

SECOND REGULAR SESSION
SENATE COMMITTEE SUBSTITUTE FOR
HOUSE SUBSTITUTE FOR
HOUSE COMMITTEE SUBSTITUTE FOR
HOUSE BILL NO. 1150
92ND GENERAL ASSEMBLY

Reported from the Committee on Pensions and General Laws, May 6, 2004, with recommendation that the Senate Committee Substitute do pass.

3617S.06C

TERRY L. SPIELER, Secretary.

AN ACT

To repeal sections 105.466, 105.473, 105.485, 105.487, 105.489, 105.492, 105.957, 105.961, 105.963, 105.971, 105.973, 130.011, 130.021, 130.031, 130.036, 130.041, 130.046, 130.049, 130.050, 130.054, and 130.057, RSMo, and to enact in lieu thereof twenty-three new sections relating to ethics, with penalty provisions.

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

Section A. Sections 105.466, 105.473, 105.485, 105.487, 105.489, 105.492, 105.957, 105.961, 105.963, 105.971, 105.973, 130.011, 130.021, 130.031, 130.036, 130.041, 130.046, 130.049, 130.050, 130.054, and 130.057, RSMo, are repealed and twenty-three new sections enacted in lieu thereof, to be known as sections 105.466, 105.473, 105.485, 105.487, 105.489, 105.492, 105.957, 105.961, 105.963, 130.011, 130.018, 130.019, 130.021, 130.031, 130.036, 130.041, 130.042, 130.046, 130.049, 130.050, 130.054, 130.057, and 130.062, to read as follows:

105.466. 1. No provision of sections 105.450 to 105.458, 105.462 to [105.468] **105.467**, and 105.472 to 105.482 shall be construed to prohibit any person from performing any ministerial act or any act required by order of a court or by law to be performed.

2. No provision of sections 105.450 to 105.458, 105.462 to [105.468] **105.467**, and 105.472 to 105.482 shall be construed to prohibit any person from communicating with the office of the attorney general or any prosecuting attorney or any attorney for any political subdivision concerning any prospective claim or complaint then under consideration not otherwise prohibited by law.

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

10 3. No provision of sections 105.450 to 105.458, 105.462 to [105.468] **105.467**, and
11 105.472 to 105.482 shall be construed to prohibit any person, firm or corporation from
12 receiving compensation for property taken by the state or any political subdivision
13 thereof under the power of eminent domain in accordance with the provisions of the
14 constitution and the laws of the state.

 105.473. 1. Each lobbyist shall, not later than **January fifth of each year, or**
2 five days after beginning any activities as a lobbyist, file standardized registration forms,
3 verified by a written declaration that it is made under the penalties of perjury, along
4 with a filing fee of ten dollars, with the commission. The forms shall include the
5 lobbyist's name and business address, the name and address of all persons such lobbyist
6 employs for lobbying purposes, the name and address of each lobbyist principal by whom
7 such lobbyist is employed or in whose interest such lobbyist appears or works. The
8 commission shall maintain files on all lobbyists' filings, which shall be open to the
9 public. Each lobbyist shall file an updating statement under oath within one week of
10 any addition, deletion, or change in the lobbyist's employment or representation. The
11 filing fee shall be deposited to the general revenue fund of the state. The lobbyist
12 principal or a lobbyist employing another person for lobbying purposes may notify the
13 commission that a judicial, executive or legislative lobbyist is no longer authorized to
14 lobby for the principal or the lobbyist and should be removed from the commission's files.

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

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

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

28 (a) The total of all expenditures by the lobbyist or his or her lobbyist principals
29 made on behalf of all public officials, their staffs and employees, and their spouses and
30 dependent children, which expenditures shall be separated into at least the following
31 categories by the executive branch, judicial branch and legislative branch of government:

32 printing and publication expenses; media and other advertising expenses; travel;
33 entertainment; honoraria; meals, food and beverages; and gifts;

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

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

43 a. All members of the senate;

44 b. All members of the house of representatives;

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

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

51 (d) Any expenditure made on behalf of a public official, or the public official's
52 staff, employees, spouse or dependent children, if such expenditure is solicited by such
53 public official, the public official's staff, employees, or spouse or dependent children, from
54 the lobbyist or his or her lobbyist principals and the name of such person or persons,
55 except any expenditures made to any not-for-profit corporation, charitable, fraternal or
56 civic organization or other association formed to provide for good in the order of
57 benevolence;

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

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

63 4. No expenditure reported pursuant to this section shall include any amount
64 expended by a lobbyist or lobbyist principal on himself or herself. All expenditures
65 disclosed pursuant to this section shall be valued on the report at the actual amount of
66 the payment made, or the charge, expense, cost, or obligation, debt or bill incurred by
67 the lobbyist or the person the lobbyist represents. Whenever a lobbyist principal

68 employs more than one lobbyist, expenditures of the lobbyist principal shall not be
69 reported by each lobbyist, but shall be reported by one of such lobbyists.

70 5. Any lobbyist principal shall provide in a timely fashion whatever information
71 is reasonably requested by the lobbyist principal's lobbyist for use in filing the reports
72 required by this section.

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

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

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

84 9. The prosecuting attorney of Cole County shall be reimbursed only out of funds
85 specifically appropriated by the general assembly for investigations and prosecutions for
86 violations of this section.

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

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

104 [12. Each lobbyist or lobbyist principal by whom the lobbyist was employed, or
105 in whose behalf the lobbyist acted, shall provide a general description of the proposed
106 legislation or action by the executive branch or judicial branch which the lobbyist or
107 lobbyist principal supported or opposed.

108 This information shall be supplied to the commission on March fifteenth and May
109 thirtieth of each year.]

 105.485. 1. Each financial interest statement required by sections 105.483 to
2 105.492 shall be on a form prescribed by the commission and shall be signed and verified
3 by a written declaration that it is made under [penalties] **the penalty** of perjury;
4 provided, however, the [form] **statement** shall not seek information which is not
5 specifically required by sections 105.483 to 105.492.

6 2. Each person required to file a financial interest statement pursuant to
7 [subdivisions (1) to (12) of] section 105.483 shall file the following information for
8 [himself, his] **such person, the person's** spouse and dependent children at any time
9 during the period covered by the statement, whether singularly or collectively; provided,
10 however, that said person, if [he] **the person** does not know and [his] **the person's**
11 spouse will not divulge any information required to be reported by this section
12 concerning the financial interest of [his] **the person's** spouse, shall state on [his] **the**
13 financial interest statement that [he] **the person** has disclosed that information known
14 to [him] **the person** and that [his] **the person's** spouse has refused or failed to provide
15 other information upon [his] **the person's** bona fide request, and such statement shall
16 be deemed to satisfy the requirements of this section for such financial interest of [his]
17 **the person's** spouse; and provided further if the spouse of any person required to file
18 a financial interest statement is also required by section 105.483 to file a financial
19 interest statement, the financial interest statement filed by each need not disclose the
20 financial interest of the other, provided that each financial interest statement shall state
21 that the spouse of the person has filed a separate financial interest statement and the
22 name under which the statement was filed:

23 (1) The name and address of each of the employers of such person from whom
24 income of one thousand dollars or more was received during the year covered by the
25 statement;

26 (2) The name and address of each sole proprietorship [which he] **the person**
27 owned; the name, address and the general nature of the business conducted of each
28 general partnership and joint venture in which [he] **the person** was a partner or
29 participant; the name and address of each partner or coparticipant for each partnership
30 or joint venture unless such names and addresses are filed by the partnership or joint

31 venture with the secretary of state; the name, address and general nature of the business
32 conducted of any closely held corporation or limited partnership in which the person
33 owned ten percent or more of any class of the outstanding stock or limited partners'
34 units; and the name of any publicly traded corporation or limited partnership which is
35 listed on a regulated stock exchange or automated quotation system in which the person
36 owned two percent or more of any class of outstanding stock, limited partnership units
37 or other equity interests;

38 (3) The name and address of any other source not reported pursuant to
39 subdivisions (1) and (2) and subdivisions (4) to (9) of this subsection from which such
40 person received one thousand dollars or more of income during the year covered by the
41 statement, including, but not limited to, any income otherwise required to be reported
42 on any tax return such person is required by law to file; except that only the name of any
43 publicly traded corporation or limited partnership which is listed on a regulated stock
44 exchange or automated quotation system need be reported pursuant to this subdivision;

45 (4) The location by county, the subclassification for property tax assessment
46 purposes, the approximate size and a description of the major improvements and use for
47 each parcel of real property in the state, other than the individual's personal residence,
48 having a fair market value of ten thousand dollars or more in which such person held
49 a vested interest including a leasehold for a term of ten years or longer, and, if the
50 property was transferred during the year covered by the statement, the name and
51 address of the persons furnishing or receiving consideration for such transfer;

52 (5) The name and address of each entity in which such person owned stock, bonds
53 or other equity interest with a value in excess of ten thousand dollars; except that, if the
54 entity is a corporation listed on a regulated stock exchange, only the name of the
55 corporation need be listed; and provided that any member of any board or commission
56 of the state or any political subdivision who does not receive any compensation for [his]
57 **the member's** services to the state or political subdivision other than reimbursement
58 for [his] actual expenses or a per diem allowance as prescribed by law for each day of
59 such service, need not report interests in publicly traded corporations or limited
60 partnerships which are listed on a regulated stock exchange or automated quotation
61 system pursuant to this subdivision; and provided further that the provisions of this
62 subdivision shall not require reporting of any interest in any qualified plan or annuity
63 pursuant to the Employees' Retirement Income Security Act;

64 (6) The name and address of each corporation for which such person served in
65 the capacity of a director, officer or receiver;

66 (7) The name and address of each not-for-profit corporation and each association,

67 organization, or union, whether incorporated or not, except not-for-profit corporations
68 formed to provide church services, fraternal organizations or service clubs from which
69 the officer or employee draws no remuneration, in which such person was an officer,
70 director, employee or trustee at any time during the year covered by the statement, and
71 for each such organization, a general description of the nature and purpose of the
72 organization;

73 (8) The name and address of each source from which such person received a gift
74 or gifts, or honorarium or honoraria in excess of two hundred dollars in value per source
75 during the year covered by the statement other than gifts from persons within the third
76 degree of consanguinity or affinity of the person filing the financial interest
77 statement. For the purposes of this section, a gift shall not be construed to mean
78 political contributions otherwise required to be reported by law or hospitality such as
79 food, beverages or admissions to social, art, or sporting events or the like, or
80 informational material. For the purposes of this section, a gift shall include gifts to or
81 by creditors of the individual for the purpose of canceling, reducing or otherwise
82 forgiving the indebtedness of the individual to that creditor;

