

FIRST REGULAR SESSION  
HOUSE COMMITTEE SUBSTITUTE FOR  
**SENATE BILL NO. 593**  
AND  
SENATE COMMITTEE SUBSTITUTE FOR  
**SENATE BILL NO. 594**  
**94TH GENERAL ASSEMBLY**

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Reported from the Committee on Elections April 17, 2007 with recommendation that House Committee Substitute for Senate Bill No. 593 and Senate Committee Substitute for Senate Bill No. 594 Do Pass. Referred to the Committee on Rules pursuant to Rule 25(21)(f).

D. ADAM CRUMBLISS, Chief Clerk

2413L.03C

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**AN ACT**

To repeal sections 105.466, 105.473, 105.485, 105.487, 105.492, 105.957, 105.961, 105.963, 105.971, 130.021, 130.036, 130.046, 130.049, 130.050, and 130.057, RSMo, and to enact in lieu thereof fifteen new sections relating to ethics, with penalty provisions.

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*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, 105.492, 105.957, 105.961,  
2 105.963, 105.971, 130.021, 130.036, 130.046, 130.049, 130.050, and 130.057, RSMo, are  
3 repealed and fifteen new sections enacted in lieu thereof, to be known as sections 105.466,  
4 105.473, 105.485, 105.487, 105.492, 105.957, 105.961, 105.963, 130.021, 130.036, 130.046,  
5 130.049, 130.050, 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**,  
2 and [105.472] **105.470** to 105.482 shall be construed to prohibit any person from performing any  
3 ministerial act or any act required by order of a court or by law to be performed.

4 2. No provision of sections 105.450 to 105.458, 105.462 to [105.468] **105.467**, and  
5 [105.472] **105.470** to 105.482 shall be construed to prohibit any person from communicating  
6 with the office of the attorney general or any prosecuting attorney or any attorney for any

EXPLANATION — Matter enclosed in bold-faced brackets [thus] in the above bill is not enacted and is intended to be omitted from the law. Matter in **bold-face** type in the above bill is proposed language.

7 political subdivision concerning any prospective claim or complaint then under consideration not  
8 otherwise prohibited by law.

9 3. No provision of sections 105.450 to 105.458, 105.462 to [105.468] **105.467**, and  
10 [105.472] **105.470** to 105.482 shall be construed to prohibit any person, firm or corporation from  
11 receiving compensation for property taken by the state or any political subdivision thereof under  
12 the power of eminent domain in accordance with the provisions of the constitution and the laws  
13 of the state.

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

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

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

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

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

30 executive branch, judicial branch and legislative branch of government: printing and publication  
31 expenses; media and other advertising expenses; travel; the time, venue, and nature of any  
32 entertainment; honoraria; meals, food and beverages; and gifts;

33 (b) The total of all expenditures by the lobbyist or his or her lobbyist principals made on  
34 behalf of all elected local government officials, their staffs and employees, and their spouses and  
35 children. Such expenditures shall be separated into at least the following categories: printing  
36 and publication expenses; media and other advertising expenses; travel; the time, venue, and  
37 nature of any entertainment; honoraria; meals; food and beverages; and gifts;

38 (c) An itemized listing of the name of the recipient and the nature and amount of each  
39 expenditure by the lobbyist or his or her lobbyist principal, including a service or anything of  
40 value, for all expenditures made during any reporting period, paid or provided to or for a public  
41 official or elected local government official, such official's staff, employees, spouse or dependent  
42 children;

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

46 a. All members of the senate;

47 b. All members of the house of representatives;

48 c. All members of a joint committee of the general assembly or a [standing] committee  
49 of either the house of representatives or senate; or

50 d. All members of a caucus of the majority party of the house of representatives, minority  
51 party of the house of representatives, majority party of the senate, or minority party of the senate;

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

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

60

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

63 4. No expenditure reported pursuant to this section shall include any amount expended  
64 by a lobbyist or lobbyist principal on himself or herself. All expenditures disclosed pursuant to  
65 this section shall be valued on the report at the actual amount of the payment made, or the

66 charge, expense, cost, or obligation, debt or bill incurred by the lobbyist or the person the  
67 lobbyist represents. Whenever a lobbyist principal employs more than one lobbyist, expenditures  
68 of the lobbyist principal shall not be reported by each lobbyist, but shall be reported by one of  
69 such lobbyists. No expenditure shall be made on behalf of a state senator or state representative,  
70 or such public official's staff, employees, spouse, or dependent children for travel or lodging  
71 outside the state of Missouri unless such travel or lodging was approved prior to the date of the  
72 expenditure by the administration and accounts committee of the house or the administration  
73 committee of the senate.

