar year.

11. If a committee domiciled in this state receives a contribution of one thousand five hundred dollars or more from any committee domiciled outside of this state, the committee domiciled in this state shall file a disclosure report with the commission. The report shall disclose the full name, mailing address, telephone numbers and domicile of the contributing committee and the date and amount of the contribution. The report shall be filed within forty-eight hours of the receipt of such contribution if the contribution is received after the last reporting date before the election.

130.031. 1. No contribution of cash in an amount of more than one hundred dollars shall be made by or accepted from any single contributor for any election by a continuing committee, a campaign committee, a political party committee, an exploratory committee or a candidate committee.

2. Except for expenditures from a petty cash fund which is established and maintained by withdrawals of funds from the committee's depository account and with records maintained pursuant to the record-keeping requirements of section 130.036 to account for expenditures made from petty cash, each expenditure of more than fifty dollars, except an in-kind expenditure, shall be made by check drawn on the committee's depository and signed by the committee treasurer, deputy treasurer or candidate. A single expenditure from a petty cash fund shall not exceed fifty dollars, and the aggregate of all expenditures from a petty cash fund during a calendar year shall not exceed the lesser of five thousand dollars or ten percent of all expenditures made by the committee during that calendar year. A check made payable to "cash" shall not be made except to replenish a petty cash fund.

3. No contribution shall be made or accepted and no expenditure shall be made or incurred, directly or indirectly, in a fictitious name, in the name of another person, or by or through another person in such a manner as to conceal the identity of the actual source of the contribution or the actual recipient and purpose of the expenditure. Any person who receives contributions for a committee shall disclose to that committee's treasurer, deputy treasurer or candidate the recipient's own name and address and the name and address of the actual source of each contribution such person has received for that committee. Any person who makes expenditures for a committee shall disclose to that committee's treasurer, deputy treasurer or candidate such person's own name and address, the name and address of each person to whom an expenditure has been made and the amount and purpose of the expenditures the person has made for that committee.

4. No anonymous contribution of more than twenty-five dollars shall be made by any person, and no anonymous contribution of more than twenty-five dollars shall be accepted by any candidate or committee. If any anonymous contribution of more than twenty-five dollars is received, it shall be returned immediately to the contributor, if the contributor's identity can be



30 ascertained, and if the contributor's identity cannot be ascertained, the candidate, committee  
31 treasurer or deputy treasurer shall immediately transmit that portion of the contribution which  
32 exceeds twenty-five dollars to the state treasurer and it shall escheat to the state.

33         5. The maximum aggregate amount of anonymous contributions which shall be accepted  
34 in any calendar year by any committee shall be the greater of five hundred dollars or one percent  
35 of the aggregate amount of all contributions received by that committee in the same calendar  
36 year. If any anonymous contribution is received which causes the aggregate total of anonymous  
37 contributions to exceed the foregoing limitation, it shall be returned immediately to the  
38 contributor, if the contributor's identity can be ascertained, and, if the contributor's identity  
39 cannot be ascertained, the committee treasurer, deputy treasurer or candidate shall immediately  
40 transmit the anonymous contribution to the state treasurer to escheat to the state.

41         6. Notwithstanding the provisions of subsection 5 of this section, contributions from  
42 individuals whose names and addresses cannot be ascertained which are received from a  
43 fund-raising activity or event, such as defined in section 130.011, shall not be deemed  
44 anonymous contributions, provided the following conditions are met:

45             (1) There are twenty-five or more contributing participants in the activity or event;

46             (2) The candidate, committee treasurer, deputy treasurer or the person responsible for  
47 conducting the activity or event makes an announcement that it is illegal for anyone to make or  
48 receive a contribution in excess of one hundred dollars unless the contribution is accompanied  
49 by the name and address of the contributor;

50             (3) The person responsible for conducting the activity or event does not knowingly  
51 accept payment from any single person of more than one hundred dollars unless the name and  
52 address of the person making such payment is obtained and recorded pursuant to the  
53 record-keeping requirements of section 130.036;

54             (4) A statement describing the event shall be prepared by the candidate or the treasurer  
55 of the committee for whom the funds were raised or by the person responsible for conducting the  
56 activity or event and attached to the disclosure report of contributions and expenditures required  
57 by section 130.041. The following information to be listed in the statement is in addition to, not  
58 in lieu of, the requirements elsewhere in this chapter relating to the recording and reporting of  
59 contributions and expenditures:

60                 (a) The name and mailing address of the person or persons responsible for conducting  
61 the event or activity and the name and address of the candidate or committee for whom the funds  
62 were raised;

63                 (b) The date on which the event occurred;

64                 (c) The name and address of the location where the event occurred and the approximate  
65 number of participants in the event;

66 (d) A brief description of the type of event and the fund-raising methods used;  
67 (e) The gross receipts from the event and a listing of the expenditures incident to the  
68 event;

69 (f) The total dollar amount of contributions received from the event from participants  
70 whose names and addresses were not obtained with such contributions and an explanation of why  
71 it was not possible to obtain the names and addresses of such participants;

72 (g) The total dollar amount of contributions received from contributing participants in  
73 the event who are identified by name and address in the records required to be maintained  
74 pursuant to section 130.036.