83 (9) The lodging and travel expenses provided by any third person for expenses
84 incurred outside the state of Missouri whether by gift or in relation to the duties of office
85 of such official, except that such statement shall not include travel or lodging expenses:

86 (a) Paid in the ordinary course of business for businesses described in
87 subdivisions (1), (2), (5) and (6) of this subsection which are related to the duties of office
88 of such official; or

89 (b) For which the official may be reimbursed as provided by law; or

90 (c) Paid by persons related by the third degree of consanguinity or affinity to the
91 person filing the statement; or

92 (d) Expenses which are reported by the campaign committee or candidate
93 committee of the person filing the statement pursuant to the provisions of chapter 130,
94 RSMo; or

95 (e) Paid for purely personal purposes which are not related to the person's official
96 duties by a third person who is not a lobbyist, a lobbyist principal or member, or officer
97 or director of a member, of any association or entity which employs a lobbyist. The
98 statement shall include the name and address of such person who paid the expenses, the
99 date such expenses were incurred, the amount incurred, the location of the travel and
100 lodging, and the nature of the services rendered or reason for the expenses;

101 (10) The assets in any revocable trust of which the individual is the settlor if
102 such assets would otherwise be required to be reported under this section;

103 (11) The name, position and relationship of any relative within the first degree
104 of consanguinity or affinity to any other person who:

105 (a) Is employed by the state of Missouri, by a political subdivision of the state or
106 special district, as defined in section 115.013, RSMo, of the state of Missouri;

107 (b) Is a lobbyist; or

108 (c) Is a fee agent of the department of revenue.

109 3. For the purposes of subdivisions (1), (2) and (3) of subsection 2 of this section,
110 an individual shall be deemed to have received a salary from **[his] the individual's**
111 employer or income from any source at the time when **[he] the individual** shall receive
112 a negotiable instrument whether or not payable at a later date and at the time when
113 under the practice of **[his] the individual's** employer or the terms of an agreement, **[he]**
114 **the individual** has earned or is entitled to anything of actual value whether or not
115 delivery of the value is deferred or right to it has vested. The term "income" as used in
116 this section shall have the same meaning as provided in the Internal Revenue Code of
117 1986, and amendments thereto, as the same may be or becomes effective, at any time or
118 from time to time for the taxable year, provided that income shall not be considered
119 received or earned for purposes of this section from a partnership or sole proprietorship
120 until such income is converted from business to personal use.

121 4. Each official, officer or employee or candidate of any political subdivision
122 described in subdivision (11) of section 105.483 shall be required to file a financial
123 interest statement as required by subsection 2 of this section, unless the political
124 subdivision biennially adopts an ordinance, order or resolution at an open meeting by
125 September fifteenth of the preceding year, which establishes and makes public its own
126 method of disclosing potential conflicts of interest and substantial interests and therefore
127 excludes the political subdivision or district and its officers and employees from the
128 requirements of subsection 2 of this section. A certified copy of the ordinance, order or
129 resolution shall be sent to the commission within ten days of its adoption. The
130 commission shall assist any political subdivision in developing forms to complete the
131 requirements of this subsection. The ordinance, order or resolution shall contain, at a
132 minimum, the following requirements with respect to disclosure of substantial interests:

133 (1) Disclosure in writing of the following described transactions, if any such
134 transactions were engaged in during the calendar year:

135 (a) For such person, and all persons within the first degree of consanguinity or
136 affinity of such person, the date and the identities of the parties to each transaction with
137 a total value in excess of five hundred dollars, if any, that such person had with the
138 political subdivision, other than compensation received as an employee or payment of

139 any tax, fee or penalty due to the political subdivision, and other than transfers for no
140 consideration to the political subdivision;

141 (b) The date and the identities of the parties to each transaction known to the
142 person with a total value in excess of five hundred dollars, if any, that any business
143 entity in which such person had a substantial interest, had with the political
144 subdivision, other than payment of any tax, fee or penalty due to the political subdivision
145 or transactions involving payment for providing utility service to the political
146 subdivision, and other than transfers for no consideration to the political subdivision;

147 (2) The chief administrative officer and chief purchasing officer of such political
148 subdivision shall disclose in writing the information described in subdivisions (1), (2) and
149 (6) of subsection 2 of this section;

150 (3) Disclosure of such other financial interests applicable to officials, officers and
151 employees of the political subdivision, as may be required by the ordinance or resolution;

152 (4) Duplicate disclosure reports made pursuant to this subsection shall be filed
153 with the commission and the governing body of the political subdivision. The clerk of
154 such governing body shall maintain such disclosure reports available for public
155 inspection and copying during normal business hours.

105.487. The financial interest statements shall be filed at the following times,
2 but no person is required to file more than one financial interest statement in any
3 calendar year:

4 (1) Each candidate for elective office, except those candidates for county
5 committee of a political party pursuant to section 115.609, RSMo, or section 115.611,
6 RSMo, who is required to file a personal financial disclosure statement shall file a
7 financial interest statement no later than [fourteen days after the close of filing at which
8 the candidate seeks nomination or election, and the statement shall be for the twelve
9 months prior to the closing date, except that in the event an individual does not become
10 a candidate until after the date of certification for candidates, the statement shall be
11 filed within fourteen days of the individual's nomination by caucus. An individual
12 required to file a financial interest statement because of the individual's candidacy for
13 office prior to a primary election in accordance with this section is also required to
14 amend such statement no later than the close of business on Monday prior to the general
15 election to reflect any changes in financial interest during the interim] **the thirty-first**
16 **day of March or within ten days of filing for office, whichever is later, except**
17 **any candidate for elective office who is required to file a financial interest**
18 **statement when the election is held in April, shall file the statement no later**
19 **than the thirty-first day of January or within ten days of filing for office,**

20 **whichever is later. Each statement filed shall cover the calendar year ending**
21 **the immediately preceding December thirty-first, provided that the governor,**
22 **lieutenant governor, any member of the general assembly, or any member of**
23 **the governing body of a political subdivision may supplement such person's**
24 **financial interest statement to report additional interests acquired after**
25 **December thirty-first of the covered year until the date of filing of the**
26 **financial interest statement.** The appropriate election authority shall provide to the
27 candidate at the time of filing for [election] **office** written notice of the candidate's
28 obligation to file pursuant to sections 105.483 to 105.492 and the candidate shall sign
29 a statement acknowledging receipt of such notice;

30 (2) Each person appointed to office, except any person elected for county
31 committee of a political party pursuant to section 115.617, RSMo, and each official or
32 employee described in section 105.483 who is not otherwise covered in this subsection
33 shall file the statement within thirty days of such appointment or employment. **This**
34 **statement shall cover the time period described in subsection (1) of this**
35 **section;**

36 (3) Every other person required by sections 105.483 to 105.492 to file a financial
37 interest statement shall file the statement annually not later than the [first] **thirty-**
38 **first** day of [May] **March** and the statement shall cover the calendar year ending the
39 immediately preceding December thirty-first; provided that the governor, lieutenant
40 governor, any member of the general assembly or any member of the governing body of
41 a political subdivision may supplement such person's financial interest statement to
42 report additional interests acquired after December thirty-first of the covered year until
43 the date of filing of the financial interest statement. **If an individual becomes a**
44 **candidate for office by nomination of a political caucus, the individual shall**
45 **file a financial interest statement within ten days of the nomination. Such**
46 **statement shall cover the time period described in subdivision (1) of this**
47 **section;**

48 (4) The deadline for filing any statement required by sections 105.483 to 105.492
49 shall be 5:00 p.m. of the last day designated for filing the statement. When the last day
50 of filing falls on a Saturday or Sunday or on an official state holiday, the deadline for
51 filing is extended to 5:00 p.m. on the next day which is not a Saturday or Sunday or
52 official holiday. Any statement required within a specified time shall be deemed to be
53 timely filed if it is postmarked not later than midnight of the day previous to the last
54 day designated for filing the statement.

105.489. The financial interest statements required to be filed pursuant to the

2 provisions of sections 105.483 to 105.492, other than pursuant to subsection 4 of section
3 105.485, shall be filed with the appropriate filing officer or officers. For the purpose of
4 sections 105.483 to 105.492, the term "filing officer" is defined as:

5 (1) In the case of state elected officials and candidates for such office, and all
6 other state officials and employees, the filing officer is the commission;

7 (2) In the case of judges of courts of law, the filing officer shall be the clerk of the
8 supreme court. Financial interest statements filed by judges shall be made available for
9 public inspection unless otherwise provided by supreme court rule;

10 (3) In the case of persons holding elective office in any political subdivision and
11 candidates for such offices, and in the case of all other officers or employees of a political
12 subdivision, the filing officer shall be the commission;

13 **(4) In the case of all other persons required to file financial interest**
14 **statements for which no filing officer is designated, the filing officer shall be**
15 **the commission.**

105.492. 1. Any person required in sections 105.483 to 105.492 to file a financial
2 interest statement who fails to file such statement by the times required in section
3 105.487 shall, if such person receives any compensation or other remuneration from
4 public funds for the person's services, not be paid such compensation or receive such
5 remuneration until the person has filed a financial interest statement as required by
6 sections 105.483 to 105.492. Any person required in sections 105.483 to 105.492 to file
7 a financial statement who fails to file such statement by the time required in section
8 105.487 and continues to fail to file the required financial interest statement for thirty
9 or more days after receiving notice from the commission shall be subject to suspension
10 from office in the manner otherwise provided by law or the constitution. The attorney
11 general or prosecuting or circuit attorney, at the request of the commission, may take
12 appropriate legal action to enforce the provisions of this section.

13 2. If a candidate for office does not file a financial interest statement by the close
14 of business on the twenty-first day after the last day for filing for election for which the
15 person is a candidate, the commission shall notify the official who accepted such
16 candidate's declaration of candidacy that the candidate is disqualified. Such election
17 official shall remove the candidate's name from the ballot.

18 3. Failure of any elected official or judge to file a financial interest statement
19 thirty days after notice from the appropriate filing officer shall be grounds for removal
20 from office as may be otherwise provided by law or the constitution.