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

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

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

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

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

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

98 11. The commission shall provide a report listing the total spent by a lobbyist for the  
99 month and year to any member or member-elect of the general assembly, judge or judicial  
100 officer, or any other person holding an elective office of state government or any elected local  
101 government official on or before the twentieth day of each month. For the purpose of providing

102 accurate information to the public, the commission shall not publish information in either written  
103 or electronic form for ten working days after providing the report pursuant to this subsection.  
104 The commission shall not release any portion of the lobbyist report if the accuracy of the report  
105 has been questioned pursuant to subsection 10 of this section unless it is conspicuously marked  
106 "Under Review".

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

112 13. The provisions of this section shall supersede any contradicting ordinances or charter  
113 provisions.

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

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

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

23 (2) The name and address of each sole proprietorship [which he] **the person** owned; the  
24 name, address and the general nature of the business conducted of each general partnership and

25 joint venture in which [he] **the person** was a partner or participant; the name and address of each  
26 partner or coparticipant for each partnership or joint venture unless such names and addresses  
27 are filed by the partnership or joint venture with the secretary of state; the name, address and  
28 general nature of the business conducted of any closely held corporation or limited partnership  
29 in which the person owned ten percent or more of any class of the outstanding stock or limited  
30 partners' units; and the name of any publicly traded corporation or limited partnership which is  
31 listed on a regulated stock exchange or automated quotation system in which the person owned  
32 two percent or more of any class of outstanding stock, limited partnership units or other equity  
33 interests;

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

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

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

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

61 (7) The name and address of each not-for-profit corporation and each association,  
62 organization, or union, whether incorporated or not, except not-for-profit corporations formed  
63 to provide church services, fraternal organizations or service clubs from which the officer or  
64 employee draws no remuneration, in which such person was an officer, director, employee or  
65 trustee at any time during the year covered by the statement, and for each such organization, a  
66 general description of the nature and purpose of the organization;

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

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

79 (a) Paid in the ordinary course of business for businesses described in subdivisions (1),  
80 (2), (5) and (6) of this subsection which are related to the duties of office of such official; or

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

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

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

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

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

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

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

98 (b) Is a lobbyist; or

99 (c) Is a fee agent of the department of revenue;

100 (12) The name and address of each campaign committee, political committee, candidate  
101 committee, or continuing committee for which such person or any corporation listed on such  
102 person's financial interest statement received payment.

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

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

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

127 (a) For such person, and all persons within the first degree of consanguinity or affinity  
128 of such person, the date and the identities of the parties to each transaction with a total value in  
129 excess of five hundred dollars, if any, that such person had with the political subdivision, other  
130 than compensation received as an employee or payment of any tax, fee or penalty due to the  
131 political subdivision, and other than transfers for no consideration to the political subdivision;



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

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

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

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

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

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

22 **of filing of the financial interest statement.** The appropriate election authority shall provide  
23 to the candidate at the time of filing for [election] **office** written notice of the candidate's  
24 obligation to file pursuant to sections 105.483 to 105.492 and the candidate shall sign a statement  
25 acknowledging receipt of such notice;

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

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

42 (4) The deadline for filing any statement required by sections 105.483 to 105.492 shall  
43 be 5:00 p.m. of the last day designated for filing the statement. When the last day of filing falls  
44 on a Saturday or Sunday or on an official state holiday, the deadline for filing is extended to 5:00  
45 p.m. on the next day which is not a Saturday or Sunday or official holiday. Any statement  
46 required within a specified time shall be deemed to be timely filed if it is postmarked not later  
47 than midnight of the day [previous to the last day] designated for filing the statement.

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 105.487 shall,  
3 if such person receives any compensation or other remuneration from public funds for the  
4 person's services, not be paid such compensation or receive such remuneration until the person  
5 has filed a financial interest statement as required by sections 105.483 to 105.492. Any person  
6 required in sections 105.483 to 105.492 to file a financial statement who fails to file such  
7 statement by the time required in section 105.487 and continues to fail to file the required  
8 financial interest statement for thirty or more days after receiving notice from the commission  
9 shall be subject to suspension from office in the manner otherwise provided by law or the

10 constitution. The attorney general or prosecuting or circuit attorney, at the request of the  
11 commission, may take appropriate legal action to enforce the provisions of this section.