75 7. No candidate or committee in this state shall accept contributions from any  
76 out-of-state committee unless the out-of-state committee from whom the contributions are  
77 received has filed a statement of organization pursuant to section 130.021 or has filed the reports  
78 required by [sections 130.049 and 130.050, whichever is applicable to that committee] **section**  
79 **130.049**.

80 8. Any person publishing, circulating, or distributing any printed matter relative to any  
81 candidate for public office or any ballot measure shall on the face of the printed matter identify  
82 in a clear and conspicuous manner the person who paid for the printed matter with the words  
83 "Paid for by" followed by the proper identification of the sponsor pursuant to this section. For  
84 the purposes of this section, "printed matter" shall be defined to include any pamphlet, circular,  
85 handbill, sample ballot, advertisement, including advertisements in any newspaper or other  
86 periodical, sign, including signs for display on motor vehicles, or other imprinted or lettered  
87 material; but "printed matter" is defined to exclude materials printed and purchased prior to  
88 May 20, 1982, if the candidate or committee can document that delivery took place prior to  
89 May 20, 1982; any sign personally printed and constructed by an individual without  
90 compensation from any other person and displayed at that individual's place of residence or on  
91 that individual's personal motor vehicle; any items of personal use given away or sold, such as  
92 campaign buttons, pins, pens, pencils, book matches, campaign jewelry, or clothing, which is  
93 paid for by a candidate or committee which supports a candidate or supports or opposes a ballot  
94 measure and which is obvious in its identification with a specific candidate or committee and is  
95 reported as required by this chapter; and any news story, commentary, or editorial printed by a  
96 regularly published newspaper or other periodical without charge to a candidate, committee or  
97 any other person.

98 (1) In regard to any printed matter paid for by a candidate from the candidate's personal  
99 funds, it shall be sufficient identification to print the first and last name by which the candidate  
100 is known.

101 (2) In regard to any printed matter paid for by a committee, it shall be sufficient

102 identification to print the name of the committee as required to be registered by subsection 5 of  
103 section 130.021 and the name and title of the committee treasurer who was serving when the  
104 printed matter was paid for.

105 (3) In regard to any printed matter paid for by a corporation or other business entity,  
106 labor organization, or any other organization not defined to be a committee by subdivision (7)  
107 of section 130.011 and not organized especially for influencing one or more elections, it shall be  
108 sufficient identification to print the name of the entity, the name of the principal officer of the  
109 entity, by whatever title known, and the mailing address of the entity, or if the entity has no  
110 mailing address, the mailing address of the principal officer.

111 (4) In regard to any printed matter paid for by an individual or individuals, it shall be  
112 sufficient identification to print the name of the individual or individuals and the respective  
113 mailing address or addresses, except that if more than five individuals join in paying for printed  
114 matter it shall be sufficient identification to print the words "For a list of other sponsors contact:"  
115 followed by the name and address of one such individual responsible for causing the matter to  
116 be printed, and the individual identified shall maintain a record of the names and amounts paid  
117 by other individuals and shall make such record available for review upon the request of any  
118 person. No person shall accept for publication or printing nor shall such work be completed until  
119 the printed matter is properly identified as required by this subsection.

120 9. Any broadcast station transmitting any matter relative to any candidate for public  
121 office or ballot measure as defined by this chapter shall identify the sponsor of such matter as  
122 required by federal law.

123 10. The provisions of subsection 8 or 9 of this section shall not apply to candidates for  
124 elective federal office, provided that persons causing matter to be printed or broadcast concerning  
125 such candidacies shall comply with the requirements of federal law for identification of the  
126 sponsor or sponsors.

127 11. It shall be a violation of this chapter for any person required to be identified as paying  
128 for printed matter pursuant to subsection 8 of this section or paying for broadcast matter pursuant  
129 to subsection 9 of this section to refuse to provide the information required or to purposely  
130 provide false, misleading, or incomplete information.

131 12. It shall be a violation of this chapter for any committee to offer chances to win prizes  
132 or money to persons to encourage such persons to endorse, send election material by mail, deliver  
133 election material in person or contact persons at their homes; except that, the provisions of this  
134 subsection shall not be construed to prohibit hiring and paying a campaign staff.

130.041. 1. Except as provided in subsection 5 of section 130.016, the candidate, if  
2 applicable, treasurer or deputy treasurer of every committee which is required to file a statement  
3 of organization, shall file a legibly printed or typed disclosure report of receipts and expenditures.

