

SECOND REGULAR SESSION

HOUSE BILL NO. 1267

97TH GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVE CORNEJO.

5043L.011

D. ADAM CRUMBLISS, Chief Clerk

AN ACT

To repeal sections 105.450, 105.483, 575.021, and 610.010, RSMo, sections 105.456, 105.485, 105.959, and 130.031 as enacted by conference committee substitute no. 3 for house committee substitute no. 2 for senate bill no. 844, ninety-fifth general assembly, second regular session, section 105.456 as enacted by house bill no. 1120, ninety-first general assembly, second regular session, section 105.959 as enacted by conference committee substitute for senate substitute for house committee substitute for house bill no. 1900, ninety-third general assembly, second regular session, section 105.485 as enacted by senate substitute for senate committee substitute for house bill no. 2058, ninety-fourth general assembly, second regular session, and section 130.031 as enacted by conference committee substitute no. 2 for house committee substitute for senate committee substitute for senate bills nos. 31 & 285, ninety-second general assembly, first regular session, and to enact in lieu thereof eight new sections relating to ethics, with penalty provisions.

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

Section A. Sections 105.450, 105.483, 575.021, and 610.010, RSMo, sections 105.456, 105.485, 105.959, and 130.031 as enacted by conference committee substitute no. 3 for house committee substitute no. 2 for senate bill no. 844, ninety-fifth general assembly, second regular session, section 105.456 as enacted by house bill no. 1120, ninety-first general assembly, second regular session, section 105.959 as enacted by conference committee substitute for senate substitute for house committee substitute for house bill no. 1900, ninety-third general assembly, second regular session, section 105.485 as enacted by senate substitute for senate committee substitute for house bill no. 2058, ninety-fourth general assembly, second regular session, and section 130.031 as enacted by conference committee substitute no. 2 for house committee

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.

10 substitute for senate committee substitute for senate bills nos. 31 & 285, ninety-second general
11 assembly, first regular session, are repealed and eight new sections enacted in lieu thereof, to be
12 known as sections 105.450, 105.456, 105.483, 105.485, 105.959, 130.031, 575.021, and 610.010,
13 to read as follows:

105.450. As used in sections 105.450 to 105.496 and sections 105.955 to 105.963, unless
2 the context clearly requires otherwise, the following terms mean:

3 (1) "Adversary proceeding", any proceeding in which a record of the proceedings may
4 be kept and maintained as a public record at the request of either party by a court reporter, notary
5 public or other person authorized to keep such record by law or by any rule or regulation of the
6 agency conducting the hearing; or from which an appeal may be taken directly or indirectly, or
7 any proceeding from the decision of which any party must be granted, on request, a hearing de
8 novo; or any arbitration proceeding; or a proceeding of a personnel review board of a political
9 subdivision; or an investigative proceeding initiated by an official, department, division, or
10 agency which pertains to matters which, depending on the conclusion of the investigation, could
11 lead to a judicial or administrative proceeding being initiated against the party by the official,
12 department, division or agency;

13 (2) "Business entity", a corporation, association, firm, partnership, proprietorship, or
14 business entity of any kind or character;

15 (3) "Business with which a person is associated":

16 (a) Any sole proprietorship owned by himself or herself, the person's spouse or any
17 dependent child in the person's custody;

18 (b) Any partnership or joint venture in which the person or the person's spouse is a
19 partner, other than as a limited partner of a limited partnership, and any corporation or limited
20 partnership in which the person is an officer or director or of which either the person or the
21 person's spouse or dependent child in the person's custody whether singularly or collectively
22 owns in excess of ten percent of the outstanding shares of any class of stock or partnership units;
23 or

24 (c) Any trust in which the person is a trustee or settlor or in which the person or the
25 person's spouse or dependent child whether singularly or collectively is a beneficiary or holder
26 of a reversionary interest of ten percent or more of the corpus of the trust;

27 (4) "Commission", the Missouri ethics commission established in section 105.955;

28 (5) "Confidential information", all information whether transmitted orally or in writing
29 which is of such a nature that it is not, at that time, a matter of public record or public
30 knowledge;

31 (6) "Decision-making public servant", an official, appointee or employee of the offices
32 or entities delineated in paragraphs (a) through (h) of this subdivision who exercises supervisory

33 authority over the negotiation of contracts, or has the legal authority to adopt or vote on the
34 adoption of rules and regulations with the force of law or exercises primary supervisory
35 responsibility over purchasing decisions. The following officials or entities shall be responsible
36 for designating a decision-making public servant:

37 (a) The governing body of the political subdivision with a general operating budget in
38 excess of one million dollars;

39 (b) A department director;

40 (c) A judge vested with judicial power by article V of the Constitution of the state of
41 Missouri;

42 (d) Any commission empowered by interstate compact;

43 (e) A statewide elected official;

44 (f) The speaker of the house of representatives;

45 (g) The president pro tem of the senate;

46 (h) The president or chancellor of a state institution of higher education;