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

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

20       4. Any person who knowingly misrepresents or omits any facts required to be contained  
21 in any financial interest statement filed as required by sections 105.483 to 105.496 is guilty of  
22 a class B misdemeanor. Venue for any criminal proceeding brought pursuant to this section shall  
23 be the county in which the defendant resided at the time the defendant filed the financial interest  
24 statement.

25       5. Any lobbyist who fails to timely file a lobbying disclosure report as required by  
26 section 105.473 shall be assessed a late filing fee of ten dollars for every day such report is late.  
27 **Any lobbyist who is assessed such a late fee may appeal this assessment as provided in**  
28 **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 to  
5 105.492;

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

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

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

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

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

18 the jurisdiction of the commission. Within five days after receipt [of a complaint] by the  
19 commission **of a complaint which is properly signed and notarized, and which alleges facts**  
20 **which, if true, fall within the jurisdiction of the commission**, a copy of the complaint,  
21 including the name of the complainant, shall be delivered to the alleged violator.

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

32 4. If the commission finds that any complaint is frivolous in nature or finds no probable  
33 cause to believe that there has been a violation, the commission shall dismiss the case. For  
34 purposes of this subsection, "frivolous" shall mean a complaint clearly lacking any basis in fact  
35 or law. Any person who submits a frivolous complaint shall be liable for actual and  
36 compensatory damages to the alleged violator for holding the alleged violator before the public  
37 in a false light. If the commission finds that a complaint is frivolous or that there is not probable  
38 cause to believe there has been a violation, the commission shall issue a public report to the  
39 complainant and the alleged violator stating with particularity its reasons for dismissal of the  
40 complaint. Upon such issuance, the complaint and all materials relating to the complaint shall  
41 be a public record as defined in chapter 610, RSMo.

42 5. Complaints which allege violations as described in this section which are filed with  
43 the commission shall be handled as provided by section 105.961.

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

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

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

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

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

45           3. When the commission concludes, based on the report from the special investigator or  
46 based on an audit conducted pursuant to section 105.959, that there are reasonable grounds to

47 believe that a violation of any law has occurred which is not a violation of criminal law or that  
48 criminal prosecution is not appropriate, the commission shall conduct a hearing which shall be  
49 a closed meeting and not open to the public. The hearing shall be conducted pursuant to the  
50 procedures provided by sections 536.063 to 536.090, RSMo, and shall be considered to be a  
51 contested case for purposes of such sections. The commission shall determine, in its discretion,  
52 whether or not that there is probable cause that a violation has occurred. If the commission  
53 determines, by a vote of at least four members of the commission, that probable cause exists that  
54 a violation has occurred, the commission may refer its findings and conclusions to the  
55 appropriate disciplinary authority over the person who is the subject of the report, as described  
56 in subsection 7 of this section. After the commission determines by a vote of at least four  
57 members of the commission that probable cause exists that a violation has occurred, and the  
58 commission has referred the findings and conclusions to the appropriate disciplinary authority  
59 over the person subject of the report, the subject of the report may appeal the determination of  
60 the commission to the administrative hearing commission. Such appeal shall stay the action of  
61 the Missouri ethics commission. Such appeal shall be filed not later than the fourteenth day after  
62 the subject of the commission's action receives [actual] notice of the commission's action.

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

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

72 (2) Notify the person of the requirement to file, amend or correct any report, statement,  
73 or other document or information required by sections 105.473, 105.483 to 105.492, or chapter  
74 130, RSMo, and that the commission may seek judicial enforcement of its decision pursuant to  
75 subsection 5 of this section; and

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

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

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

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

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

86 (1) Cease and desist violation of any provision of sections 105.450 to 105.496, or chapter  
87 130, RSMo, or sections 105.955 to 105.963;

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

90 (3) File any reports, statements, or other documents or information required by sections  
91 105.450 to 105.496, or chapter 130, RSMo; or

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

94

95 The Missouri ethics commission shall give [actual] notice to the subject of the complaint of the  
96 proposed action as set out in this section. The subject of the complaint may appeal the action  
97 of the Missouri ethics commission, other than a referral for criminal prosecution, to the  
98 [administrative hearing commission] **circuit court of Cole County**. Such appeal shall stay the  
99 action of the Missouri ethics commission. Such appeal shall be filed no later than fourteen days  
100 after the subject of the commission's actions receives actual notice of the commission's actions.