4 The reports shall be filed with the appropriate officer designated in section 130.026 at the times  
5 and for the periods prescribed in section 130.046. Except as provided in [sections 130.049 and  
6 130.050] **section 130.049**, each report shall set forth:

7 (1) The full name, as required in the statement of organization pursuant to subsection 5  
8 of section 130.021, and mailing address of the committee filing the report and the full name,  
9 mailing address and telephone number of the committee's treasurer and deputy treasurer if the  
10 committee has named a deputy treasurer;

11 (2) The amount of money, including cash on hand at the beginning of the reporting  
12 period;

13 (3) Receipts for the period, including:

14 (a) Total amount of all monetary contributions received which can be identified in the  
15 committee's records by name and address of each contributor. In addition, the candidate  
16 committee shall make a reasonable effort to obtain and report the employer, or occupation if  
17 self-employed or notation of retirement, of each person from whom the committee received one  
18 or more contributions which in the aggregate total in excess of one hundred dollars and shall  
19 make a reasonable effort to obtain and report a description of any contractual relationship over  
20 five hundred dollars between the contributor and the state if the candidate is seeking election to  
21 a state office or between the contributor and any political subdivision of the state if the candidate  
22 is seeking election to another political subdivision of the state;

23 (b) Total amount of all anonymous contributions accepted;

24 (c) Total amount of all monetary contributions received through fund-raising events or  
25 activities from participants whose names and addresses were not obtained with such  
26 contributions, with an attached statement or copy of the statement describing each fund-raising  
27 event as required in subsection 6 of section 130.031;

28 (d) Total dollar value of all in-kind contributions received;

29 (e) A separate listing by name and address and employer, or occupation if self-employed  
30 or notation of retirement, of each person from whom the committee received contributions, in  
31 money or any other thing of value, aggregating more than one hundred dollars, together with the  
32 date and amount of each such contribution;

33 (f) A listing of each loan received by name and address of the lender and date and  
34 amount of the loan. For each loan of more than one hundred dollars, a separate statement shall  
35 be attached setting forth the name and address of the lender and each person liable directly,  
36 indirectly or contingently, and the date, amount and terms of the loan;

37 (4) Expenditures for the period, including:

38 (a) The total dollar amount of expenditures made by check drawn on the committee's  
39 depository;

- 40 (b) The total dollar amount of expenditures made in cash;
- 41 (c) The total dollar value of all in-kind expenditures made;
- 42 (d) The full name and mailing address of each person to whom an expenditure of money
- 43 or any other thing of value in the amount of more than one hundred dollars has been made,
- 44 contracted for or incurred, together with the date, amount and purpose of each expenditure.
- 45 Expenditures of one hundred dollars or less may be grouped and listed by categories of
- 46 expenditure showing the total dollar amount of expenditures in each category, except that the
- 47 report shall contain an itemized listing of each payment made to campaign workers by name,
- 48 address, date, amount and purpose of each payment and the aggregate amount paid to each such
- 49 worker;
- 50 (e) A list of each loan made, by name and mailing address of the person receiving the
- 51 loan, together with the amount, terms and date;
- 52 (5) The total amount of cash on hand as of the closing date of the reporting period
- 53 covered, including amounts in depository accounts and in petty cash fund;
- 54 (6) The total amount of outstanding indebtedness as of the closing date of the reporting
- 55 period covered;
- 56 (7) The amount of expenditures for or against a candidate or ballot measure during the
- 57 period covered and the cumulative amount of expenditures for or against that candidate or ballot
- 58 measure, with each candidate being listed by name, mailing address and office sought. For the
- 59 purpose of disclosure reports, expenditures made in support of more than one candidate or ballot
- 60 measure or both shall be apportioned reasonably among the candidates or ballot measure or both.
- 61 In apportioning expenditures to each candidate or ballot measure, political party committees and
- 62 continuing committees need not include expenditures for maintaining a permanent office, such
- 63 as expenditures for salaries of regular staff, office facilities and equipment or other expenditures
- 64 not designed to support or oppose any particular candidates or ballot measures; however, all such
- 65 expenditures shall be listed pursuant to subdivision (4) of this subsection;
- 66 (8) A separate listing by full name and address of any committee including a candidate
- 67 committee controlled by the same candidate for which a transfer of funds or a contribution in any
- 68 amount has been made during the reporting period, together with the date and amount of each
- 69 such transfer or contribution;
- 70 (9) A separate listing by full name and address of any committee, including a candidate
- 71 committee controlled by the same candidate from which a transfer of funds or a contribution in
- 72 any amount has been received during the reporting period, together with the date and amount of
- 73 each such transfer or contribution;
- 74 (10) Each committee that receives a contribution which is restricted or designated in
- 75 whole or in part by the contributor for transfer to a particular candidate, committee or other

76 person shall include a statement of the name and address of that contributor in the next disclosure  
77 report required to be filed after receipt of such contribution, together with the date and amount  
78 of any such contribution which was so restricted or designated by that contributor, together with  
79 the name of the particular candidate or committee to whom such contribution was so designated  
80 or restricted by that contributor and the date and amount of such contribution.