47 (7) "Dependent child" or "dependent child in the person's custody", all children,
48 stepchildren, foster children and wards under the age of eighteen residing in the person's
49 household and who receive in excess of fifty percent of their support from the person;

50 (8) **"Paid political consultant", a person who receives monetary compensation to**
51 **provide political consulting services to promote the election of a certain candidate or the**
52 **interest of an organization, including but not limited to, planning campaign strategies,**
53 **coordinating campaign staff, organizing meetings and public events to publicize the**
54 **candidate or cause, public opinion polling, providing research on issues or opposition**
55 **background, coordinating, producing, or purchasing print or broadcast media, direct mail**
56 **production, phone solicitation, fund raising, and any other political activities;**

57 (9) "Political subdivision" shall include any political subdivision of the state, and any
58 special district or subdistrict;

59 [(9)] (10) "Public document", a state tax return or a document or other record maintained
60 for public inspection without limitation on the right of access to it and a document filed in a
61 juvenile court proceeding;

62 [(10)] (11) "Substantial interest", ownership by the individual, the individual's spouse,
63 or the individual's dependent children, whether singularly or collectively, directly or indirectly,
64 of ten percent or more of any business entity, or of an interest having a value of ten thousand
65 dollars or more, or the receipt by an individual, the individual's spouse or the individual's
66 dependent children, whether singularly or collectively, of a salary, gratuity, or other
67 compensation or remuneration of five thousand dollars, or more, per year from any individual,
68 partnership, organization, or association within any calendar year;

69 ~~[(11)]~~ **(12)** "Substantial personal or private interest in any measure, bill, order or
70 ordinance", any interest in a measure, bill, order or ordinance which results from a substantial
71 interest in a business entity.

 105.456. 1. No member of the general assembly or the governor, lieutenant governor,
2 attorney general, secretary of state, state treasurer or state auditor shall:

3 (1) Perform any service for the state or any political subdivision of the state or any
4 agency of the state or any political subdivision thereof or act in his or her official capacity or
5 perform duties associated with his or her position for any person for any consideration other than
6 the compensation provided for the performance of his or her official duties; [or]

7 (2) Sell, rent or lease any property to the state or political subdivision thereof or any
8 agency of the state or any political subdivision thereof for consideration in excess of five hundred
9 dollars per transaction or one thousand five hundred dollars per annum unless the transaction is
10 made pursuant to an award on a contract let or sale made after public notice and in the case of
11 property other than real property, competitive bidding, provided that the bid or offer accepted
12 is the lowest received; [or]

13 (3) Attempt, for compensation other than the compensation provided for the performance
14 of his or her official duties, to influence the decision of any agency of the state on any matter,
15 except that this provision shall not be construed to prohibit such person from participating for
16 compensation in any adversary proceeding or in the preparation or filing of any public document
17 or conference thereon. The exception for a conference upon a public document shall not permit
18 any member of the general assembly or the governor, lieutenant governor, attorney general,
19 secretary of state, state treasurer or state auditor to receive any consideration for the purpose of
20 attempting to influence the decision of any agency of the state on behalf of any person with
21 regard to any application, bid or request for a state grant, loan, appropriation, contract, award,
22 permit other than matters involving a driver's license, or job before any state agency,
23 commission, or elected official. Notwithstanding Missouri supreme court rule 1.10 of rule 4 or
24 any other court rule or law to the contrary, other members of a firm, professional corporation or
25 partnership shall not be prohibited pursuant to this subdivision from representing a person or
26 other entity solely because a member of the firm, professional corporation or partnership serves
27 in the general assembly, provided that such official does not share directly in the compensation
28 earned, so far as the same may reasonably be accounted, for such activity by the firm or by any
29 other member of the firm. This subdivision shall not be construed to prohibit any inquiry for
30 information or the representation of a person without consideration before a state agency or in
31 a matter involving the state if no consideration is given, charged or promised in consequence
32 thereof;

33 **(4) Solicit any registered lobbyist for any position with a hiring date beginning after**
34 **such person is no longer an elected official, whether compensated or not, while such person**
35 **holds office;**

36 **(5) Serve for a fee as a lobbyist, or otherwise represent clients including such**
37 **person's employer, before the general assembly within the two-year period after such**
38 **person leaves the person's elected office.**

39 2. No sole proprietorship, partnership, joint venture, or corporation in which a member
40 of the general assembly, governor, lieutenant governor, attorney general, secretary of state, state
41 treasurer, state auditor or spouse of such official is the sole proprietor, a partner having more than
42 a ten percent partnership interest, or a coparticipant or owner of in excess of ten percent of the
43 outstanding shares of any class of stock, shall:

44 (1) Perform any service for the state or any political subdivision thereof or any agency
45 of the state or political subdivision for any consideration in excess of five hundred dollars per
46 transaction or one thousand five hundred dollars per annum unless the transaction is made
47 pursuant to an award on a contract let or sale made after public notice and competitive bidding,
48 provided that the bid or offer accepted is the lowest received; or

49 (2) Sell, rent, or lease any property to the state or any political subdivision thereof or any
50 agency of the state or political subdivision thereof for consideration in excess of five hundred
51 dollars per transaction or one thousand five hundred dollars per annum unless the transaction is
52 made pursuant to an award on a contract let or a sale made after public notice and in the case of
53 property other than real property, competitive bidding, provided that the bid or offer accepted
54 is the lowest and best received.