21 4. Any person who knowingly misrepresents or omits any facts required to be
22 contained in any financial interest statement filed as required by sections 105.483 to

23 105.496 is guilty of a class B misdemeanor. Venue for any criminal proceeding brought
24 pursuant to this section shall be the county in which the defendant resided at the time
25 the defendant filed the financial interest statement.

26 5. Any lobbyist who fails to timely file a lobbying disclosure report as required
27 by section 105.473 shall be assessed a late filing fee of ten dollars for every day such
28 report is late. **Any lobbyist who is assessed such a late fee may appeal this**
29 **assessment as provided in subsection 7 of section 105.963.**

105.957. 1. The commission shall receive any complaints alleging violation of the
2 provisions of:

3 (1) The requirements imposed on lobbyists by sections 105.470 to 105.478;

4 (2) The financial interest disclosure requirements contained in sections 105.483
5 to 105.492;

6 (3) The campaign finance disclosure requirements contained in chapter 130,
7 RSMo;

8 (4) Any code of conduct promulgated by any department, division or agency of
9 state government, or by state institutions of higher education, or by executive order;

10 (5) The conflict of interest laws contained in sections 105.450 to [105.468]
11 **105.467** and section 171.181, RSMo; and

12 (6) The provisions of the constitution or state statute or order, ordinance or
13 resolution of any political subdivision relating to the official conduct of officials or
14 employees of the state and political subdivisions.

15 2. Complaints filed with the commission shall be in writing and filed only by a
16 natural person. The complaint shall contain all facts known by the complainant that
17 have given rise to the complaint and the complaint shall be sworn to, under penalty of
18 perjury, by the complainant. No complaint shall be investigated unless the complaint
19 alleges facts which, if true, fall within the jurisdiction of the commission.

20 3. No complaint shall be investigated which concerns alleged criminal conduct
21 which allegedly occurred previous to the period of time allowed by law for criminal
22 prosecution for such conduct. The commission may refuse to investigate any conduct
23 which is the subject of civil or criminal litigation. The commission, its executive director
24 or an investigator shall not investigate any complaint concerning conduct which is not
25 criminal in nature which occurred more than two years prior to the date of the
26 complaint. A complaint alleging misconduct on the part of a candidate for public office,
27 other than those alleging failure to file the appropriate financial interest statements or
28 campaign finance disclosure reports, shall not be accepted by the commission within
29 sixty days prior to the primary election at which such candidate is running for office, and

30 until after the general election.

31 4. Complaints which allege violations as described in this section which are filed
32 with the commission shall be handled as provided by section 105.961.

33 5. Complaints claiming campaign finance disclosure requirement
34 violations shall be filed no later than thirty days after the campaign finance
35 report is filed, unless the complaint can be substantiated only with a series
36 of campaign finance disclosure reports, in which case the complaint shall be
37 filed within thirty days of the filing of the last report in the series of reports
38 claimed to violate the requirements. In addition to the contents required for
39 each complaint pursuant to this chapter or chapter 130, RSMo, the copy of the
40 complaint supplied to the person or entity named in the complaint shall
41 include the personal information of the person filing the complaint, including
42 the person's name, address, and telephone number or numbers.

43 6. Complaints found by the commission to be motivated by malice or
44 reason contrary to the spirit of any law on which such complaint was based,
45 filed without just cause, shall result in an assessment against the complainant
46 for the reasonable costs incurred by the subject party of the complaint and
47 any other person or entity named therein, in defending against the complaint,
48 and the reasonable costs incurred by the commission in investigating the
49 complaint.

50 7. Any complaint filed under this section shall be deemed a closed
51 record under subdivision (14) of section 610.021, RSMo. No information
52 relating to any complaint filed under this section shall be disclosed in any
53 form to the public until the commission has completed the investigation of the
54 complaint and has rendered its findings and conclusions on the
55 complaint. Any person or entity who discloses any such information relating
56 to a complaint before the commission has rendered its findings and
57 conclusions on the complaint shall be subject to a civil penalty not to exceed
58 two thousand five hundred dollars, and upon conviction, shall be subject to
59 a criminal penalty of a fine not to exceed two thousand five hundred dollars
60 or a term of imprisonment not to exceed one year, or both. The commission
61 shall provide a method requiring the complainant to acknowledge that the
62 complainant understands that the complaint is a closed record and to
63 acknowledge that the complainant understands the penalties for violating this
64 section in substantially the following form:

65 "This complaint is a closed record and is protected from disclosure
66 under the authority of section 610.021, RSMo. Any person or entity who

67 **discloses any information contained in this complaint before the commission**
68 **has rendered its findings and conclusions shall be subject to a civil penalty**
69 **not to exceed two thousand five hundred dollars and, upon conviction, shall**
70 **be subject to a criminal penalty of a fine not to exceed two thousand five**
71 **hundred dollars or a term of imprisonment not to exceed one year, or both**
72 **the fine and imprisonment."**

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
3 commission employee, who shall investigate and determine the merits of the
4 complaint. Within ten days of such assignment, the special investigator shall review
5 such complaint and disclose, in writing, to the commission any conflict of interest which
6 the special investigator has or might have with respect to the investigation and subject
7 thereof. Within one hundred twenty days of receipt of the complaint from the
8 commission, the special investigator shall submit the special investigator's report to the
9 commission. The commission, after review of such report, shall 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
14 status and progress of the investigation to date. The commission, in its discretion, may
15 allow the investigation to proceed for additional successive periods of one hundred
16 twenty days each, pending reports regarding the status and progress of the investigation
17 at the end of each such period.

18 2. When the commission concludes, based on the report from the special
19 investigator, or based on an audit conducted pursuant to section 105.959, that there are
20 reasonable grounds to believe that a violation of any criminal law has occurred, and if
21 the commission believes that criminal prosecution would be appropriate upon a vote of
22 four members of the commission, the commission shall refer the report to the Missouri
23 office of prosecution services, prosecutors coordinators training council established in
24 section 56.760, RSMo, which shall submit a panel of five attorneys for recommendation
25 to the court having criminal jurisdiction, for appointment of an attorney to serve as a
26 special prosecutor; except that, the attorney general of Missouri or any assistant
27 attorney general shall not act as such special prosecutor. The court shall then appoint
28 from such panel a special prosecutor pursuant to section 56.110, RSMo, who shall have
29 all the powers provided by section 56.130, RSMo. The court shall allow a reasonable and
30 necessary attorney's fee for the services of the special prosecutor. Such fee shall be

31 assessed as costs if a case is filed, or ordered by the court if no case is filed, and paid
32 together with all other costs in the proceeding by the state, in accordance with rules and
33 regulations promulgated by the state courts administrator, subject to funds appropriated
34 to the office of administration for such purposes. If the commission does not have
35 sufficient funds to pay a special prosecutor, the commission shall refer the case to the
36 prosecutor or prosecutors having criminal jurisdiction. If the prosecutor having criminal
37 jurisdiction is not able to prosecute the case due to a conflict of interest, the court may
38 appoint a special prosecutor, paid from county funds, upon appropriation by the county
39 or the attorney general to investigate and, if appropriate, prosecute the case. The special
40 prosecutor or prosecutor shall commence an action based on the report by the filing of
41 an information or seeking an indictment within sixty days of the date of such
42 prosecutor's appointment, or shall file a written statement with the commission
43 explaining why criminal charges should not be sought. If the special prosecutor or
44 prosecutor fails to take either action required by this subsection, upon request of the
45 commission, a new special prosecutor, who may be the attorney general, shall be
46 appointed. The report may also be referred to the appropriate disciplinary authority
47 over the person who is the subject of the report.

48 3. When the commission concludes, based on the report from the special
49 investigator or based on an audit conducted pursuant to section 105.959, that there are
50 reasonable grounds to believe that a violation of any law has occurred which is not a
51 violation of criminal law or that criminal prosecution is not appropriate, the commission
52 shall conduct a hearing which shall be a closed meeting and not open to the public. The
53 hearing shall be conducted pursuant to the procedures provided by sections 536.063 to
54 536.090, RSMo, and shall be considered to be a contested case for purposes of such
55 sections. The commission shall determine, in its discretion, whether or not that there
56 is probable cause that a violation has occurred. If the commission determines, by a vote
57 of at least four members of the commission, that probable cause exists that a violation
58 has occurred, the commission may refer its findings and conclusions to the appropriate
59 disciplinary authority over the person who is the subject of the report, as described in
60 subsection 7 of this section. After the commission determines by a vote of at least four
61 members of the commission that probable cause exists that a violation has occurred, and
62 the commission has referred the findings and conclusions to the appropriate disciplinary
63 authority over the person subject of the report, the subject of the report may appeal the
64 determination of the commission to the administrative hearing commission. Such appeal
65 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

67 [actual] notice of the commission's action.

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

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

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

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

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

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

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

91 5. Upon vote of at least four members, the commission may initiate formal
92 judicial proceedings seeking to obtain any of the following orders:

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

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

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

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

101 The Missouri ethics commission shall give [actual] notice to the subject of the complaint
102 of the proposed action as set out in this section. The subject of the complaint may appeal

103 the action of the Missouri ethics commission, other than a referral for criminal
104 prosecution, to the [administrative hearing commission] **circuit court of Cole**
105 **County**. Such appeal shall stay the action of the Missouri ethics commission. Such
106 appeal shall be filed no later than fourteen days after the subject of the commission's
107 actions receives actual notice of the commission's actions.

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

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

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

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

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

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

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

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

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

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

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

138 (1) To request and shall be given access to information in the possession of any

139 person or agency which the special investigator deems necessary for the discharge of the
140 special investigator's responsibilities;

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

143 (3) To administer oaths and affirmations;

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

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

162 9. (1) Any retired judge may request in writing to have the judge's name
163 removed from the list of special investigators subject to appointment by the commission
164 or may request to disqualify himself or herself from any investigation. Such request
165 shall include the reasons for seeking removal;

166 (2) By vote of four members of the commission, the commission may disqualify
167 a judge from a particular investigation or may permanently remove the name of any
168 retired judge from the list of special investigators subject to appointment by the
169 commission.

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

173 11. The provisions of sections 105.957, 105.959 and 105.961 are in addition to
174 other provisions of law under which any remedy or right of appeal or objection is

175 provided for any person, or any procedure provided for inquiry or investigation
176 concerning any matter. The provisions of this section shall not be construed to limit or
177 affect any other remedy or right of appeal or objection.