81         2. For the purpose of this section and any other section in this chapter except [sections  
82 130.049 and 130.050] **section 130.049** which requires a listing of each contributor who has  
83 contributed a specified amount, the aggregate amount shall be computed by adding all  
84 contributions received from any one person during the following periods:

85         (1) In the case of a candidate committee, the period shall begin on the date on which the  
86 candidate became a candidate according to the definition of the term "candidate" in section  
87 130.011 and end at 11:59 p.m. on the day of the primary election, if the candidate has such an  
88 election or at 11:59 p.m. on the day of the general election. If the candidate has a general  
89 election held after a primary election, the next aggregating period shall begin at 12:00 midnight  
90 on the day after the primary election day and shall close at 11:59 p.m. on the day of the general  
91 election. Except that for contributions received during the thirty-day period immediately  
92 following a primary election, the candidate shall designate whether such contribution is received  
93 as a primary election contribution or a general election contribution;

94         (2) In the case of a campaign committee, the period shall begin on the date the committee  
95 received its first contribution and end on the closing date for the period for which the report or  
96 statement is required;

97         (3) In the case of a political party committee or a continuing committee, the period shall  
98 begin on the first day of January of the year in which the report or statement is being filed and  
99 end on the closing date for the period for which the report or statement is required; except, if the  
100 report or statement is required to be filed prior to the first day of July in any given year, the  
101 period shall begin on the first day of July of the preceding year.

102         3. The disclosure report shall be signed and attested by the committee treasurer or deputy  
103 treasurer and by the candidate in case of a candidate committee.

104         4. The words "consulting or consulting services, fees, or expenses", or similar words,  
105 shall not be used to describe the purpose of a payment as required in this section. The reporting  
106 of any payment to such an independent contractor shall be on a form supplied by the appropriate  
107 officer, established by the ethics commission and shall include identification of the specific  
108 service or services provided including, but not limited to, public opinion polling, research on  
109 issues or opposition background, print or broadcast media production, print or broadcast media  
110 purchase, computer programming or data entry, direct mail production, postage, rent, utilities,  
111 phone solicitation, or fund raising, and the dollar amount prorated for each service.

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

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

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

13 (3) Not later than the fifteenth day following the close of each calendar quarter.  
14

15 Notwithstanding the provisions of this subsection, if any committee accepts contributions or  
16 makes expenditures in support of or in opposition to a ballot measure or a candidate, and the  
17 report required by this subsection for the most recent calendar quarter is filed prior to the fortieth  
18 day before the election on the measure or candidate, the committee shall file an additional  
19 disclosure report not later than the fortieth day before the election for the period closing on the  
20 forty-fifth day before the election.

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

24 (1) In addition to the disclosure reports required to be filed pursuant to subsection 1 of  
25 this section the treasurer of a committee, other than a continuing committee, supporting or  
26 opposing a petition effort to qualify a measure to appear on the ballot or to remove an incumbent  
27 from office shall file an initial disclosure report fifteen days after the committee begins the  
28 process of raising or spending money. After such initial report, the committee shall file quarterly  
29 disclosure reports as required by subdivision (3) of subsection 1 of this section until such time  
30 as the reports required by subdivisions (1) and (2) of subsection 1 of this section are to be filed.  
31 In addition the committee shall file a second disclosure report no later than the fifteenth day after  
32 the deadline date for submitting such petition. The period covered in the initial report shall begin  
33 on the day the committee first accepted contributions or made expenditures to support or oppose  
34 the petition effort for qualification of the measure and shall close on the fifth day prior to the date  
35 of the report;

36 (2) If the measure has qualified to be on the ballot in an election and if a committee

37 subject to the requirements of subdivision (1) of this subsection is also required to file a  
38 preelection disclosure report for such election any time within thirty days after the date on which  
39 disclosure reports are required to be filed in accordance with subdivision (1) of this subsection,  
40 the treasurer of such committee shall not be required to file the report required by subdivision  
41 (1) of this subsection, but shall include in the committee's preelection report all information  
42 which would otherwise have been required by subdivision (1) of this subsection.

43         3. The candidate, if applicable, treasurer or deputy treasurer of a committee shall file  
44 disclosure reports pursuant to this section, except for any calendar quarter in which the  
45 contributions received by the committee or the expenditures or contributions made by the  
46 committee do not exceed five hundred dollars. The reporting dates and periods covered for such  
47 quarterly reports shall not be later than the fifteenth day of January, April, July and October for  
48 periods closing on the thirty-first day of December, the thirty-first day of March, the thirtieth day  
49 of June and the thirtieth day of September. No candidate, treasurer or deputy treasurer shall be  
50 required to file the quarterly disclosure report required not later than the fifteenth day of any  
51 January immediately following a November election, provided that such candidate, treasurer or  
52 deputy treasurer shall file the information required on such quarterly report on the quarterly  
53 report to be filed not later than the fifteenth day of April immediately following such November  
54 election. Each report by such committee shall be cumulative from the date of the last report. In  
55 the case of the continuing committee's first report, the report shall be cumulative from the date  
56 of the continuing committee's organization. Every candidate, treasurer or deputy treasurer shall  
57 file, at a minimum, the campaign disclosure reports covering the quarter immediately preceding  
58 the date of the election and those required by subdivisions (1) and (2) of subsection 1 of this  
59 section. A continuing committee shall submit additional reports if it makes aggregate  
60 expenditures, other than contributions to a committee, of five hundred dollars or more, within  
61 the reporting period at the following times for the following periods:

62         (1) Not later than the [seventh] **eighth** day before an election for the period closing on  
63 the twelfth day before the election;

64         (2) Not later than forty-eight hours after aggregate expenditures of five hundred dollars  
65 or more are made after the twelfth day before the election; and

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

68         4. The reports required to be filed no later than the thirtieth day after an election and any  
69 subsequently required report shall be cumulative so as to reflect the total receipts and  
70 disbursements of the reporting committee for the entire election campaign in question. The  
71 period covered by each disclosure report shall begin on the day after the closing date of the most  
72 recent disclosure report filed and end on the closing date for the period covered. If the committee



73 has not previously filed a disclosure report, the period covered begins on the date the committee  
74 was formed; except that in the case of a candidate committee, the period covered begins on the  
75 date the candidate became a candidate according to the definition of the term candidate in section  
76 130.011.

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

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

81 (a) If there are less than fifty days between a primary election and the immediately  
82 succeeding general election, the disclosure report required to be filed quarterly; provided that,  
83 any other report required to be filed prior to the primary election and all other reports required  
84 to be filed not later than the [seventh] **eighth** day before the general election are filed no later  
85 than the final dates for filing such reports;

86 (b) If there are less than eighty-five days between a primary election and the immediately  
87 succeeding general election, the disclosure report required to be filed not later than the thirtieth  
88 day after the primary election need not be filed; provided that any report required to be filed prior  
89 to the primary election and any other report required to be filed prior to the general election are  
90 filed no later than the final dates for filing such reports; and

91 (2) No disclosure report needs to be filed for any reporting period if during that reporting  
92 period the committee has neither received contributions aggregating more than five hundred  
93 dollars nor made expenditure aggregating more than five hundred dollars and has not received  
94 contributions aggregating more than two hundred [fifty] **seventy-five** dollars from any single  
95 contributor **and if the committee's treasurer files a statement with the appropriate officer**  
96 **that the committee has not exceeded the identified thresholds in the reporting period.** Any  
97 contributions received or expenditures made which are not reported because [of] this statement  
98 is filed in lieu of a disclosure report shall be included in the next disclosure report filed by the  
99 committee. [A] **This** report shall **not** be filed [for] **in lieu of** two or more consecutive disclosure  
100 [quarters] **periods** if either the contributions received or expenditures made in the aggregate  
101 during those reporting periods exceed five hundred dollars [and a report]. **This statement** shall  
102 **not be filed in lieu of the report** not later than the thirtieth day after an election if that report  
103 would show a deficit of more than one thousand dollars.

104 6. (1) If the disclosure report required to be filed by a committee not later than the  
105 thirtieth day after an election shows a deficit of unpaid loans and other outstanding obligations  
106 in excess of five thousand dollars, semiannual supplemental disclosure reports shall be filed with  
107 the appropriate officer for each succeeding semiannual period until the deficit is reported in a  
108 disclosure report as being reduced to five thousand dollars or less; except that, a supplemental

109 semiannual report shall not be required for any semiannual period which includes the closing  
110 date for the reporting period covered in any regular disclosure report which the committee is  
111 required to file in connection with an election. The reporting dates and periods covered for  
112 semiannual reports shall be not later than the fifteenth day of January and July for periods closing  
113 on the thirty-first day of December and the thirtieth day of June;

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

118 7. In the case of a committee which disbands and is required to file a termination  
119 statement pursuant to the provisions of section 130.021 with the appropriate officer not later than  
120 the tenth day after the committee was dissolved, the candidate, committee treasurer or deputy  
121 treasurer shall attach to the termination statement a complete disclosure report for the period  
122 closing on the date of dissolution. A committee shall not utilize the provisions of subsection 8  
123 of section 130.021 or the provisions of this subsection to circumvent or otherwise avoid the  
124 reporting requirements of subsection 6 or 7 of this section.

125 8. Disclosure reports shall be filed with the appropriate officer not later than 5:00 p.m.  
126 prevailing local time of the day designated for the filing of the report and a report postmarked  
127 not later than midnight of the day previous to the day designated for filing the report shall be  
128 deemed to have been filed in a timely manner. The appropriate officer may establish a policy  
129 whereby disclosure reports may be filed by facsimile transmission.