101 6. In the proceeding in circuit court, the commission may seek restitution against any  
102 person who has obtained unjust enrichment as a result of violation of any provision of sections  
103 105.450 to 105.496, or chapter 130, RSMo, and may recover on behalf of the state or political  
104 subdivision with which the alleged violator is associated, damages in the amount of any unjust  
105 enrichment obtained and costs and attorney's fees as ordered by the court.

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

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

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

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

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

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

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

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

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

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

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

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

(3) To administer oaths and affirmations;

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

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



151           9. (1) Any retired judge may request in writing to have the judge's name removed from  
152 the list of special investigators subject to appointment by the commission or may request to  
153 disqualify himself or herself from any investigation. Such request shall include the reasons for  
154 seeking removal;

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

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

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

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

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

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

178           15. The special investigator and members and staff of the commission shall maintain  
179 confidentiality with respect to all matters concerning a complaint until and if a report is filed  
180 with the commission, with the exception of communications with any person which are  
181 necessary to the investigation. The report filed with the commission resulting from a complaint  
182 acted upon under the provisions of this section shall not contain the name of the complainant or  
183 other person providing information to the investigator, if so requested in writing by the  
184 complainant or such other person. Any person who violates the confidentiality requirements  
185 imposed by this section or subsection 17 of section 105.955 required to be confidential is guilty

186 of a class A misdemeanor and shall be subject to removal from or termination of employment  
187 by the commission.

188         16. Any judge of the court of appeals or circuit court who ceases to hold such office by  
189 reason of the judge's retirement and who serves as a special investigator pursuant to this section  
190 shall receive annual compensation, salary or retirement for such services at the rates of  
191 compensation provided for senior judges by subsections 1, 2 and 4 of section 476.682, RSMo.  
192 Such retired judges shall by the tenth day of each month following any month in which the judge  
193 provided services pursuant to this section certify to the commission and to the state courts  
194 administrator the amount of time engaged in such services by hour or fraction thereof, the dates  
195 thereof, and the expenses incurred and allowable pursuant to this section. The commission shall  
196 then issue a warrant to the state treasurer for the payment of the salary and expenses to the extent,  
197 and within limitations, provided for in this section. The state treasurer upon receipt of such  
198 warrant shall pay the same out of any appropriations made for this purpose on the last day of the  
199 month during which the warrant was received by the state treasurer.

105.963. 1. The executive director shall assess every committee, as defined in section  
2 130.011, RSMo, failing to file with a filing officer other than a local election authority as  
3 provided 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 section  
5 130.046, RSMo, a late filing fee of ten dollars for each day after such report is due to the  
6 commission. The executive director shall mail a notice[, by registered mail], to any candidate  
7 and the treasurer of any committee who fails to file such report informing such person of such  
8 failure and the fees provided by this section. If the candidate or treasurer of any committee  
9 persists in such failure for a period in excess of thirty days beyond receipt of such notice, the  
10 amount of the late filing fee shall increase to one hundred dollars for each day that the report is  
11 not filed, provided that the total amount of such fees assessed pursuant to this subsection per  
12 report shall not exceed three thousand dollars.

13         2. (1) Any candidate for state or local office who fails to file a campaign disclosure  
14 report required pursuant to subdivision (1) of subsection 1 of section 130.046, RSMo, other than  
15 a report required to be filed with a local election authority as provided by section 130.026,  
16 RSMo, shall be assessed by the executive director a late filing fee of one hundred dollars for each  
17 day that the report is not filed, until the first day after the date of the election. After such election  
18 date, the amount of such late filing fee shall accrue at the rate of ten dollars per day that such  
19 report remains unfiled, except as provided in subdivision (2) of this subsection.