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

181 13. If, in the opinion of the commission, the complaining party was motivated by
182 malice or reason contrary to the spirit of any law on which such complaint was based,
183 in filing the complaint without just cause, **[this] the complaining party shall be**
184 **assessed the reasonable costs incurred by the subject party of the complaint**
185 **and any other person or entity named therein, in defending against the**
186 **complaint, and the reasonable costs incurred by the commission in**
187 **investigating the complaint. Additionally, the commission's** finding shall be
188 reported to appropriate law enforcement authorities. Any person who knowingly files
189 a complaint without just cause, or with malice, [is guilty of a class A misdemeanor]
190 **shall be subject to a criminal penalty of a fine not to exceed two thousand five**
191 **hundred dollars or a term of imprisonment not to exceed one year, or both.**

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

196 15. The special investigator and members and staff of the commission shall
197 maintain confidentiality with respect to all matters concerning a complaint until and if
198 a report is filed with the commission, with the exception of communications with any
199 person which are necessary to the investigation. The report filed with the commission
200 resulting from a complaint acted upon under the provisions of this section shall not
201 contain the name of the complainant or other person providing information to the
202 investigator, if so requested in writing by the complainant or such other person. Any
203 person who violates the confidentiality requirements imposed by this section or
204 subsection 17 of section 105.955 required to be confidential is guilty of a class A
205 misdemeanor and shall be subject to removal from or termination of employment by the
206 commission.

207 16. Any judge of the court of appeals or circuit court who ceases to hold such
208 office by reason of the judge's retirement and who serves as a special investigator
209 pursuant to this section shall receive annual compensation, salary or retirement for such
210 services at the rates of compensation provided for senior judges by subsections 1, 2 and

211 4 of section 476.682, RSMo. Such retired judges shall by the tenth day of each month
212 following any month in which the judge provided services pursuant to this section certify
213 to the commission and to the state courts administrator the amount of time engaged in
214 such services by hour or fraction thereof, the dates thereof, and the expenses incurred
215 and allowable pursuant to this section. The commission shall then issue a warrant to
216 the state treasurer for the payment of the salary and expenses to the extent, and within
217 limitations, provided for in this section. The state treasurer upon receipt of such
218 warrant shall pay the same out of any appropriations made for this purpose on the last
219 day of the month during which the warrant was received by the state treasurer.

105.963. 1. The executive director shall assess every candidate for state or local
2 office failing to file with a filing officer other than a local election authority as provided
3 by section 130.026, RSMo, a campaign disclosure report as required by chapter 130,
4 RSMo, other than the report required pursuant to subdivision (1) of subsection 1 of
5 section 130.046, RSMo, a late filing fee of ten dollars for each day after such report is
6 due to the commission. The executive director shall mail a notice[, by registered mail],
7 to any candidate [and candidate committee treasurer and deputy treasurer] who fails to
8 file such report informing such person of such failure and the fees provided by this
9 section. If the candidate persists in such failure for a period in excess of thirty days
10 beyond receipt of such notice, the amount of the late filing fee shall increase to one
11 hundred dollars for each day that the report is not filed, provided that the total amount
12 of such fees assessed pursuant to this subsection per report shall not exceed three
13 thousand dollars.

14 2. (1) Any candidate for state or local office who fails to file a campaign
15 disclosure report required pursuant to subdivision (1) of subsection 1 of section 130.046,
16 RSMo, other than a report required to be filed with a local election authority as provided
17 by section 130.026, RSMo, shall be assessed by the executive director a late filing fee of
18 one hundred dollars for each day that the report is not filed, until the first day after the
19 date of the election. After such election date, the amount of such late filing fee shall
20 accrue at the rate of ten dollars per day that such report remains unfiled, except as
21 provided in subdivision (2) of this subsection.

22 (2) The executive director shall mail a notice[, by certified mail or other means
23 to give actual notice], to any candidate [and candidate committee treasurer and deputy
24 treasurer] who fails to file the report described in subdivision (1) of this subsection
25 informing such person of such failure and the fees provided by this section. If the
26 candidate persists in such failure for a period in excess of thirty days beyond receipt of
27 such notice, the amount of the late filing fee shall increase to one hundred dollars for

28 each day that the report is not filed, provided that the total amount of such fees assessed
29 pursuant to this subsection per report shall not exceed six thousand dollars.

30 3. The executive director shall assess every person required to file a financial
31 interest statement pursuant to sections 105.483 to 105.492 failing to file such a financial
32 interest statement with the commission a late filing fee of ten dollars for each day after
33 such statement is due to the commission. The executive director shall mail a notice[, by
34 certified mail], to any person who fails to file such statement informing the individual
35 required to file of such failure and the fees provided by this section. If the person
36 persists in such failure for a period in excess of thirty days beyond receipt of such notice,
37 the amount of the late filing fee shall increase to one hundred dollars for each day
38 thereafter that the statement is late, provided that the total amount of such fees
39 assessed pursuant to this subsection per statement shall not exceed six thousand dollars.

40 4. Any person assessed a late filing fee may seek review of such assessment or
41 the amount of late filing fees assessed, at the person's option, by filing a petition within
42 fourteen days after receiving [actual] notice of assessment with [the administrative
43 hearing commission, or without exhausting the person's administrative remedies may
44 seek review of such issues with] the circuit court of Cole County.

45 5. The executive director of the Missouri ethics commission shall collect such late
46 filing fees as are provided for in this section. Unpaid late filing fees shall be collected
47 by action filed by the commission. The commission shall contract with the appropriate
48 entity to collect such late filing fees after a thirty-day delinquency. If not collected
49 within one hundred twenty days, the Missouri ethics commission shall file a petition in
50 Cole County circuit court to seek a judgment on said fees. All late filing fees collected
51 pursuant to this section shall be transmitted to the state treasurer and deposited to the
52 general revenue fund.

53 6. The late filing fees provided by this section shall be in addition to any penalty
54 provided by law for violations of sections 105.483 to 105.492 or chapter 130, RSMo.

55 7. If any **lobbyist fails to file a lobbyist report in a timely manner and**
56 **that lobbyist is assessed a late fee, or if any individual who is required to file**
57 **a personal financial disclosure statement fails to file such disclosure**
58 **statement in a timely manner and is assessed a late fee, or if any** candidate fails
59 to file a campaign disclosure report in a timely manner and that candidate is assessed
60 a late filing fee, the **lobbyist, individual, or** candidate[, candidate committee treasurer
61 or assistant treasurer] may file an appeal of the assessment of the late filing fee with
62 the commission. The commission may forgive the assessment of the late filing fee upon
63 a showing of good cause. Such appeal shall be filed within ten days of the receipt of

64 notice of the assessment of the late filing fee.

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

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

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

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

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

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

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

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

35 (5) "Check", a check drawn on a state or federal bank, or a draft on a negotiable

36 order of withdrawal account in a savings and loan association or a share draft account
37 in a credit union;

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

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

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

48 a. A person or combination of persons, if neither the aggregate of expenditures
49 made nor the aggregate of contributions received during a calendar year exceeds five
50 hundred dollars and if no single contributor has contributed more than [two hundred
51 fifty dollars] **the amount set out in subdivision (3) of subsection 1 of section**
52 **130.032, as increased by subsection 2 of section 130.032**, of such aggregate
53 contributions;

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

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

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

72 e. A person who acts as an authorized agent for a committee in soliciting or
73 receiving contributions or in making expenditures or incurring indebtedness on behalf
74 of the committee if such person renders to the committee treasurer or deputy treasurer
75 or candidate, if applicable, an accurate account of each receipt or other transaction in the
76 detail required by the treasurer to comply with all record keeping and reporting
77 requirements of this chapter;

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

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

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

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

106 (10) "Continuing committee", a committee of continuing existence which is not
107 formed, controlled or directed by a candidate, and is a committee other than a candidate

108 committee or campaign committee, whose primary or incidental purpose is to receive
109 contributions or make expenditures to influence or attempt to influence the action of
110 voters whether or not a particular candidate or candidates or a particular ballot measure
111 or measures to be supported or opposed has been determined at the time the committee
112 is required to file any statement or report pursuant to the provisions of this
113 chapter. "Continuing committee" includes, but is not limited to, any committee organized
114 or sponsored by a business entity, a labor organization, a professional association, a
115 trade or business association, a club or other organization and whose primary purpose
116 is to solicit, accept and use contributions from the members, employees or stockholders
117 of such entity and any individual or group of individuals who accept and use
118 contributions to influence or attempt to influence the action of voters. Such committee
119 shall be formed no later than thirty days prior to the election for which the committee
120 receives contributions or makes expenditures;

121 (11) "Connected organization", any organization such as a corporation, a labor
122 organization, a membership organization, a cooperative, or trade or professional
123 association which expends funds or provides services or facilities to establish, administer
124 or maintain a committee or to solicit contributions to a committee from its members,
125 officers, directors, employees or security holders. An organization shall be deemed to be
126 the connected organization if more than fifty percent of the persons making contributions
127 to the committee during the current calendar year are members, officers, directors,
128 employees or security holders of such organization or their spouses;

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

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

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

142 (c) Receipts from the sale of goods and services, including the sale of advertising
143 space in a brochure, booklet, program or pamphlet of a candidate or committee and the

144 sale of tickets or political merchandise;

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

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

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

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

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

164 (i) "Contribution" does not include:

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

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

173 c. Interest earned on deposit of committee funds;

174 d. The costs incurred by any connected organization listed pursuant to
175 subdivision [(4)] **(5)** of subsection 5 of section 130.021 for establishing, administering or
176 maintaining a committee, or for the solicitation of contributions to a committee which
177 solicitation is solely directed or related to the members, officers, directors, employees or
178 security holders of the connected organization;

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

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

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

189 (16) "Expenditure", a payment, advance, conveyance, deposit, donation or
190 contribution of money or anything of value for the purpose of supporting or opposing the
191 nomination or election of any candidate for public office or the qualification or passage
192 of any ballot measure or for the support of any committee which in turn supports or
193 opposes any candidate or ballot measure or for the purpose of paying a previously
194 incurred campaign debt or obligation of a candidate or the debts or obligations of a
195 committee; a payment, or an agreement or promise to pay, money or anything of value,
196 including a candidate's own money or property, for the purchase of goods, services,
197 property, facilities or anything of value for the purpose of supporting or opposing the
198 nomination or election of any candidate for public office or the qualification or passage
199 of any ballot measure or for the support of any committee which in turn supports or
200 opposes any candidate or ballot measure or for the purpose of paying a previously
201 incurred campaign debt or obligation of a candidate or the debts or obligations of a
202 committee. An expenditure of anything of value shall be deemed to have a money value
203 equivalent to the fair market value. "Expenditure" includes, but is not limited to:

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

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

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

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

215 (e) "Expenditure" does not include:

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

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

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

227 d. The rendering of voluntary personal services by an individual of the sort
228 commonly performed by volunteer campaign workers and the payment by such individual
229 of the individual's necessary and ordinary personal expenses incidental to such volunteer
230 activity, provided no compensation is, directly or indirectly, asked or given;

231 e. The costs incurred by any connected organization listed pursuant to
232 subdivision [(4)] **(5)** of subsection 5 of section 130.021 for establishing, administering or
233 maintaining a committee, or for the solicitation of contributions to a committee which
234 solicitation is solely directed or related to the members, officers, directors, employees or
235 security holders of the connected organization;

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

239 (17) "Exploratory committees", a committee which shall be formed by an
240 individual to receive contributions and make expenditures on behalf of this individual
241 in determining whether or not the individual seeks elective office. Such committee shall
242 terminate no later than December thirty-first of the year prior to the general election for
243 the possible office;

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

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

250 (20) "Labor organization", any organization of any kind, or any agency or
251 employee representation committee or plan, in which employees participate and which

252 exists for the purpose, in whole or in part, of dealing with employers concerning
253 grievances, labor disputes, wages, rates of pay, hours of employment, or conditions of
254 work;

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

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

267 (23) "Political merchandise", goods such as bumper stickers, pins, hats, ties,
268 jewelry, literature, or other items sold or distributed at a fund-raising event or to the
269 general public for publicity or for the purpose of raising funds to be used in supporting
270 or opposing a candidate for nomination or election or in supporting or opposing the
271 qualification, passage or defeat of a ballot measure;

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

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

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

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

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

130.018. 1. Every governor-elect shall form a gubernatorial inaugural committee to receive and accept contributions, monetary and in-kind, to be used solely in support of the governor-elect's inaugural activities. The committee shall be subject to all reporting requirements, penalties, procedures, limitations, and obligations of candidate committees and of candidates for the office of governor as provided in this chapter, and shall be subject to any regulations adopted pursuant to such sections.

2. No expenditure of public funds shall be made in support of any gubernatorial inaugural activity until the governor-elect has formed a gubernatorial inaugural committee as provided by this section. The expenditure of public funds shall not be subject to the contribution limitation in section 130.032, RSMo.

3. For a governor-elect not seeking reelection, any funds remaining in the inaugural committee's bank account after all inaugural expenses have been paid shall escheat to the state.

130.019. 1. The house of representatives and the senate shall form a legislative inaugural committee to receive and accept contributions, monetary and in-kind, to be used solely in support of the legislative inaugural activities. The committee shall be subject to all reporting requirements, penalties, procedures, limitations, and obligations of candidate committees and of candidates for offices in the house of representatives as provided in this chapter, and shall be subject to any regulations adopted pursuant to such sections.

2. No expenditure of public funds shall be made in support of any legislative inaugural activity until the house of representatives and senate have formed a legislative inaugural committee as provided by this section. The expenditure of public funds shall not be subject to the contribution limitation in section 130.032.

3. Any funds remaining in the legislative inaugural committee's bank account after all legislative inaugural expenses have been paid shall escheat to the state.

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

2. Every candidate for offices listed in subsection 1 of section 130.016 who has

7 not filed a statement of exemption pursuant to that subsection and every candidate for
8 offices listed in subsection 6 of section 130.016 who is not excluded from filing a
9 statement of organization and disclosure reports pursuant to subsection 6 shall form a
10 candidate committee and appoint a treasurer. Thereafter, all contributions on hand and
11 all further contributions received by such candidate and any of the candidate's own funds
12 to be used in support of the person's candidacy shall be deposited in a candidate
13 committee depository account established pursuant to the provisions of subsection 4 of
14 this section, and all expenditures shall be made through the candidate, treasurer or
15 deputy treasurer of the person's candidate committee. Nothing in this chapter shall
16 prevent a candidate from appointing himself or herself as a committee of one and serving
17 as the person's own treasurer, maintaining the candidate's own records and filing all the
18 reports and statements required to be filed by the treasurer of a candidate committee.

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

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

43 vacant, the candidate shall be the treasurer until the candidate appoints a new
44 treasurer.

45 (2) A committee treasurer, deputy treasurer or candidate may withdraw funds
46 from a committee's official depository account and deposit such funds in one or more
47 savings accounts in the committee's name in any bank, savings and loan association or
48 credit union within this state, and may also withdraw funds from an official depository
49 account for investment in the committee's name in any certificate of deposit, bond or
50 security. Proceeds from interest or dividends from a savings account or other investment
51 or proceeds from withdrawals from a savings account or from the sale of an investment
52 shall not be expended or reinvested, except in the case of renewals of certificates of
53 deposit, without first redepositing such proceeds in an official depository
54 account. Investments, other than savings accounts, held outside the committee's official
55 depository account at any time during a reporting period shall be disclosed by
56 description, amount, any identifying numbers and the name and address of any
57 institution or person in which or through which it is held in an attachment to disclosure
58 reports the committee is required to file. Proceeds from an investment such as interest
59 or dividends or proceeds from its sale, shall be reported by date and amount. In the case
60 of the sale of an investment, the names and addresses of the persons involved in the
61 transaction shall also be stated. Funds held in savings accounts and investments,
62 including interest earned, shall be included in the report of money on hand as required
63 by section 130.041.

64 5. The treasurer or deputy treasurer acting on behalf of any person or
65 organization or group of persons which is a committee by virtue of the definitions of
66 "committee" in section 130.011 and any candidate who is not excluded from forming a
67 committee in accordance with the provisions of section 130.016 shall file a statement of
68 organization with the appropriate officer within twenty days after the person or
69 organization becomes a committee but no later than the date for filing the first report
70 required pursuant to the provisions of section 130.046. The statement of organization
71 shall contain the following information:

72 (1) The name, mailing address and telephone number, if any, of the committee
73 filing the statement of organization. If the committee is deemed to be affiliated with a
74 connected organization as provided in subdivision (11) of section 130.011, the name of
75 the connected organization, or a legally registered fictitious name which reasonably
76 identifies the connected organization, shall appear in the name of the committee. If the
77 committee is a candidate committee, the name of the candidate shall be a part of the
78 committee's name;

- 79 (2) The name, mailing address and telephone number of the candidate;
- 80 (3) The name, mailing address and telephone number of the committee treasurer,
81 and the name, mailing address and telephone number of its deputy treasurer if the
82 committee has named a deputy treasurer;
- 83 (4) The names, mailing addresses and titles of its officers, if any;
- 84 (5) The name and mailing address of any connected organizations with which the
85 committee is affiliated;
- 86 (6) The name and mailing address of its depository, and the name and account
87 number of each account the committee has in the depository, **except that when the**
88 **report is required to be filed with an appropriate officer, as defined in section**
89 **130.021, other than the Missouri ethics commission, the account number of**
90 **each account may be omitted;**
- 91 (7) Identification of the major nature of the committee such as a candidate
92 committee, campaign committee, continuing committee, political party committee,
93 incumbent committee, or any other committee according to the definition of "committee"
94 in section 130.011;
- 95 (8) In the case of the candidate committee designated in subsection 3 of this
96 section, the full name and address of each other candidate committee which is under the
97 control and direction of the same candidate, together with the name, address and
98 telephone number of the treasurer of each such other committee;
- 99 (9) The name and office sought of each candidate supported or opposed by the
100 committee;
- 101 (10) The ballot measure concerned, if any, and whether the committee is in favor
102 of or opposed to such measure.

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

110 7. A committee which has filed a statement of organization and has not
111 terminated shall not be required to file another statement of organization, except that
112 when there is a change in any of the information previously reported as required by
113 subdivisions (1) to (8) of subsection 5 of this section an amended statement of
114 organization shall be filed within twenty days after the change occurs, but no later than

115 the date of the filing of the next report required to be filed by that committee by section
116 130.046.

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

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

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

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

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

136 11. If a committee domiciled in this state receives a contribution of one thousand
137 five hundred dollars or more from any committee domiciled outside of this state, the
138 committee domiciled in this state shall file a disclosure report with the commission. The
139 report shall disclose the full name, mailing address, telephone numbers and domicile of
140 the contributing committee and the date and amount of the contribution. The report
141 shall be filed within forty-eight hours of the receipt of such contribution if the
142 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
2 dollars shall be made by or accepted from any single contributor for any election by a
3 continuing committee, a campaign committee, a political party committee, an exploratory
4 committee or a candidate committee.

5 2. Except for expenditures from a petty cash fund which is established and
6 maintained by withdrawals of funds from the committee's depository account and with
7 records maintained pursuant to the record-keeping requirements of section 130.036 to
8 account for expenditures made from petty cash, each expenditure of more than fifty

9 dollars, except an in-kind expenditure, shall be made by check drawn on the committee's
10 depository and signed by the committee treasurer, deputy treasurer or candidate. A
11 single expenditure from a petty cash fund shall not exceed fifty dollars, and the
12 aggregate of all expenditures from a petty cash fund during a calendar year shall not
13 exceed the lesser of five thousand dollars or ten percent of all expenditures made by the
14 committee during that calendar year. A check made payable to "cash" shall not be made
15 except to replenish a petty cash fund.

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

28 4. No anonymous contribution of more than twenty-five dollars shall be made by
29 any person, and no anonymous contribution of more than twenty-five dollars shall be
30 accepted by any candidate or committee. If any anonymous contribution of more than
31 twenty-five dollars is received, it shall be returned immediately to the contributor, if the
32 contributor's identity can be ascertained, and if the contributor's identity cannot be
33 ascertained, the candidate, committee treasurer or deputy treasurer shall immediately
34 transmit that portion of the contribution which exceeds twenty-five dollars to the state
35 treasurer and it shall escheat to the state.

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

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

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

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

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

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

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

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

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

71 (d) A brief description of the type of event and the fund-raising methods used;

72 (e) The gross receipts from the event and a listing of the expenditures incident
73 to the event;

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

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

81 7. No candidate or committee in this state shall accept contributions from any
82 out-of-state committee unless the out-of-state committee from whom the contributions
83 are received has filed a statement of organization pursuant to section 130.021 or has
84 filed the reports required by sections 130.049 and 130.050, whichever is applicable to
85 that committee.