130.049. 1. An out-of-state committee which according to the provisions of subsection  
2 10 of section 130.021 is not required to file a statement of organization and is not required to file  
3 the full disclosure reports required by section 130.041 shall file reports with the Missouri ethics  
4 commission according to the provisions of [such sections] **this subsection** if the committee  
5 makes contributions or expenditures in support of or in opposition to candidates or ballot  
6 measures in this state in any election covered by this chapter or makes contributions to any  
7 committee domiciled in this state. An initial report shall be filed no later than fourteen days prior  
8 to the date such out-of-state committee first makes a contribution or expenditure in this state[.  
9 Such initial report shall state the name and address of the committee receiving such contributions  
10 or expenditures.], **and thereafter reports shall be filed at the times and for the reporting**  
11 **periods prescribed in subsection 1 of section 130.046.** The contributions or expenditures shall  
12 be made no later than thirty days prior to the election. [The out-of-state committee thereafter  
13 shall file copies of the campaign disclosure report required to be filed in the domicile of the  
14 committee with the Missouri ethics commission as required by subsections 1 to 3 of section  
15 130.046.] No candidate or committee may accept any contribution made by a committee

16 domiciled outside this state unless the provisions of this section are met.

17 **2. Each out-of-state committee report shall contain:**

18 **(1) The full name, address and domicile of the committee making the report and the**  
19 **name, residential and business addresses, domicile and telephone numbers of the**  
20 **committee's treasurer;**

21 **(2) The name and address of any entity such as a labor union, trade or business or**  
22 **professional association, club or other organization or any business entity with which the**  
23 **committee is affiliated;**

24 **(3) A statement of the total dollar amount of all funds received by the committee**  
25 **in the current calendar year and a statement of the total contributions in the same period**  
26 **from persons domiciled in this state and a list by name, address, date and amount of each**  
27 **Missouri resident who contributed an aggregate of more than two hundred dollars in the**  
28 **current calendar year;**

29 **(4) A list by name, address, date and amount regarding any contributor to the out-**  
30 **of-state committee, regardless of state of residency, who made a contribution during the**  
31 **reporting period which was restricted or designated in whole or in part for use in**  
32 **supporting or opposing a candidate, ballot measure or committee in this state or was**  
33 **restricted for use in this state at the committee's discretion or a statement that no such**  
34 **contributions were received;**

35 **(5) A statement as to whether the committee is required to file reports with the**  
36 **Federal Election Commission and a listing of agencies in other states with which the**  
37 **committee files reports, if any;**

38 **(6) A separate listing showing contributions made in support of or opposition to**  
39 **each candidate or ballot measure in this state, together with the date and amount of each**  
40 **contribution;**

41 **(7) A separate listing showing contributions made to any committee domiciled in**  
42 **the state with the date and amount of each contribution.**

2 [130.050. 1. An out-of-state committee which, according to the provisions  
3 of subsection 10 of section 130.021, is not required to file a statement of organization  
4 and is not required to file the full disclosure reports required by section 130.041 shall  
5 file reports with the Missouri ethics commission according to the provisions of this  
6 subsection if the committee makes contributions or expenditures in support of or in  
7 opposition to candidates or ballot measures in this state in any election covered by  
8 this chapter or makes contributions to any committee domiciled in this state. An  
9 initial report shall be filed on or within fourteen days prior to the date such  
10 out-of-state committee first makes a contribution or expenditure in this state, and  
11 thereafter reports shall be filed at the times and for the reporting periods prescribed  
in subsection 1 of section 130.046. Each report shall contain:

12 (1) The full name, address and domicile of the committee making the report  
13 and the name, residential and business addresses, domicile and telephone numbers  
14 of the committee's treasurer;

15 (2) The name and address of any entity such as a labor union, trade or  
16 business or professional association, club or other organization or any business entity  
17 with which the committee is affiliated;

18 (3) A statement of the total dollar amount of all funds received by the  
19 committee in the current calendar year and a statement of the total contributions in  
20 the same period from persons domiciled in this state and a list by name, address, date  
21 and amount of each Missouri resident who contributed an aggregate of more than two  
22 hundred dollars in the current calendar year;

23 (4) A list by name, address, date and amount regarding any contributor to the  
24 out-of-state committee, regardless of state of residency, who made a contribution  
25 during the reporting period which was restricted or designated in whole or in part for  
26 use in supporting or opposing a candidate, ballot measure or committee in this state  
27 or was restricted for use in this state at the committee's discretion, or a statement that  
28 no such contributions were received;

29 (5) A statement as to whether the committee is required to file reports with  
30 the Federal Election Commission, and a listing of agencies in other states with which  
31 the committee files reports, if any;

32 (6) A separate listing showing contributions made in support of or opposition  
33 to each candidate or ballot measure in this state, together with the date and amount  
34 of each contribution;

35 (7) A separate listing showing contributions made to any committee  
36 domiciled in this state with the date and amount of each contribution.