55 3. No statewide elected official, member of the general assembly, or any person acting
56 on behalf of such official or member shall expressly and explicitly make any offer or promise
57 to confer any paid employment, where the individual is compensated above actual and necessary
58 expenses, to any statewide elected official or member of the general assembly in exchange for
59 the official's or member's official vote on any public matter. Any person making such offer or
60 promise is guilty of the crime of bribery of a public servant under section 576.010.

61 4. Any statewide elected official or member of the general assembly who accepts or
62 agrees to accept an offer described in subsection 3 of this section is guilty of the crime of
63 acceding to corruption under section 576.020.

64 **5. No individual holding office as a state representative or state senator shall accept**
65 **or receive monetary compensation as a paid political consultant for another individual**
66 **holding the office of state representative, state senator, governor, lieutenant governor,**
67 **attorney general, secretary of state, state treasurer, or state auditor, or for any campaign**
68 **committee, candidate committee, continuing committee, or political party committee as**

69 **defined in chapter 130, nor shall any spouse or dependent child accept or receive**
70 **compensation of any kind on behalf of any individual holding office as a state**
71 **representative or state senator who acts as a paid political consultant.**

[105.456. 1. No member of the general assembly or the governor,
2 lieutenant governor, attorney general, secretary of state, state treasurer or state
3 auditor shall:

4 (1) Perform any service for the state or any political subdivision of the
5 state or any agency of the state or any political subdivision thereof or act in his
6 or her official capacity or perform duties associated with his or her position for
7 any person for any consideration other than the compensation provided for the
8 performance of his or her official duties; or

9 (2) Sell, rent or lease any property to the state or political subdivision
10 thereof or any agency of the state or any political subdivision thereof for
11 consideration in excess of five hundred dollars per transaction or one thousand
12 five hundred dollars per annum unless the transaction is made pursuant to an
13 award on a contract let or sale made after public notice and in the case of property
14 other than real property, competitive bidding, provided that the bid or offer
15 accepted is the lowest received; or

16 (3) Attempt, for compensation other than the compensation provided for
17 the performance of his or her official duties, to influence the decision of any
18 agency of the state on any matter, except that this provision shall not be construed
19 to prohibit such person from participating for compensation in any adversary
20 proceeding or in the preparation or filing of any public document or conference
21 thereon. The exception for a conference upon a public document shall not permit
22 any member of the general assembly or the governor, lieutenant governor,
23 attorney general, secretary of state, state treasurer or state auditor to receive any
24 consideration for the purpose of attempting to influence the decision of any
25 agency of the state on behalf of any person with regard to any application, bid or
26 request for a state grant, loan, appropriation, contract, award, permit other than
27 matters involving a driver's license, or job before any state agency, commission,
28 or elected official. Notwithstanding Missouri supreme court rule 1.10 of rule 4
29 or any other court rule or law to the contrary, other members of a firm,
30 professional corporation or partnership shall not be prohibited pursuant to this
31 subdivision from representing a person or other entity solely because a member
32 of the firm, professional corporation or partnership serves in the general
33 assembly, provided that such official does not share directly in the compensation
34 earned, so far as the same may reasonably be accounted, for such activity by the
35 firm or by any other member of the firm. This subdivision shall not be construed
36 to prohibit any inquiry for information or the representation of a person without
37 consideration before a state agency or in a matter involving the state if no
38 consideration is given, charged or promised in consequence thereof.

39 2. No sole proprietorship, partnership, joint venture, or corporation in
40 which a member of the general assembly, governor, lieutenant governor, attorney

general, secretary of state, state treasurer, state auditor or spouse of such official, is the sole proprietor, a partner having more than a ten percent partnership interest, or a coparticipant or owner of in excess of ten percent of the outstanding shares of any class of stock, shall:

(1) Perform any service for the state or any political subdivision thereof or any agency of the state or political subdivision for any consideration in excess of five hundred dollars per transaction or one thousand five hundred dollars per annum unless the transaction is made pursuant to an award on a contract let or sale made after public notice and competitive bidding, provided that the bid or offer accepted is the lowest received; or

(2) Sell, rent, or lease any property to the state or any political subdivision thereof or any agency of the state or political subdivision thereof for consideration in excess of five hundred dollars per transaction or one thousand five hundred dollars per annum unless the transaction is made pursuant to an award on a contract let or a sale made after public notice and in the case of property other than real property, competitive bidding, provided that the bid or offer accepted is the lowest and best received.]