20         (2) The executive director shall mail a notice[, by certified mail or other means to give  
21 actual notice,] to any candidate who fails to file the report described in subdivision (1) of this  
22 subsection informing such person of such failure and the fees provided by this section. If the

23 candidate persists in such failure for a period in excess of thirty days beyond receipt of such  
24 notice, the amount of the late filing fee shall increase to one hundred dollars for each day that  
25 the report is not filed, provided that the total amount of such fees assessed pursuant to this  
26 subsection per report shall not exceed six thousand dollars.

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

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

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

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

51 7. If any **lobbyist fails to file a lobbyist report in a timely manner and that lobbyist**  
52 **is assessed a late fee, or if any individual who is required to file a personal financial**  
53 **disclosure statement fails to file such disclosure statement in a timely manner and is**  
54 **assessed a late fee, or if any candidate and the treasurer of any committee who fails to file**  
55 **a campaign disclosure report in a timely manner and that candidate and the treasurer of any**  
56 **committee who fails to file such disclosure statement in a timely manner and is assessed a**  
57 **late filing fee, the lobbyist, individual, candidate[, candidate committee treasurer or assistant**  
58 **treasurer] or the treasurer of any committee may file an appeal of the assessment of the late**

59 filing fee with the commission. The commission may forgive the assessment of the late filing  
60 fee upon a showing of good cause. Such appeal shall be filed within ten days of the receipt of  
61 notice of the assessment of the late filing fee.

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

6 2. Every candidate for offices listed in subsection 1 of section 130.016 who has not filed  
7 a statement of exemption pursuant to that subsection and every candidate for offices listed in  
8 subsection 6 of section 130.016 who is not excluded from filing a statement of organization and  
9 disclosure reports pursuant to subsection 6 shall form a candidate committee and appoint a  
10 treasurer. Thereafter, all contributions on hand and all further contributions received by such  
11 candidate and any of the candidate's own funds to be used in support of the person's candidacy  
12 shall be deposited in a candidate committee depository account established pursuant to the  
13 provisions of subsection 4 of this section, and all expenditures shall be made through the  
14 candidate, treasurer or deputy treasurer of the person's candidate committee. Nothing in this  
15 chapter shall prevent a candidate from appointing himself or herself as a committee of one and  
16 serving as the person's own treasurer, maintaining the candidate's own records and filing all the  
17 reports and statements required to be filed by the treasurer of a candidate committee.

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

22 4. (1) Every committee shall have a single official fund depository within this state  
23 which shall be a federally or state-chartered bank, a federally or state-chartered savings and loan  
24 association, or a federally or state-chartered credit union in which the committee shall open and  
25 thereafter maintain at least one official depository account in its own name. An "official  
26 depository account" shall be a checking account or some type of negotiable draft or negotiable  
27 order of withdrawal account, and the official fund depository shall, regarding an official  
28 depository account, be a type of financial institution which provides a record of deposits,  
29 canceled checks or other canceled instruments of withdrawal evidencing each transaction by  
30 maintaining copies within this state of such instruments and other transactions. All contributions  
31 which the committee receives in money, checks and other negotiable instruments shall be  
32 deposited in a committee's official depository account. Contributions shall not be accepted and  
33 expenditures shall not be made by a committee except by or through an official depository

34 account and the committee treasurer, deputy treasurer or candidate. Contributions received by  
35 a committee shall not be commingled with any funds of an agent of the committee, a candidate  
36 or any other person, except that contributions from a candidate of the candidate's own funds to  
37 the person's candidate committee shall be deposited to an official depository account of the  
38 person's candidate committee. No expenditure shall be made by a committee when the office  
39 of committee treasurer is vacant except that when the office of a candidate committee treasurer  
40 is vacant, the candidate shall be the treasurer until the candidate appoints a new treasurer.

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

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

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

69 organization, shall appear in the name of the committee. If the committee is a candidate  
70 committee, the name of the candidate shall be a part of the committee's name;

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

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

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

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

78 (6) The name and mailing address of its depository, and the name and account number  
79 of each account the committee has in the depository, **except that when the report is required**  
80 **to be filed with an appropriate officer, as defined in section 130.011, other than the**  
81 **Missouri ethics commission, the account number of each account may be omitted;**

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

85 (8) In the case of the candidate committee designated in subsection 3 of this section, the  
86 full name and address of each other candidate committee which is under the control and direction  
87 of the same candidate, together with the name, address and telephone number of the treasurer of  
88 each such other committee;