37 2. In the case of a political party committee's selection of an individual to be  
38 the party's nominee for public office in an election covered by this chapter, any  
39 individual who seeks such nomination and who is a candidate according to the  
40 definition of the term candidate in section 130.011 shall be required to comply with  
41 all requirements of this chapter; except that, for the purposes of this subsection, the  
42 reporting dates and reporting periods in section 130.046 shall not apply, and the first  
43 reporting date shall be no later than the fifteenth day after the date on which a  
44 nomination covered by this subsection was made and for the period beginning on the  
45 date the individual became a candidate, as the term candidate is defined in section  
46 130.011, and closing on the tenth day after the date the nomination was made, with  
47 subsequent reports being made as closely as practicable to the times required in  
48 section 130.046.

49 3. The receipt of any late contribution or loan of more than two hundred fifty  
50 dollars by a candidate committee supporting a candidate for statewide office or by  
51 any other committee shall be reported to the appropriate officer no later than  
52 forty-eight hours after receipt. For purposes of this subsection the term "late  
53 contribution or loan" means a contribution or loan received after the closing date of  
54 the last disclosure report required to be filed before an election but received prior to

55 the date of the election itself. The disclosure report of a late contribution may be  
56 made by any written means of communication, setting forth the name and address of  
57 the contributor or lender and the amount of the contribution or loan and need not  
58 contain the signatures and certification required for a full disclosure report described  
59 in section 130.041. A late contribution or loan shall be included in subsequent  
60 disclosure reports without regard to any special reports filed pursuant to this  
61 subsection.]

130.056. 1. The executive director of the Missouri ethics commission shall:

2 (1) Take such steps as are necessary to disseminate among the general public such  
3 information as may serve to guide all persons who are or may become subject to the provisions  
4 of this chapter for the purpose of facilitating voluntary compliance with the purposes and  
5 provisions of this chapter;

6 (2) Be responsible for expediting the filing of all reports, statements and other  
7 information required to be filed pursuant to the provisions of this chapter and, in connection  
8 therewith, be responsible for developing procedures whereby all candidates shall be informed  
9 of the provisions of section 130.016 so as to assure the timely filing of statements which some  
10 candidates are eligible to file as provided in section 130.016;

11 (3) Develop and publish forms and printed instructional material and furnish such forms  
12 and instructions to persons required to file reports and statements pursuant to the provisions of  
13 this chapter, together with a summary of the provisions of chapter 115, RSMo, which apply to  
14 candidates and committees covered by this chapter, provided, however, such forms shall not seek  
15 information which is not specifically required by this chapter. All forms furnished pursuant to  
16 this chapter shall clearly state in readable type on the face of the form the date on which the form  
17 became effective. The forms published by the executive director shall provide for compliance  
18 with reporting and other provisions of this chapter. Any report form published by the executive  
19 director for purposes of compliance with section 130.041 shall provide for reporting  
20 contributions from individuals, corporations, labor organizations and fictitious entities and  
21 contributions from committees on the same form. Contributions from committees shall be listed  
22 first on each report form. All expenditures shall also be reported on a single report form;

23 (4) Develop a filing, coding and cross-indexing system for reports and statements  
24 required to be filed with the Missouri ethics commission, and preserve such reports and  
25 statements for a period of not less than five years from date of receipt;

26 (5) Make the reports and statements filed with the Missouri ethics commission available  
27 for public inspection and copying, commencing as soon as practicable but not later than the end  
28 of the second day after which a report was received, and permit copying of any such report or  
29 statement by hand or by duplicating machine, as requested by any person, at the expense of such  
30 person, but no information obtained from such reports and statements shall be sold or utilized

31 by any person for any commercial purpose;

32 (6) Examine each report and statement filed with the Missouri ethics commission  
33 pursuant to the requirements of this chapter to determine if the statements are properly completed  
34 and filed within the time required by this chapter;

35 (7) Notify a person required to file a report or statement pursuant to this chapter with the  
36 Missouri ethics commission immediately if, upon examination of the official ballot or other  
37 circumstances surrounding any election, it appears that the person has failed to file a report or  
38 statement as required by law;

39 (8) From reports filed with the Missouri ethics commission, prepare and publish an  
40 annual report including compilations of amounts contributed and expended for the influencing  
41 of nominations and elections;

42 (9) Prepare and publish such other reports as the Missouri ethics commission deems  
43 appropriate;

44 (10) Disseminate statistics, summaries, and reports prepared under this chapter;

45 (11) Employ staff and retain such contract services, including legal services to represent  
46 the commission before any state agency or before the courts as the executive director deems  
47 necessary within the limits authorized by appropriation by the general assembly.