105.483. 1. Each of the following persons shall be required to file a financial interest statement:

(1) Associate circuit judges, circuit court judges, judges of the courts of appeals and of the supreme court, and candidates for any such office;

(2) Persons holding an elective office of the state, whether by election or appointment, and candidates for such elective office, except those running for or serving as county committee members for a political party pursuant to section 115.609 or section 115.611;

(3) The principal administrative or deputy officers or assistants serving the governor, lieutenant governor, secretary of state, state treasurer, state auditor and attorney general, which officers shall be designated by the respective elected state official;

(4) The members of each board or commission and the chief executive officer of each public entity created pursuant to the constitution or interstate compact or agreement and the members of each board of regents or curators and the chancellor or president of each state institution of higher education;

(5) The director and each assistant deputy director and the general counsel and the chief purchasing officer of each department, division and agency of state government;

(6) Any official or employee of the state authorized by law to promulgate rules and regulations or authorized by law to vote on the adoption of rules and regulations;

(7) Any member of a board or commission created by interstate compact or agreement, including the executive director and any Missouri resident who is a member of the bi-state development agency created pursuant to sections 70.370 to 70.440;

22 (8) Any board member of a metropolitan sewer district authorized under section 30(a)
23 of article VI of the state constitution;

24 (9) Any member of a commission appointed or operating pursuant to sections 64.650 to
25 64.950, sections 67.650 to 67.658, or sections 70.840 to 70.859;

26 (10) The members, the chief executive officer and the chief purchasing officer of each
27 board or commission which enters into or approves contracts for the expenditure of state funds;

28 (11) Each elected official, candidate for elective office, the chief administrative officer,
29 the chief purchasing officer and the general counsel, if employed full time, of each political
30 subdivision with an annual operating budget in excess of one million dollars, and each official
31 or employee of a political subdivision who is authorized by the governing body of the political
32 subdivision to promulgate rules and regulations with the force of law or to vote on the adoption
33 of rules and regulations with the force of law; unless the political subdivision adopts an
34 ordinance, order or resolution pursuant to subsection 4 of section 105.485;

35 (12) Any person who is designated as a decision-making public servant by any of the
36 officials or entities listed in subdivision (6) of section 105.450.

37 **2. This section shall apply to all persons listed in this section regardless of whether**
38 **the person is compensated on a full-time, part-time, or contract basis.**

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 of perjury; provided, however, the form shall not seek
4 information which is not specifically required by sections 105.483 to 105.492.

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

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

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

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

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

45 (5) The name and address of each entity in which such person owned stock, bonds or
46 other equity interest with a value in excess of ten thousand dollars; except that, if the entity is a
47 corporation listed on a regulated stock exchange, only the name of the corporation need be listed;
48 and provided that any member of any board or commission of the state or any political
49 subdivision who does not receive any compensation for his services to the state or political
50 subdivision other than reimbursement for his actual expenses or a per diem allowance as
51 prescribed by law for each day of such service need not report interests in publicly traded
52 corporations or limited partnerships which are listed on a regulated stock exchange or automated
53 quotation system pursuant to this subdivision; and provided further that the provisions of this

54 subdivision shall not require reporting of any interest in any qualified plan or annuity pursuant
55 to the Employees' Retirement Income Security Act;

56 (6) The name and address of each corporation for which such person served in the
57 capacity of a director, officer [or] , receiver, **trustee, partner, proprietor, representative,**
58 **employee, or consultant**;

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

66 (8) The name and address of each source from which such person received a gift or gifts,
67 or honorarium or honoraria in excess of two hundred dollars in value per source during the year
68 covered by the statement other than gifts from persons within the third degree of consanguinity
69 or affinity of the person filing the financial interest statement, **and the source, date, and**
70 **amount of payments made to charitable organizations in lieu of honoraria.** For the purposes
71 of this section, a "gift" shall not be construed to mean political contributions otherwise required
72 to be reported by law or hospitality such as food, beverages or admissions to social, art, or
73 sporting events or the like, or informational material. For the purposes of this section, a "gift"
74 shall include gifts to or by creditors of the individual for the purpose of cancelling, reducing or
75 otherwise forgiving 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; 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, 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 party committee,
101 candidate committee, or political action committee for which such person or any corporation
102 listed on such person's financial interest statement received payment; and

103 (13) For members of the general assembly or any statewide elected public official, their
104 spouses, and their dependent children, whether any state tax credits were claimed on the
105 member's, spouse's, or dependent child's most recent state income tax return.