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

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

93 **(11) The treasurer of a committee, other than a candidate committee or a political**  
94 **party committee shall obtain from the secretary of state a committee's fictitious name**  
95 **registration or committee's incorporation registration and file a copy of said registration**  
96 **with the appropriate officer as defined in section 130.026 with a statement of committee**  
97 **organization. The registration shall be maintained as a public document.**

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

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

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

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

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

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

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

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

130.036. 1. The candidate, treasurer or deputy treasurer of a committee shall maintain accurate records and accounts on a current basis. The records and accounts shall be maintained in accordance with accepted normal bookkeeping procedures and shall contain the bills, receipts, deposit records, canceled checks and other detailed information necessary to prepare and substantiate any statement or report required to be filed pursuant to this chapter. Every person who acts as an agent for a committee in receiving contributions, making expenditures or

7 incurring indebtedness for the committee shall, on request of that committee's treasurer, deputy  
8 treasurer or candidate, but in any event within five days after any such action, render to the  
9 candidate, committee treasurer or deputy treasurer a detailed account thereof, including names,  
10 addresses, dates, exact amounts and any other details required by the candidate, treasurer or  
11 deputy treasurer to comply with this chapter. Notwithstanding the provisions of subsection 4 of  
12 section 130.021 prohibiting commingling of funds, an individual, trade or professional  
13 association, business entity, or labor organization which acts as an agent for a committee in  
14 receiving contributions may deposit contributions received on behalf of the committee to the  
15 agent's account within a financial institution within this state, for purposes of facilitating  
16 transmittal of the contributions to the candidate, committee treasurer or deputy treasurer. Such  
17 contributions shall not be held in the agent's account for more than five days after the date the  
18 contribution was received by the agent, and shall not be transferred to the account of any other  
19 agent or person, other than the committee treasurer.

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

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

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



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

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

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

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

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

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

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

13           (3) Not later than the fifteenth day following the close of each calendar quarter, **except**  
14 **the report which is to be filed on the fifteenth day of April, for the quarter ending the**

15 **thirty-first day of March, shall be filed no later than the twenty-first day of April.**  
16 Notwithstanding the provisions of this subsection, if any committee accepts contributions or  
17 makes expenditures in support of or in opposition to a ballot measure or a candidate, and the  
18 report required by this subsection for the most recent calendar quarter is filed prior to the fortieth  
19 day before the election on the measure or candidate, the committee shall file an additional  
20 disclosure report not later than the fortieth day before the election for the period closing on the  
21 forty-fifth day before the election.

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

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

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

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

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

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

65 (2) Not later than twenty-four hours after aggregate expenditures of two hundred fifty  
66 dollars or more are made after the twelfth day before the election; and

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

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

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

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

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

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

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

105 6. (1) If the disclosure report required to be filed by a committee not later than the  
106 thirtieth day after an election shows a deficit of unpaid loans and other outstanding obligations  
107 in excess of five thousand dollars, semiannual supplemental disclosure reports shall be filed with  
108 the appropriate officer for each succeeding semiannual period until the deficit is reported in a  
109 disclosure report as being reduced to five thousand dollars or less; except that, a supplemental  
110 semiannual report shall not be required for any semiannual period which includes the closing  
111 date for the reporting period covered in any regular disclosure report which the committee is  
112 required to file in connection with an election. The reporting dates and periods covered for  
113 semiannual reports shall be not later than the fifteenth day of January and July for periods closing  
114 on the thirty-first day of December and the thirtieth day of June.

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

119 7. In the case of a committee which disbands and is required to file a termination  
120 statement pursuant to the provisions of section 130.021 with the appropriate officer not later than  
121 the tenth day after the committee was dissolved, the candidate, committee treasurer or deputy  
122 treasurer shall attach to the termination statement a complete disclosure report for the period

123 closing on the date of dissolution. A committee shall not utilize the provisions of subsection 8  
124 of section 130.021 or the provisions of this subsection to circumvent or otherwise avoid the  
125 reporting requirements of subsection 6 or 7 of this section.

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

131 9. Each candidate for the office of state representative, state senator, and for statewide  
132 elected office shall file all disclosure reports described in section 130.041 electronically with the  
133 Missouri ethics commission. The Missouri ethics commission shall promulgate rules  
134 establishing the standard for electronic filings with the commission and shall propose such rules  
135 for the importation of files to the reporting program.