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

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

108 (2) In regard to any printed matter paid for by a committee, it shall be sufficient
109 identification to print the name of the committee as required to be registered by
110 subsection 5 of section 130.021 and the name and title of the committee treasurer who
111 was serving when the printed matter was paid for.

112 (3) In regard to any printed matter paid for by a corporation or other business
113 entity, labor organization, or any other organization not defined to be a committee by
114 subdivision (7) of section 130.011 and not organized especially for influencing one or
115 more elections, it shall be sufficient identification to print the name of the entity, the
116 name of the principal officer of the entity, by whatever title known, and the mailing

117 address of the entity, or if the entity has no mailing address, the mailing address of the
118 principal officer.

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

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

132 10. [The provisions of subsection 8 or 9] **Any individual, individually or**
133 **representing any business or committee other than a candidate's authorized**
134 **committee or party committee, who purchases advertising in any publication,**
135 **purchases or in any way causes a broadcast station to transmit any matter**
136 **relative to a candidate for public office, or hires a professional phone bank**
137 **to make calls regarding any candidate for public office shall sign a disclosure**
138 **form provided by the Missouri ethics commission, which shall contain the**
139 **following information:**

140 (1) **The publication, broadcast station, or phone bank name and its**
141 **location;**

142 (2) **The date the purchase was made;**

143 (3) **The times the advertising or broadcast is being run or the calls are**
144 **being made;**

145 (4) **The name and address of the person purchasing the advertisement**
146 **or broadcast time or hiring the phone bank;**

147 (5) **On whose behalf the publication, broadcast time, or phone bank is**
148 **purchased. If the purchase is on behalf of an entity other than the purchaser,**
149 **the form shall also provide a space to list whether the entity is a corporation,**
150 **committee, association, sole proprietorship, or other incorporated group. The**
151 **name and office location of the chief executive officer of the entity and the**
152 **date it was established or formed shall be listed; and**

153 **(6) The amount of the purchase for the publication, broadcast time, or**
154 **phone bank service.**

155 **The commission shall make the form available to the publisher, broadcaster,**
156 **or phone bank. The form shall be considered an open record subject to**
157 **chapter 610, RSMo.**

158 **11. Any individual publishing any printed matter relative to any**
159 **candidate for public office or any ballot measure shall retain a file.**

160 **12. A form shall be provided by the ethics commission to the media**
161 **outlets and shall be filled out by the buyer and signed by both the buyer and**
162 **seller, and a copy of the form shall be retained by the media outlets for two**
163 **years.**

164 **13. Subsections 8 to 15** of this section shall not apply to candidates for elective
165 federal office, provided that persons causing matter to be printed or broadcast concerning
166 such candidacies shall comply with the requirements of federal law for identification of
167 the sponsor or sponsors.

168 **[11.] 14.** It shall be a violation of this chapter for any person required to be
169 identified as paying for printed matter pursuant to subsection 8 of this section [or],
170 **identified as** paying for broadcast matter pursuant to subsection 9 of this section, **or**
171 **identified as being required to file any of the disclosures required pursuant**
172 **to subsections 10 to 14 of this section** to refuse to provide the information required
173 or to purposely provide false, misleading, or incomplete information.

174 **[12.] 15.** It shall be a violation of this chapter for any committee to offer chances
175 to win prizes or money to persons to encourage such persons to endorse, send election
176 material by mail, deliver election material in person or contact persons at their homes;
177 except that, the provisions of this subsection shall not be construed to prohibit hiring
178 and paying a campaign staff.

179 **16. Any rule or portion of a rule, as that term is defined in section**
180 **536.010, RSMo, that is created under the authority delegated in this section**
181 **shall become effective only if it complies with and is subject to all of the**
182 **provisions of chapter 536, RSMo, and, if applicable, section 536.028,**
183 **RSMo. This section and chapter 536, RSMo, are nonseverable and if any of**
184 **the powers vested with the general assembly pursuant to chapter 536, RSMo,**
185 **to review, to delay the effective date, or to disapprove and annul a rule are**
186 **subsequently held unconstitutional, then the grant of rulemaking authority**
187 **and any rule proposed or adopted after August 28, 2004, shall be invalid and**
188 **void.**

130.036. 1. The candidate, treasurer or deputy treasurer of a committee shall
2 maintain accurate records and accounts on a current basis. The records and accounts
3 shall be maintained in accordance with accepted normal bookkeeping procedures and
4 shall contain the bills, receipts, deposit records, canceled checks and other detailed
5 information necessary to prepare and substantiate any statement or report required to
6 be filed pursuant to this chapter. Every person who acts as an agent for a committee in
7 receiving contributions, making expenditures or incurring indebtedness for the
8 committee shall, on request of that committee's treasurer, deputy treasurer or candidate,
9 but in any event within five days after any such action, render to the candidate,
10 committee treasurer or deputy treasurer a detailed account thereof, including names,
11 addresses, dates, exact amounts and any other details required by the candidate,
12 treasurer or deputy treasurer to comply with this chapter. Notwithstanding the
13 provisions of subsection 4 of section 130.021 prohibiting commingling of funds, an
14 individual, trade or professional association, business entity, or labor organization which
15 acts as an agent for a committee in receiving contributions may deposit contributions
16 received on behalf of the committee to the agent's account within a financial institution
17 within this state, for purposes of facilitating transmittal of the contributions to the
18 candidate, committee treasurer or deputy treasurer. Such contributions shall not be held
19 in the agent's account for more than five days after the date the contribution was
20 received by the agent, and shall not be transferred to the account of any other agent or
21 person, other than the committee treasurer.

22 2. Unless a contribution is rejected by the candidate or committee and returned
23 to the donor or transmitted to the state treasurer within ten business days after its
24 receipt, it shall be considered received and accepted on the date received,
25 notwithstanding the fact that it was not deposited by the closing date of a reporting
26 period.

27 3. Notwithstanding the provisions of section 130.041 that only contributors of
28 more than one hundred dollars shall be reported by name and address for all
29 committees, the committee's records shall contain a listing of each contribution received
30 by the committee, including those accepted and those which are rejected and either
31 returned to the donor or transmitted to the state treasurer. Each contribution,
32 regardless of the amount, shall be recorded by date received, name and address of the
33 contributor and the amount of the contribution, except that any contributions from
34 unidentifiable persons which are received through fund-raising activities and events as
35 permitted in subsection 6 of section 130.031 shall be recorded to show the dates and
36 amounts of all such contributions received together with information contained in

37 statements required by subsection 6 of section 130.031. The procedure for recording
38 contributions shall be of a type which enables the candidate, committee treasurer or
39 deputy treasurer to maintain a continuing total of all contributions received from any
40 one contributor.

41 4. Notwithstanding the provisions of section 130.041 that certain expenditures
42 need not be identified in reports by name and address of the payee, the committee's
43 records shall include a listing of each expenditure made and each contract, promise or
44 agreement to make an expenditure, showing the date and amount of each transaction,
45 the name and address of the person to whom the expenditure was made or promised, and
46 the purpose of each expenditure made or promised.

47 5. In the case of a committee which makes expenditures for both the support or
48 opposition of any candidate and the passage or defeat of a ballot measure, the committee
49 treasurer shall maintain records segregated according to each candidate or measure for
50 which the expenditures were made.

51 6. Records shall indicate which transactions, either contributions received or
52 expenditures made, were cash transactions or in-kind transactions.

53 7. Any candidate who, pursuant to section 130.016, is exempt from the
54 requirements to form a committee shall maintain records of each contribution received
55 or expenditure made in support of his candidacy. Any other person or combination of
56 persons who, although not deemed to be a committee according to the definition of the
57 term "committee" in section 130.011, accepts contributions or makes expenditures, other
58 than direct contributions from the person's own funds, for the purpose of supporting or
59 opposing the election or defeat of any candidate or for the purpose of supporting or
60 opposing the qualifications, passage or defeat of any ballot measure shall maintain
61 records of each contribution received or expenditure made. The records shall include
62 name, address and amount pertaining to each contribution received or expenditure made
63 and any bills, receipts, canceled checks or other documents relating to each transaction.

64 8. All records and accounts of receipts and expenditures shall be preserved for
65 at least three years after the date of the election to which the records pertain. Records
66 and accounts regarding supplemental disclosure reports or reports not required pursuant
67 to an election shall be preserved for at least three years after the date of the report to
68 which the records pertain. Such records shall be available for inspection by the
69 [campaign finance review board] **Missouri ethics commission** and its duly authorized
70 representatives.

130.041. 1. Except as provided in subsection 5 of section 130.016, the candidate,
2 if applicable, treasurer or deputy treasurer of every committee which is required to file

3 a statement of organization, shall file a legibly printed or typed disclosure report of
4 receipts and expenditures. The reports shall be filed with the appropriate officer
5 designated in section 130.026 at the times and for the periods prescribed in section
6 130.046; **however, any candidate whose appropriate officers are the Missouri**
7 **ethics commission and the candidate's election authority shall not be required**
8 **to file reports with the election authority if the report has been filed**
9 **electronically with the Missouri ethics commission and the candidate has**
10 **filed a declaration with the election authority that electronic filing will be**
11 **used exclusively unless notified otherwise.** Except as provided in sections 130.049
12 and 130.050, each report shall set forth:

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

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

19 (3) Receipts for the period, including:

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

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

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

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

36 (e) A separate listing by name and address and employer, or occupation if
37 self-employed or notation of retirement, of each person from whom the committee
38 received contributions, in money or any other thing of value, aggregating more than one

39 hundred dollars, together with the date and amount of each such contribution;

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

45 (4) Expenditures for the period, including:

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

48 (b) The total dollar amount of expenditures made in cash;

49 (c) The total dollar value of all in-kind expenditures made;

50 (d) The full name and mailing address of each person to whom an expenditure
51 of money or any other thing of value in the amount of more than one hundred dollars has
52 been made, contracted for or incurred, together with the date, amount and purpose of
53 each expenditure. Expenditures of one hundred dollars or less may be grouped and
54 listed by categories of expenditure showing the total dollar amount of expenditures in
55 each category, except that the report shall contain an itemized listing of each payment
56 made to campaign workers by name, address, date, amount and purpose of each payment
57 and the aggregate amount paid to each such worker;

58 (e) A list of each loan made, by name and mailing address of the person receiving
59 the loan, together with the amount, terms and date;

60 (5) The total amount of cash on hand as of the closing date of the reporting
61 period covered, including amounts in depository accounts and in petty cash fund;