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

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

125 the requirements of this subsection. The ordinance, order or resolution shall contain, at a
126 minimum, the following requirements with respect to disclosure of substantial interests:

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

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

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

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

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

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

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

7 2. Each person required to file a financial interest statement pursuant to
8 subdivisions (1) to (12) of section 105.483 shall file the following information
9 for himself, his spouse and dependent children at any time during the period
10 covered by the statement, whether singularly or collectively; provided, however,
11 that said person, if he does not know and his spouse will not divulge any
12 information required to be reported by this section concerning the financial
13 interest of his spouse, shall state on his financial interest statement that he has
14 disclosed that information known to him and that his spouse has refused or failed
15 to provide other information upon his bona fide request, and such statement shall
be deemed to satisfy the requirements of this section for such financial interest

16 of his spouse; and provided further if the spouse of any person required to file a
17 financial interest statement is also required by section 105.483 to file a financial
18 interest statement, the financial interest statement filed by each need not disclose
19 the financial interest of the other, provided that each financial interest statement
20 shall state that the spouse of the person has filed a separate financial interest
21 statement and the name under which the statement was filed:

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

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

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

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

53 (5) The name and address of each entity in which such person owned
54 stock, bonds or other equity interest with a value in excess of ten thousand
55 dollars; except that, if the entity is a corporation listed on a regulated stock
56 exchange, only the name of the corporation need be listed; and provided that any
57 member of any board or commission of the state or any political subdivision who
58 does not receive any compensation for his services to the state or political

subdivision other than reimbursement for his actual expenses or a per diem allowance as prescribed by law for each day of such service need not report interests in publicly traded corporations or limited partnerships which are listed on a regulated stock exchange or automated quotation system pursuant to this subdivision; and provided further that the provisions of this subdivision shall not require reporting of any interest in any qualified plan or annuity pursuant to the Employees' Retirement Income Security Act;

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

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

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

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

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

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

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

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

(e) Paid for purely personal purposes which are not related to the person's official duties by a third person who is not a lobbyist, a lobbyist principal or member, or officer or director of a member, of any association or entity which

employs a lobbyist. The statement shall include the name and address of such person who paid the expenses, the date such expenses were incurred, the amount incurred, the location of the travel and lodging, and the nature of the services rendered or reason for the expenses;

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

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

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

(b) Is a lobbyist; or

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

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

(13) For members of the general assembly or any statewide elected public official, their spouses, and their dependent children, whether any state tax credits were claimed on the member's, spouse's, or dependent child's most recent state income tax return.

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

4. Each official, officer or employee or candidate of any political subdivision described in subdivision (11) of section 105.483 shall be required to file a financial interest statement as required by subsection 2 of this section, unless the political subdivision biennially adopts an ordinance, order or resolution at an open meeting by September fifteenth of the preceding year, which establishes and makes public its own method of disclosing potential conflicts of interest and substantial interests and therefore excludes the political subdivision or district and its officers and employees from the requirements of subsection 2 of this section. A certified copy of the ordinance, order or resolution shall be sent to the commission within ten days of its adoption. The commission

shall assist any political subdivision in developing forms to complete the requirements of this subsection. The ordinance, order or resolution shall contain, at a minimum, the following requirements with respect to disclosure of substantial interests:

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

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

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

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

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

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

105.959. 1. The executive director of the commission, under the supervision of the commission, shall review reports and statements filed with the commission or other appropriate officers pursuant to sections 105.470, 105.483 to 105.492, and chapter 130 for completeness, accuracy and timeliness of filing of the reports or statements and any records relating to the reports or statements, and upon review, if there are reasonable grounds to believe that a violation has occurred, shall conduct an investigation of such reports, statements, and records and assign a special investigator following the provisions of subsection 1 of section 105.961.

2. (1) If there are reasonable grounds to believe that a violation has occurred and after a majority of the commission [unanimously] votes to proceed with all six members voting, the

10 executive director shall, without receipt of a complaint, conduct an independent investigation of
11 any potential violations of the provisions of:

12 (a) The requirements imposed on lobbyists by sections 105.470 to 105.478;

13 (b) The financial interest disclosure requirements contained in sections 105.483 to
14 105.492;

15 (c) The campaign finance disclosure requirements contained in chapter 130;

16 (d) Any code of conduct promulgated by any department, division, or agency of state
17 government, or by state institutions of higher education, or by executive order;

18 (e) The conflict of interest laws contained in sections 105.450 to 105.468 and section
19 171.181; and

20 (f) The provisions of the constitution or state statute or order, ordinance, or resolution
21 of any political subdivision relating to the official conduct of officials or employees of the state
22 and political subdivisions.

23 (2) If an investigation conducted under this subsection fails to establish reasonable
24 grounds to believe that a violation has occurred, the investigation shall be terminated and the
25 person who had been under investigation shall be notified of the reasons for the disposition of
26 the complaint.

27 3. Upon findings of the appropriate filing officer which are reported to the commission
28 in accordance with the provisions of section 130.056, the executive director shall investigate
29 disclosure reports, statements and records pertaining to such findings within a reasonable time
30 after receipt of the reports from the appropriate filing officer.

31 4. The commission may make such investigations and inspections within or outside of
32 this state as are necessary to determine compliance.

33 5. The commission shall notify the person under investigation under this section, by
34 registered mail, within five days of the decision to conduct such investigation and assign a
35 special investigator following the provisions of subsection 1 of section 105.961.

36 6. After completion of an investigation, the executive director shall provide a detailed
37 report of such investigation to the commission. Upon determination that there are reasonable
38 grounds to believe that a person has violated the requirements of sections 105.470, 105.483 to
39 105.492, or chapter 130, by a vote of four members of the commission, the commission may
40 refer the report with the recommendations of the commission to the appropriate prosecuting
41 authority together with the details of the investigation by the commission as is provided in
42 subsection 2 of section 105.961.

