HCS HB 1194 -- ETHICS COMPLAINTS

SPONSOR: May (Cunningham, 86)

COMMITTEE ACTION: Voted "do pass" by the Committee on Elections by a vote of 8 to 2.

This substitute changes the laws regarding campaign finance disclosure report complaints. In its main provisions, the substitute:

(1) Requires that the person named in the complaint be given the complainant's name, address, and telephone number;

(2) Permits the Missouri Ethics Commission to assess reasonable investigation and defense costs against persons filing complaints when the commission finds the complaints to be motivated by malice or reasons contrary to the spirit of the law;

(3) Makes the complaint a closed record until the commission completes its investigation and renders its findings and conclusions;

(4) Subjects persons or entities who disclose any information about a complaint while it is still a closed record to a civil penalty not to exceed $2,500 and, upon conviction, a criminal penalty not to exceed $2,500 and/or a term of imprisonment not to exceed one year;

(5) Changes the language regarding the notice that must be given to subjects of complaints and commission investigations from "actual notice" to "notice";

(6) Changes the body to which subjects of complaints and commission investigations may appeal commission actions from the Administrative Hearing Commission to the circuit court of Cole County; and

(7) Requires persons requesting to inspect or copy campaign finance disclosure reports to provide photo identification.

FISCAL NOTE: No impact on state funds in FY 2007, FY 2008, and FY 2009.

PROPONENTS: Supporters say that the bill will prevent election fraud and increase the accountability of those filing election complaints. Complaints to the Missouri Ethics Commission should not be anonymous, because there are abuses of the current system.

Testifying for the bill were Representative Cunningham (86); and Dan Johnson, City Council of Maryland Heights.

OPPONENTS: Those who oppose the bill say that complaints made to

the Missouri Ethics Commission should be public and transparent even prior to their investigation and resolution.

Testifying against the bill was Missouri Press Association.

OTHERS: Others testifying on the bill gave information about election laws.

Others testifying on the bill was Missouri Ethics Commission.

Jason Glahn, Legislative Analyst