62 (6) The total amount of outstanding indebtedness as of the closing date of the
63 reporting period covered;

64 (7) The amount of expenditures for or against a candidate or ballot measure
65 during the period covered and the cumulative amount of expenditures for or against that
66 candidate or ballot measure, with each candidate being listed by name, mailing address
67 and office sought. For the purpose of disclosure reports, expenditures made in support
68 of more than one candidate or ballot measure or both shall be apportioned reasonably
69 among the candidates or ballot measure or both. In apportioning expenditures to each
70 candidate or ballot measure, political party committees and continuing committees need
71 not include expenditures for maintaining a permanent office, such as expenditures for
72 salaries of regular staff, office facilities and equipment or other expenditures not
73 designed to support or oppose any particular candidates or ballot measures; however, all
74 such expenditures shall be listed pursuant to subdivision (4) of this subsection;

75 (8) A separate listing by full name and address of any committee including a
76 candidate committee controlled by the same candidate for which a transfer of funds or
77 a contribution in any amount has been made during the reporting period, together with
78 the date and amount of each such transfer or contribution;

79 (9) A separate listing by full name and address of any committee, including a
80 candidate committee controlled by the same candidate from which a transfer of funds or
81 a contribution in any amount has been received during the reporting period, together
82 with the date and amount of each such transfer or contribution;

83 (10) Each committee that receives a contribution which is restricted or designated
84 in whole or in part by the contributor for transfer to a particular candidate, committee
85 or other person shall include a statement of the name and address of that contributor
86 in the next disclosure report required to be filed after receipt of such contribution,
87 together with the date and amount of any such contribution which was so restricted or
88 designated by that contributor, together with the name of the particular candidate or
89 committee to whom such contribution was so designated or restricted by that contributor
90 and the date and amount of such contribution.

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

95 (1) In the case of a candidate committee, the period shall begin on the date on
96 which the candidate became a candidate according to the definition of the term
97 "candidate" in section 130.011 and end at 11:59 p.m. on the day of the primary election,
98 if the candidate has such an election or at 11:59 p.m. on the day of the general election. If
99 the candidate has a general election held after a primary election, the next aggregating
100 period shall begin at 12:00 midnight on the day after the primary election day and shall
101 close at 11:59 p.m. on the day of the general election. Except that for contributions
102 received during the thirty-day period immediately following a primary election, the
103 candidate shall designate whether such contribution is received as a primary election
104 contribution or a general election contribution;

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

108 (3) In the case of a political party committee or a continuing committee, the
109 period shall begin on the first day of January of the year in which the report or
110 statement is being filed and end on the closing date for the period for which the report

111 or statement is required; except, if the report or statement is required to be filed prior
112 to the first day of July in any given year, the period shall begin on the first day of July
113 of the preceding year.

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

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

**130.042. Persons requesting to inspect or copy disclosure reports made
2 and filed pursuant to this chapter or chapter 105, RSMo, shall provide photo
3 identification with which to compare and verify their signatures prior to the
4 disclosure reports being made available for inspection or copying.**

130.046. 1. The disclosure reports required by section 130.041 for all committees
2 shall 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
4 twelfth day before the election if the committee has made any contribution or
5 expenditure either in 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
8 expenditure either in support of or opposition to any candidate or ballot measure; except
9 that, a successful candidate who takes office prior to the twenty-fifth day after the
10 election shall have complied with the report requirement of this subdivision if a
11 disclosure report is filed by such candidate and any candidate committee under the
12 candidate's control before such candidate takes office, and such report shall be for the
13 period closing on the day before taking office; and

14 (3) Not later than the fifteenth day following the close of each calendar quarter.
15 Notwithstanding the provisions of this subsection, if any committee accepts contributions
16 or makes expenditures in support of or in opposition to a ballot measure or a candidate,
17 and the report required by this subsection for the most recent calendar quarter is filed
18 prior to the fortieth day before the election on the measure or candidate, the committee

19 shall file an additional disclosure report not later than the fortieth day before the
20 election for the period closing on the 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
22 petition or referendum petition, or a recall petition seeking to remove an incumbent from
23 office, disclosure reports relating to the time for filing such petitions shall be made as
24 follows:

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

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

46 3. The candidate, if applicable, treasurer or deputy treasurer of a committee shall
47 file disclosure reports pursuant to this section, except for any calendar quarter in which
48 the contributions received by the committee or the expenditures or contributions made
49 by the committee do not exceed five hundred dollars. The reporting dates and periods
50 covered for such quarterly reports shall not be later than the fifteenth day of January,
51 April, July and October for periods closing on the thirty-first day of December, the
52 thirty-first day of March, the thirtieth day of June and the thirtieth day of September. No
53 candidate, treasurer or deputy treasurer shall be required to file the quarterly disclosure
54 report required not later than the fifteenth day of any January immediately following

55 a November election, provided that such candidate, treasurer or deputy treasurer shall
56 file the information required on such quarterly report on the quarterly report to be filed
57 not later than the fifteenth day of April immediately following such November
58 election. Each report by such committee shall be cumulative from the date of the last
59 report. In the case of the continuing committee's first report, the report shall be
60 cumulative from the date of the continuing committee's organization. Every candidate,
61 treasurer or deputy treasurer shall file, at a minimum, the campaign disclosure reports
62 covering the quarter immediately preceding the date of the election and those required
63 by subdivisions (1) and (2) of subsection 1 of this section. A continuing committee shall
64 submit additional reports if it makes aggregate expenditures, other than contributions
65 to a committee, of five hundred dollars or more, within the reporting period at the
66 following times for the following periods:

67 (1) Not later than the eighth day before an election for the period closing on the
68 twelfth day before the election;

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

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

73 4. The reports required to be filed no later than the thirtieth day after an election
74 and any subsequently required report shall be cumulative so as to reflect the total
75 receipts and disbursements of the reporting committee for the entire election campaign
76 in question. The period covered by each disclosure report shall begin on the day after
77 the closing date of the most recent disclosure report filed and end on the closing date for
78 the period covered. If the committee has not previously filed a disclosure report, the
79 period covered begins on the date the committee was formed; except that in the case of
80 a candidate committee, the period covered begins on the date the candidate became a
81 candidate according to the definition of the term candidate in section 130.011.

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

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

86 (a) If there are less than fifty days between a primary election and the
87 immediately succeeding general election, the disclosure report required to be filed
88 quarterly; provided that, any other report required to be filed prior to the primary
89 election and all other reports required to be filed not later than the eighth day before the
90 general election are filed no later than the final dates for filing such reports;

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

97 (2) No disclosure report needs to be filed for any reporting period if during that
98 reporting period the committee has neither received contributions aggregating more than
99 five hundred dollars nor made expenditure aggregating more than five hundred dollars
100 and has not received contributions aggregating more than [three hundred dollars] **the**
101 **amount set out in subdivision (3) of subsection 1 of section 130.032, as**
102 **increased by subsection 2 of section 130.032,** from any single contributor and if the
103 committee's treasurer files a statement with the appropriate officer that the committee
104 has not exceeded the identified thresholds in the reporting period. Any contributions
105 received or expenditures made which are not reported because this statement is filed in
106 lieu of a disclosure report shall be included in the next disclosure report filed by the
107 committee. This statement shall not be filed in lieu of the report for two or more
108 consecutive disclosure periods if either the contributions received or expenditures made
109 in the aggregate during those reporting periods exceed five hundred dollars. This
110 statement shall not be filed, in lieu of the report, later than the thirtieth day after an
111 election if that report would show a deficit of more than one thousand dollars.

112 6. (1) If the disclosure report required to be filed by a committee not later than
113 the thirtieth day after an election shows a deficit of unpaid loans and other outstanding
114 obligations in excess of five thousand dollars, semiannual supplemental disclosure
115 reports shall be filed with the appropriate officer for each succeeding semiannual period
116 until the deficit is reported in a disclosure report as being reduced to five thousand
117 dollars or less; except that, a supplemental semiannual report shall not be required for
118 any semiannual period which includes the closing date for the reporting period covered
119 in any regular disclosure report which the committee is required to file in connection
120 with an election. The reporting dates and periods covered for semiannual reports shall
121 be not later than the fifteenth day of January and July for periods closing on the
122 thirty-first day of December and the thirtieth day of June;

123 (2) Committees required to file reports pursuant to subsection 2 or 3 of this
124 section which are not otherwise required to file disclosure reports for an election shall
125 file semiannual reports as required by this subsection if their last required disclosure
126 report shows a total of unpaid loans and other outstanding obligations in excess of five

127 thousand dollars.

128 7. In the case of a committee which disbands and is required to file a termination
129 statement pursuant to the provisions of section 130.021 with the appropriate officer not
130 later than the tenth day after the committee was dissolved, the candidate, committee
131 treasurer or deputy treasurer shall attach to the termination statement a complete
132 disclosure report for the period closing on the date of dissolution. A committee shall not
133 utilize the provisions of subsection 8 of section 130.021 or the provisions of this
134 subsection to circumvent or otherwise avoid the reporting requirements of subsection 6
135 or 7 of this section.

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

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

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

20 **(1) The full name, address, and domicile of the committee making the**
21 **report and the name, residential, and business addresses, domicile, and**

22 **telephone numbers of the committee's treasurer;**

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

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

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

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

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

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

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

12 **(1) The full name, address and domicile of the committee making the report and**

13 the name, residential and business addresses, domicile and telephone numbers of the
14 committee's treasurer;

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

18 (3) A statement of the total dollar amount of all funds received by the committee
19 in the current calendar year and a statement of the total contributions in the same
20 period from persons domiciled in this state and a list by name, address, date and amount
21 of each Missouri resident who contributed an aggregate of more than two hundred
22 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 during
25 the reporting period which was restricted or designated in whole or in part for use in
26 supporting or opposing a candidate, ballot measure or committee in this state or was
27 restricted for use in this state at the committee's discretion, or a statement that no such
28 contributions were received;

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

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

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

48 3.] The receipt of any late contribution or loan of more than two hundred fifty

49 dollars by a candidate committee supporting a candidate for statewide office or by any
50 other committee shall be reported to the appropriate officer no later than forty-eight
51 hours after receipt. For purposes of this subsection the term "late contribution or loan"
52 means a contribution or loan received after the closing date of the last disclosure report
53 required to be filed before an election but received prior to the date of the election
54 itself. The disclosure report of a late contribution may be made by any written means
55 of communication, setting forth the name and address of the contributor or lender and
56 the amount of the contribution or loan and need not contain the signatures and
57 certification required for a full disclosure report described in section 130.041. A late
58 contribution or loan shall be included in subsequent disclosure reports without regard
59 to any special reports filed pursuant to this subsection.