43 7. All investigations by the executive director of an alleged violation shall be strictly
44 confidential with the exception of notification of the commission and the complainant and the
45 person under investigation. Revealing any such confidential investigation information shall be

46 cause for removal or dismissal of the executive director or a commission member or employee.
47

2 [105.959. 1. The executive director of the commission, under the
3 supervision of the commission, shall review reports and statements filed with the
4 commission or other appropriate officers pursuant to sections 105.470, 105.483
5 to 105.492, and chapter 130 for completeness, accuracy and timeliness of filing
6 of the reports or statements, and upon review, if there are reasonable grounds to
7 believe that a violation has occurred, shall conduct an audit of such reports and
8 statements. All investigations by the executive director of an alleged violation
9 shall be strictly confidential with the exception of notification of the commission
10 and the complainant or the person under investigation. All investigations by the
11 executive director shall be limited to the information contained in the reports or
12 statements. The commission shall notify the complainant or the person under
13 investigation, by registered mail, within five days of the decision to conduct such
14 investigation. Revealing any such confidential investigation information shall be
15 cause for removal or dismissal of the executive director or a commission member
16 or employee.

17 2. Upon findings of the appropriate filing officer which are reported to
18 the commission in accordance with the provisions of section 130.056, the
19 executive director shall audit disclosure reports, statements and records
20 pertaining to such findings within a reasonable time after receipt of the reports
21 from the appropriate filing officer.

22 3. Upon a sworn written complaint of any natural person filed with the
23 commission pursuant to section 105.957, the commission shall audit and
24 investigate alleged violations. Within sixty days after receipt of a sworn written
25 complaint alleging a violation, the executive director shall notify the complainant
26 in writing of the action, if any, the executive director has taken and plans to take
27 on the complaint. If an investigation conducted pursuant to this subsection fails
28 to establish reasonable grounds to believe that a violation has occurred, the
29 investigation shall be terminated and the complainant and the person who had
30 been under investigation shall be notified of the reasons for the disposition of the
31 complaint.

32 4. The commission may make such investigations and inspections within
33 or outside of this state as are necessary to determine compliance.

34 5. If, during an audit or investigation, the commission determines that a
35 formal investigation is necessary, the commission shall assign the investigation
36 to a special investigator in the manner provided by subsection 1 of section
37 105.961.

38 6. After completion of an audit or investigation, the executive director
39 shall provide a detailed report of such audit or investigation to the commission.
40 Upon determination that there are reasonable grounds to believe that a person has
41 violated the requirements of sections 105.470, 105.483 to 105.492, or chapter
130, by a vote of four members of the commission, the commission may refer the

42 report with the recommendations of the commission to the appropriate
43 prosecuting authority together with a copy of the audit and the details of the
44 investigation by the commission as is provided in subsection 2 of section
45 105.961.]
46

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(3) In regard to any printed matter paid for by a corporation or other business entity, labor organization, or any other organization not defined to be a committee by [subdivision (9) of] section 130.011 and not organized especially for influencing one or more elections, it shall be sufficient identification to print the name of the entity, the name of the principal officer of the entity, by whatever title known, and the mailing address of the entity, or if the entity has no mailing address, the mailing address of the principal officer.

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

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

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

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

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

13. [Political action] **Continuing** committees shall only receive contributions from individuals; unions; federal political action committees; and corporations, associations, and partnerships formed under chapters 347 to 360, and shall be prohibited from receiving contributions from other [political action] **continuing** committees, candidate committees, political party committees, campaign committees, exploratory committees, or debt service committees. However, candidate committees, political party committees, campaign committees,

exploratory committees, and debt service committees shall be allowed to return contributions to a donor [political action] **continuing** committee that is the origin of the contribution.

14. The prohibited committee transfers described in subsection 13 of this section shall not apply to the following committees:

(1) The state house committee per political party designated by the respective majority or minority floor leader of the house of representatives or the chair of the state party if the party does not have majority or minority party status;

(2) The state senate committee per political party designated by the respective majority or minority floor leader of the senate or the chair of the state party if the party does not have majority or minority party status.

15. No person shall transfer anything of value to any committee with the intent to conceal, from the ethics commission, the identity of the actual source. Any violation of this subsection shall be punishable as follows:

(1) For the first violation, the ethics commission shall notify such person that the transfer to the committee is prohibited under this section within five days of determining that the transfer is prohibited, and that such person shall notify the committee to which the funds were transferred that the funds must be returned within ten days of such notification. **If such funds are not returned within ten days, the ethics commission may impose a fine in an amount not less than the amount of the funds that were transferred in violation of this subsection but not more than three times the amount of the funds transferred in violation of this section;**

(2) [For the second violation, the person transferring the funds shall be guilty of a class C misdemeanor;

(3)] For the [third] **second** and subsequent violations, the person transferring the funds shall be guilty of a class D felony.