136 10. Any rule or portion of a rule, as that term is defined in section 536.010, RSMo, that  
137 is created under the authority delegated in this section shall become effective only if it complies  
138 with and is subject to all of the provisions of chapter 536, RSMo, and, if applicable, section  
139 536.028, RSMo. This section and chapter 536, RSMo, are nonseverable and if any of the powers  
140 vested with the general assembly pursuant to chapter 536, RSMo, to review, to delay the  
141 effective date, or to disapprove and annul a rule are subsequently held unconstitutional, then the  
142 grant of rulemaking authority and any rule proposed or adopted after August 28, 2006, shall be  
143 invalid and void.

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

15 130.046.] No candidate or committee may accept any contribution made by a committee  
16 domiciled outside this state unless the provisions of this section are met.

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

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

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

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

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

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

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

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

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

9 reports shall be filed at the times and for the reporting periods prescribed in subsection 1 of  
10 section 130.046. Each report shall contain:

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

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

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

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

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

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

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

33 2. In the case of a political party committee's selection of an individual to be the party's  
34 nominee for public office in an election covered by this chapter, any individual who seeks such  
35 nomination and who is a candidate according to the definition of the term candidate in section  
36 130.011 shall be required to comply with all requirements of this chapter; except that, for the  
37 purposes of this subsection, the reporting dates and reporting periods in section 130.046 shall not  
38 apply, and the first reporting date shall be no later than the fifteenth day after the date on which  
39 a nomination covered by this subsection was made and for the period beginning on the date the  
40 individual became a candidate, as the term candidate is defined in section 130.011, and closing  
41 on the tenth day after the date the nomination was made, with subsequent reports being made as  
42 closely as practicable to the times required in section 130.046.

43 3.] The receipt of any late contribution or loan of more than two hundred fifty dollars by  
44 a candidate committee supporting a candidate for statewide office or by any other committee

45 shall be reported to the appropriate officer no later than twenty-four hours after receipt. For  
46 purposes of this subsection the term "late contribution or loan" means a contribution or loan  
47 received after the closing date of the last disclosure report required to be filed before an election  
48 but received prior to the date of the election itself. The disclosure report of a late contribution  
49 may be made by any written means of communication, setting forth the name and address of the  
50 contributor or lender and the amount of the contribution or loan and need not contain the  
51 signatures and certification required for a full disclosure report described in section 130.041. A  
52 late contribution or loan shall be included in subsequent disclosure reports without regard to any  
53 special reports filed pursuant to this subsection.

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

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

16 3. When the commission determines that the electronic reporting system has been  
17 properly implemented, the commission shall certify to all candidates and committees required  
18 to file pursuant to this chapter that such electronic reporting system has been established and  
19 implemented. Beginning with the primary and general elections in 2000, or the next primary or  
20 general election in which the commission has made certification pursuant to this subsection,  
21 whichever is later, candidates and all other committees shall file reports by using either the  
22 electronic format prescribed by the commission or paper forms provided by the commission for  
23 that purpose. Continuing committees, **political party committees, and campaign committees**  
24 shall file reports by electronic format prescribed by the commission, except continuing  
25 committees, **political party committees, and campaign committees** which make contributions  
26 equal to or less than [fifteen] **five** thousand dollars in the applicable calendar year. Any  
27 continuing [committee which makes] **committees, political party committees, or campaign**



28 **committees which make** contributions in support of or opposition to any measure or candidate  
29 equal to or less than [fifteen] **five** thousand dollars in the applicable calendar year shall file  
30 reports on paper forms provided by the commission for that purpose or by electronic format  
31 prescribed by the commission, whichever reporting method the continuing committee chooses.  
32 The commission shall supply a computer program which shall be used for filing by modem or  
33 by a common magnetic media chosen by the commission. In the event that filings are performed  
34 electronically, the candidate shall file a signed original written copy within five working days;  
35 except that, if a means becomes available which will allow a verifiable electronic signature, the  
36 commission may also accept this in lieu of a written statement.

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

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

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

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

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

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

2. The requirements of subsection 1 of this section shall be satisfied by sending a letter to the clerk of such city, containing the person's name and business address; the name and address of the person, business, association, partnership or corporation for whom he is attempting to obtain a decision and the department of city government which he is attempting to influence.

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

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

5. Violation of this section is an infraction.]

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