130.054. 1. Notwithstanding the provisions of subsection 3 of section 105.957,
2 RSMo, any natural person may file a complaint with the Missouri ethics commission
3 alleging failure to timely or accurately file a personal financial disclosure statement, a
4 campaign finance disclosure report or a violation of the provisions of this chapter by any
5 candidate for elective office, within sixty days prior to the primary election at which such
6 candidate is running for office, until after the general election. Any such complaint shall
7 be in writing, shall state all facts known by the complainant which have given rise to the
8 complaint, and shall be sworn to, under penalty of perjury, by the complainant.

9 2. Within the first business day after receipt of a complaint pursuant to this
10 section, the executive director shall supply a copy of the complaint to the person or entity
11 named in the complaint, deleting any material identifying the name of the complainant,
12 **unless the complaint claims a violation of campaign finance disclosure**
13 **requirements, in which case the complainant's name shall not be deleted.** The
14 executive director shall notify the complainant and the person or entity named in the
15 complaint of the date and time at which the commission shall audit and investigate the
16 allegations contained in the complaint pursuant to subsection 3 of this section.

17 3. Within fifteen business days of receipt of a complaint pursuant to this section,
18 the commission shall audit and investigate the allegations contained in the complaint
19 and shall determine by a vote of at least four members of the commission that there are
20 reasonable grounds to believe that a violation of law has occurred within the jurisdiction
21 of the commission. The respondent may reply in writing or in person to the allegations
22 contained in the complaint and may state justifications to dismiss the complaint. The
23 complainant may also present evidence in support of the allegations contained in the
24 complaint, but such evidence shall be limited in scope to the allegations contained in the
25 original complaint, and such complaint may not be supplemented or otherwise enlarged

26 in scope.

27 4. If, after audit and investigation of the complaint and upon a vote of at least
28 four members of the commission, the commission determines that there are reasonable
29 grounds to believe that a violation of law has occurred within the jurisdiction of the
30 commission, the commission shall proceed with such complaint as provided by sections
31 105.957 to 105.963, RSMo. If the commission does not determine that there are
32 reasonable grounds to believe that such a violation of law has occurred, the complaint
33 shall be dismissed. If a complaint is dismissed, the fact that such complaint was
34 dismissed, with a statement of the nature of the complaint, shall be made public within
35 twenty-four hours of the commission's action.

36 5. Any complaint made pursuant to this section, and all proceedings and actions
37 concerning such a complaint, shall be subject to the provisions of subsection 15 of section
38 105.961, RSMo.

39 **6. Complaints claiming campaign finance disclosure requirement**
40 **violations shall be filed within thirty days of the filing of the report that is**
41 **claimed to violate the requirements, unless the complaint can be**
42 **substantiated only with a series of campaign finance disclosure reports, in**
43 **which case the complaint shall be filed within thirty days of the filing of the**
44 **last report in the series of reports claimed to violate the requirements. In**
45 **addition to the contents required for each complaint pursuant to this chapter**
46 **or chapter 105, RSMo, the copy of the complaint supplied to the person or**
47 **entity named in the complaint shall include the personal information of the**
48 **person filing the complaint, including the person's name, address, and**
49 **telephone number or numbers.**

50 7. Complaints found by the commission to be motivated by malice or
51 a reason contrary to the spirit of any law on which such complaint was based,
52 filed without just cause, shall result in an assessment against the complainant
53 for the reasonable costs incurred by the subject party of the complaint and
54 any other person or entity named therein, in defending against the complaint,
55 and the reasonable costs incurred by the commission in investigating the
56 complaint.

57 8. Any complaint filed under this section shall be deemed a closed
58 record under subdivision (14) of section 610.021, RSMo. No information
59 relating to any complaint filed under this section shall be disclosed in any
60 form to the public until the commission has completed the investigation of the
61 complaint and has rendered its findings and conclusions on the

62 **complaint. Any person or entity who discloses any such information relating**
63 **to a complaint before the commission has rendered its findings and**
64 **conclusions on the complaint shall be subject to a civil penalty not to exceed**
65 **two thousand five hundred dollars, and upon conviction, shall be subject to**
66 **a criminal penalty of a fine not to exceed two thousand five hundred dollars**
67 **or a term of imprisonment not to exceed one year, or both. The commission**
68 **shall provide a method requiring the complainant to acknowledge that the**
69 **complainant understands that the complaint is a closed record and to**
70 **acknowledge that the complainant understands the penalties for violating this**
71 **section in substantially the following form:**

72 **"This complaint is a closed record and is protected from disclosure**
73 **under the authority of section 610.021, RSMo. Any person or entity who**
74 **discloses any information contained in this complaint before the commission**
75 **has rendered its findings and conclusions shall be subject to a civil penalty**
76 **not to exceed two thousand five hundred dollars and, upon conviction, shall**
77 **be subject to a criminal penalty of a fine not to exceed two thousand five**
78 **hundred dollars or a term of imprisonment not to exceed one year, or both**
79 **the fine and imprisonment."**

130.057. 1. In order for candidates for election and public officials to more easily
2 file reports required by law and to access information contained in such reports, and for
3 the Missouri ethics commission to receive and store reports in an efficient and
4 economical method, and for the general public and news media to access information
5 contained in such reports, the commission shall establish and maintain an electronic
6 reporting system pursuant to this section.

7 2. The ethics commission may establish for elections in 1996 and shall establish
8 for elections and all required reporting beginning in 1998 and maintain thereafter a
9 state campaign finance and financial interest disclosure electronic reporting system
10 pursuant to this section for all candidates required to file. The system may be used for
11 the collection, filing and dissemination of all reports, including monthly lobbying reports
12 filed by law, and all reports filed with the commission pursuant to this chapter and
13 chapter 105, RSMo. The system may be established and used for all reports required to
14 be filed for the primary and general elections in 1996 and all elections thereafter, except
15 that the system may require maintenance of a paper backup system for the primary and
16 general elections in 1996. The reports shall be maintained and secured in the electronic
17 format by the commission.

18 3. When the commission determines that the electronic reporting system has

19 been properly implemented, the commission shall certify to all candidates and
20 committees required to file pursuant to this chapter that such electronic reporting
21 system has been established and implemented. Beginning with the primary and general
22 elections in 2000, or the next primary or general election in which the commission has
23 made certification pursuant to this subsection, whichever is later, candidates and all
24 other committees shall file reports by using either the electronic format prescribed by
25 the commission or paper forms provided by the commission for that purpose. Continuing
26 committees shall file reports by electronic format prescribed by the commission, except
27 continuing committees, **political party committees, or campaign committees** which
28 make contributions equal to or less than [fifteen] **five** thousand dollars in the applicable
29 calendar year. Any continuing [committee which makes] **committees, political party**
30 **committees, or campaign committees which make** contributions in support of or
31 opposition to any measure or candidate equal to or less than [fifteen] **five** thousand
32 dollars in the applicable calendar year shall file reports on paper forms provided by the
33 commission for that purpose or by electronic format prescribed by the commission,
34 whichever reporting method the continuing committee chooses. The commission shall
35 supply a computer program which shall be used for filing by modem or by a common
36 magnetic media chosen by the commission. In the event that filings are performed
37 electronically, the candidate shall file a signed original written copy within five working
38 days; except that, if a means becomes available which will allow a verifiable electronic
39 signature, the commission may also accept this in lieu of a written statement.

40 4. Beginning January 1, 2000, or on the date the commission makes the
41 certification pursuant to subsection 3 of this section, whichever is later, all reports filed
42 with the commission by any candidate for a statewide office, or such candidate's
43 committee, shall be filed in electronic format as prescribed by the commission; provided
44 however, that if a candidate for statewide office, or such candidate's committee receives
45 or spends five thousand dollars or less for any reporting period, the report for that
46 reporting period shall not be required to be filed electronically.

47 5. A copy of all reports filed in the state campaign finance electronic reporting
48 system shall be placed on a public electronic access system so that the general public
49 may have open access to the reports filed pursuant to this section. The access system
50 shall be organized and maintained in such a manner to allow an individual to obtain
51 information concerning all contributions made to or on behalf of, and all expenditures
52 made on behalf of, any public official described in subsection 2 of this section in formats
53 that will include both written and electronically readable formats.

54 6. All records that are in electronic format, not otherwise closed by law, shall be

55 available in electronic format to the public. The commission shall maintain and provide
56 for public inspection, a listing of all reports with a complete description for each field
57 contained on the report, that has been used to extract information from their database
58 files. The commission shall develop a report or reports which contain every field in each
59 database.

60 7. Annually, the commission shall provide, without cost, a system-wide dump of
61 information contained in the commission's electronic database files to the general
62 assembly. The information is to be copied onto a medium specified by the general
63 assembly. Such information shall not contain records otherwise closed by law. It is the
64 intent of the general assembly to provide open access to the commission's records. The
65 commission shall make every reasonable effort to comply with requests for information
66 and shall take a liberal interpretation when considering such requests.

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

[105.971. 1. Any person who for valuable consideration acts in a
2 representative capacity for the purpose of attempting to influence the
3 decisions of any elected official or member of any commission, board, or
4 committee of any city with a population of at least four hundred thousand
5 shall advise the city clerk of his contact with or his intention to contact
6 such official or member for the purpose of attempting to influence the
7 decision of such elected official or member within ten working days of such
8 contact.

9 2. The requirements of subsection 1 of this section shall be
10 satisfied by sending a letter to the clerk of such city, containing the
11 person's name and business address; the name and address of the person,

12 business, association, partnership or corporation for whom he is
13 attempting to obtain a decision and the department of city government
14 which he is attempting to influence.

15 3. The city clerk shall, upon receipt, make such letters open for
16 public inspection during normal business hours.

17 4. Representatives of the news media engaged in the exercise or
18 expression of any editorial opinion are exempt from this section.

19 5. Violation of this section is an infraction.]

[105.973. 1. The ethics commission shall print and make available
2 a summary of all laws over which the commission has enforcement powers
3 pursuant to chapter 105 and chapter 130, RSMo. The summary shall be
4 in plain English and compiled to put individuals on notice of such laws.

5 2. A candidate shall sign a statement verifying that such candidate
6 has received the summary when filing for an office.]

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