16. Beginning January 1, 2011, all committees required to file campaign financial disclosure reports with the Missouri ethics commission shall file any required disclosure report in an electronic format as prescribed by the ethics commission.

17. No committee shall transfer any funds to another committee if the treasurer of the committee receiving the funds is the treasurer for the committee transferring the funds.

18. No committee shall receive any contribution from any organization exempt from taxation under 26 U.S.C. Section 501(c)(4), as amended, unless such organization has disclosed to the ethics commission the name and address of each person donating an amount greater than one hundred dollars to such organization. In lieu of disclosing such donors to the ethics commission, the organization may provide a list of all donors to the general public on the organization's website.

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

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

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

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

5. The maximum aggregate amount of anonymous contributions which shall be accepted in any calendar year by any committee shall be the greater of five hundred dollars or one percent of the aggregate amount of all contributions received by that committee in the same calendar year. If any anonymous contribution is received which causes the aggregate total of anonymous

contributions to exceed the foregoing limitation, it shall be returned immediately to the contributor, if the contributor's identity can be ascertained, and, if the contributor's identity cannot be ascertained, the committee treasurer, deputy treasurer or candidate shall immediately transmit the anonymous contribution to the state treasurer to escheat to the state.

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

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

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

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

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

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

(b) The date on which the event occurred;

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

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

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

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

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

90 7. No candidate or committee in this state shall accept contributions from
91 any out-of-state committee unless the out-of-state committee from whom the
92 contributions are received has filed a statement of organization pursuant to
93 section 130.021 or has filed the reports required by sections 130.049 and
94 130.050, whichever is applicable to that committee.

95 8. Any person publishing, circulating, or distributing any printed matter
96 relative to any candidate for public office or any ballot measure shall on the face
97 of the printed matter identify in a clear and conspicuous manner the person who
98 paid for the printed matter with the words "Paid for by" followed by the proper
99 identification of the sponsor pursuant to this section. For the purposes of this
100 section, "printed matter" shall be defined to include any pamphlet, circular,
101 handbill, sample ballot, advertisement, including advertisements in any
102 newspaper or other periodical, sign, including signs for display on motor
103 vehicles, or other imprinted or lettered material; but "printed matter" is defined
104 to exclude materials printed and purchased prior to May 20, 1982, if the
105 candidate or committee can document that delivery took place prior to May 20,
106 1982; any sign personally printed and constructed by an individual without
107 compensation from any other person and displayed at that individual's place of
108 residence or on that individual's personal motor vehicle; any items of personal
109 use given away or sold, such as campaign buttons, pins, pens, pencils, book
110 matches, campaign jewelry, or clothing, which is paid for by a candidate or
111 committee which supports a candidate or supports or opposes a ballot measure
112 and which is obvious in its identification with a specific candidate or committee
113 and is reported as required by this chapter; and any news story, commentary, or
114 editorial printed by a regularly published newspaper or other periodical without
115 charge to a candidate, committee or any other person.

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

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

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

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

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

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

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

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

575.021. 1. A person commits the crime of obstruction of an ethics investigation if such person, for the purpose of obstructing or preventing an ethics investigation, knowingly commits any of the following acts:

(1) Confers or agrees to confer anything of pecuniary benefit to any person in direct exchange for that person's concealing or withholding any information concerning any violation of sections 105.450 to 105.496 and chapter 130;

(2) Accepting or agreeing to accept anything of pecuniary benefit in direct exchange for concealing or withholding any information concerning any violation of sections 105.450 to 105.496 or chapter 130;

(3) Utters or submits a false statement that the person does not believe to be true to any member or employee of the Missouri ethics commission or to any official investigating any violation of sections 105.450 to 105.496 or chapter 130; or

13 (4) Submits any writing or other documentation that is inaccurate and that the person
14 does not believe to be true to any member or employee of the Missouri ethics commission or to
15 any official investigating any violation of sections 105.450 to 105.496 or chapter 130.

16 2. It is a defense to a prosecution under subdivisions (3) and (4) of subsection 1 of this
17 section that the person retracted the false statement, writing, or other documentation, but this
18 defense shall not apply if the retraction was made after:

19 (1) The falsity of the statement, writing, or other documentation was exposed; or

20 (2) Any member or employee of the Missouri ethics commission or any official
21 investigating any violation of sections 105.450 to 105.496 or chapter 130 took substantial action
22 in reliance on the statement, writing, or other documentation.

23 3. The defendant shall have the burden of injecting the issue of retraction under this
24 section.