48 2. Each appropriate officer other than the executive director of the Missouri ethics  
49 commission shall:

50 (1) Assist the executive director in furnishing forms and printed instructional material  
51 to persons required to file reports and statements pursuant to the provisions of this chapter;

52 (2) Accept reports and statements required to be filed with the person's office;

53 (3) Develop for the officer's constituency a filing, coding, and cross-indexing system  
54 consonant with the purposes of this chapter;

55 (4) Make the reports and statements filed with the officer available for public inspection  
56 and copying, commencing as soon as practicable but not later than the end of the second day after  
57 which a report was received, and permit copying of any such report or statement by hand or by  
58 duplicating machine, as requested by any person, at the expense of such person, but no  
59 information obtained from such reports and statements shall be sold or utilized by any person for  
60 any commercial purpose;

61 (5) Preserve such reports and statements for a period of not less than five years from the  
62 date of receipt;

63 (6) Examine each report and statement filed with the person's office pursuant to the  
64 requirements of this chapter to determine if the reports and statements appear to be complete and  
65 filed within the required time;

66 (7) Notify a person required to file a report or statement pursuant to this chapter

67 immediately if, upon examination of the circumstances surrounding any election, it appears that  
68 the person has failed to file a report or statement as required by law;

69 (8) Notify the Missouri ethics commission if the person has reasonable cause to believe  
70 that a violation of this chapter has occurred;

71 (9) Assess every candidate for state or local office failing to file with a local election  
72 authority pursuant to section 130.026, a campaign disclosure report as required by this chapter  
73 other than the report required pursuant to subdivision (1) of subsection 1 of section 130.046, a  
74 late filing fee of ten dollars for each day such report is due to the election authority. The local  
75 election authority shall mail a notice, by registered mail, to any candidate and candidate  
76 committee treasurer and deputy treasurer who fails to file such report informing such person of  
77 such failure and the fees provided by this subdivision. If the candidate persists in such failure  
78 for a period in excess of thirty days beyond the receipt of such notice, the amount of the late  
79 filing fee shall increase to one hundred dollars for each day that the report is not filed, provided  
80 that the total amount of such fees assessed pursuant to this subsection per report shall not exceed  
81 three hundred dollars. **Any fee collected pursuant to this subdivision shall be deposited to**  
82 **the credit of such county's county school fund pursuant to section 166.131, RSMo.**

83 3. Any person receiving from an appropriate officer a copy of, or who is permitted to  
84 inspect or make a copy of, any report or statement filed pursuant to the requirements of this  
85 chapter shall sign a statement that the person will not utilize the reports or statements or any  
86 information thereon for any commercial use, except for public news reporting, whatsoever and  
87 will not transfer the information obtained to any other persons for such purposes. It shall be the  
88 responsibility of each appropriate officer to instruct any person making a request to inspect, copy  
89 or receive a copy of any report or statement or any portion of a report or statement filed pursuant  
90 to this chapter that the utilization of any information obtained from such reports for any  
91 commercial purpose is a violation of this chapter.

**130.062. In the case of a political party committee's selection of an individual to be**  
2 **the party's nominee for public office in an election, any individual who seeks such**  
3 **nomination and who is a candidate as that term is defined in section 130.011 shall be**  
4 **required to comply with all requirements of this chapter; except that, for the purposes of**  
5 **this section, the reporting dates and reporting periods in section 130.046 shall not apply,**  
6 **and the first reporting date shall be no later than the fifteenth day after the date on which**  
7 **a nomination covered by this subsection was made and for the period beginning on the date**  
8 **the individual became a candidate, as that term is defined in section 130.011, and closing**  
9 **on the tenth day after the nomination was made, with subsequent reports being made as**  
10 **closely as practicable to the times required in section 130.046.**

**130.063. The receipt of any late contribution or loan of more than two hundred**

2    **seventy-five dollars by a candidate committee supporting a candidate for statewide office**  
3    **or by any other committee shall be reported to the appropriate officer no later than forty-**  
4    **eight hours after receipt. For purposes of this subsection the term "late contribution or**  
5    **loan" means a contribution or loan received after the closing date of the last disclosure**  
6    **report required to be filed before an election but received prior to the date of the election**  
7    **itself. The disclosure report of a late contribution may be made by any written means of**  
8    **communication, setting forth the name and address of the contributor or lender and the**  
9    **amount of the contribution or loan and need not contain the signatures and certification**  
10    **required for a full disclosure report described in section 130.041. A late contribution or**  
11    **loan shall be included in subsequent disclosure reports without regard to any special**  
12    **reports filed pursuant to this section.**

130.081. 1. Any person who [purposely] **knowingly** violates the provisions of this  
2 chapter is guilty of a class A misdemeanor.

3        2. Any person who fails to file any report or statement required by this chapter within  
4 the time periods specified in sections 130.011 to [130.051] **130.049** is guilty of an infraction.

5        3. Notwithstanding any other provision of law which bars prosecutions for any offenses  
6 other than a felony unless commenced within one year after the commission of the offense, any  
7 offense under the provisions of this chapter may be prosecuted if the indictment be found or  
8 prosecution be instituted within three years after the commission of the alleged offense.

9        4. Any prohibition to the contrary notwithstanding, no person shall be deprived of the  
10 rights, guarantees, protections or privileges accorded by sections 130.011 to 130.026, 130.031  
11 to 130.068, 130.072, and 130.081 by any person, corporation, entity or political subdivision.