25 4. Obstruction of an ethics investigation under this section is a class [A misdemeanor]
26 **D felony.**

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

3 (1) "Closed meeting", "closed record", or "closed vote", any meeting, record or vote
4 closed to the public;

5 (2) "Copying", if requested by a member of the public, copies provided as detailed in
6 section 610.026, if duplication equipment is available;

7 (3) "Public business", all matters which relate in any way to the performance of the
8 public governmental body's functions or the conduct of its business;

9 (4) "Public governmental body", any legislative, administrative or governmental entity
10 created by the constitution or statutes of this state, by order or ordinance of any political
11 subdivision or district, judicial entities when operating in an administrative capacity, or by
12 executive order, including:

13 (a) Any body, agency, board, bureau, council, commission, committee, board of regents
14 or board of curators or any other governing body of any institution of higher education, including
15 a community college, which is supported in whole or in part from state funds, including but not
16 limited to the administrative entity known as "The Curators of the University of Missouri" as
17 established by section 172.020;

18 (b) Any advisory committee or commission appointed by the governor by executive
19 order;

20 (c) Any department or division of the state, of any political subdivision of the state, of
21 any county or of any municipal government, school district or special purpose district including

22 but not limited to sewer districts, water districts, and other subdistricts of any political
23 subdivision;

24 (d) Any other legislative or administrative governmental deliberative body under the
25 direction of three or more elected or appointed members having rulemaking or quasi-judicial
26 power;

27 (e) Any committee appointed by or at the direction of any of the entities and which is
28 authorized to report to any of the above-named entities, any advisory committee appointed by
29 or at the direction of any of the named entities for the specific purpose of recommending, directly
30 to the public governmental body's governing board or its chief administrative officer, policy or
31 policy revisions or expenditures of public funds including, but not limited to, entities created to
32 advise bi-state taxing districts regarding the expenditure of public funds, or any policy advisory
33 body, policy advisory committee or policy advisory group appointed by a president, chancellor
34 or chief executive officer of any college or university system or individual institution at the
35 direction of the governing body of such institution which is supported in whole or in part with
36 state funds for the specific purpose of recommending directly to the public governmental body's
37 governing board or the president, chancellor or chief executive officer policy, policy revisions
38 or expenditures of public funds provided, however, the staff of the college or university
39 president, chancellor or chief executive officer shall not constitute such a policy advisory
40 committee. The custodian of the records of any public governmental body shall maintain a list
41 of the policy advisory committees described in this subdivision;

42 (f) Any quasi-public governmental body. The term "quasi-public governmental body"
43 means any person, corporation or partnership organized or authorized to do business in this state
44 pursuant to the provisions of chapter 352, 353, or 355, or unincorporated association which
45 either:

46 a. Has as its primary purpose to enter into contracts with public governmental bodies,
47 or to engage primarily in activities carried out pursuant to an agreement or agreements with
48 public governmental bodies; or

49 b. Performs a public function as evidenced by a statutorily based capacity to confer or
50 otherwise advance, through approval, recommendation or other means, the allocation or issuance
51 of tax credits, tax abatement, public debt, tax-exempt debt, rights of eminent domain, or the
52 contracting of leaseback agreements on structures whose annualized payments commit public
53 tax revenues; or any association that directly accepts the appropriation of money from a public
54 governmental body, but only to the extent that a meeting, record, or vote relates to such
55 appropriation; and

56 (g) Any bi-state development agency established pursuant to section 70.370;

57 **(h) Any public official, statewide elected official, or employee of the state and its**
58 **agencies when such persons are operating in their official capacities and using state-funded**
59 **equipment for their official communications;**

60 (5) "Public meeting", any meeting of a public governmental body subject to sections
61 610.010 to 610.030 at which any public business is discussed, decided, or public policy
62 formulated, whether such meeting is conducted in person or by means of communication
63 equipment, including, but not limited to, conference call, video conference, internet chat, or
64 internet message board. The term "public meeting" shall not include an informal gathering of
65 members of a public governmental body for ministerial or social purposes when there is no intent
66 to avoid the purposes of this chapter, but the term shall include a public vote of all or a majority
67 of the members of a public governmental body, by electronic communication or any other means,
68 conducted in lieu of holding a public meeting with the members of the public governmental body
69 gathered at one location in order to conduct public business;

70 (6) "Public record", any record, whether written or electronically stored, retained by or
71 of any public governmental body including any report, survey, memorandum, or other document
72 or study prepared for the public governmental body by a consultant or other professional service
73 paid for in whole or in part by public funds, including records created or maintained by private
74 contractors under an agreement with a public governmental body or on behalf of a public
75 governmental body; provided, however, that personally identifiable student records maintained
76 by public educational institutions shall be open for inspection by the parents, guardian or other
77 custodian of students under the age of eighteen years and by the parents, guardian or other
78 custodian and the student if the student is over the age of eighteen years. The term "public
79 record" shall not include any internal memorandum or letter received or prepared by or on behalf
80 of a member of a public governmental body consisting of advice, opinions and recommendations
81 in connection with the deliberative decision-making process of said body, unless such records
82 are retained by the public governmental body or presented at a public meeting. Any document
83 or study prepared for a public governmental body by a consultant or other professional service
84 as described in this subdivision shall be retained by the public governmental body in the same
85 manner as any other public record;

86 (7) "Public vote", any vote, whether conducted in person, by telephone, or by any other
87 electronic means, cast at any public meeting of any public governmental body.

✓