

House _____ Amendment NO. _____

Offered By _____

1 AMEND House Committee Substitute for House Bill No. 229, Page 12, Section 105.473, Line 133,
2 by inserting immediately after all of said section and line the following:

3
4 "[130.011. As used in this chapter, unless the context clearly indicates otherwise, the
5 following terms mean:

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

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

12 (3) "Campaign committee", a committee, other than a candidate committee, which
13 shall be formed by an individual or group of individuals to receive contributions or
14 make expenditures and whose sole purpose is to support or oppose the qualification
15 and passage of one or more particular ballot measures in an election or the retention
16 of judges under the nonpartisan court plan, such committee shall be formed no later
17 than thirty days prior to the election for which the committee receives contributions
18 or makes expenditures, and which shall terminate the later of either thirty days after
19 the general election or upon the satisfaction of all committee debt after the general
20 election, except that no committee retiring debt shall engage in any other activities in
21 support of a measure for which the committee was formed;

22 (4) "Candidate", an individual who seeks nomination or election to public office.
23 The term "candidate" includes an elected officeholder who is the subject of a recall
24 election, an individual who seeks nomination by the individual's political party for
25 election to public office, an individual standing for retention in an election to an
26 office to which the individual was previously appointed, an individual who seeks
27 nomination or election whether or not the specific elective public office to be sought
28 has been finally determined by such individual at the time the individual meets the
29 conditions described in paragraph (a) or (b) of this subdivision, and an individual
30 who is a write-in candidate as defined in subdivision (28) of this section. A
31 candidate shall be deemed to seek nomination or election when the person first:

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

34 (b) Knows or has reason to know that contributions are being received or
35 expenditures are being made or space or facilities are being reserved with the intent
36 to promote the person's candidacy for office; except that, such individual shall not be

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1 deemed a candidate if the person files a statement with the appropriate officer within
 2 five days after learning of the receipt of contributions, the making of expenditures, or
 3 the reservation of space or facilities disavowing the candidacy and stating that the
 4 person will not accept nomination or take office if elected; provided that, if the
 5 election at which such individual is supported as a candidate is to take place within
 6 five days after the person's learning of the above-specified activities, the individual
 7 shall file the statement disavowing the candidacy within one day; or

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

9 (5) "Candidate committee", a committee which shall be formed by a candidate to
 10 receive contributions or make expenditures in behalf of the person's candidacy and
 11 which shall continue in existence for use by an elected candidate or which shall
 12 terminate the later of either thirty days after the general election for a candidate who
 13 was not elected or upon the satisfaction of all committee debt after the election;
 14 except that no committee retiring debt shall engage in any other activities in support
 15 of the candidate for which the committee was formed. Any candidate for elective
 16 office shall have only one candidate committee for the elective office sought, which
 17 is controlled directly by the candidate for the purpose of making expenditures. A
 18 candidate committee is presumed to be under the control and direction of the
 19 candidate unless the candidate files an affidavit with the appropriate officer stating
 20 that the committee is acting without control or direction on the candidate's part;

21 (6) "Cash", currency, coin, United States postage stamps, or any negotiable
 22 instrument which can be transferred from one person to another person without the
 23 signature or endorsement of the transferor;

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

27 (8) "Closing date", the date through which a statement or report is required to be
 28 complete;

29 (9) "Committee", a person or any combination of persons, who accepts contributions
 30 or makes expenditures for the primary or incidental purpose of influencing or
 31 attempting to influence the action of voters for or against the nomination or election
 32 to public office of one or more candidates or the qualification, passage or defeat of
 33 any ballot measure or for the purpose of paying a previously incurred campaign debt
 34 or obligation of a candidate or the debts or obligations of a committee or for the
 35 purpose of contributing funds to another committee:

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

37 a. A person or combination of persons, if neither the aggregate of expenditures made
 38 nor the aggregate of contributions received during a calendar year exceeds five
 39 hundred dollars and if no single contributor has contributed more than two hundred
 40 fifty dollars of such aggregate contributions;

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

43 c. A corporation, cooperative association, partnership, proprietorship, or joint
 44 venture organized or operated for a primary or principal purpose other than that of
 45 influencing or attempting to influence the action of voters for or against the
 46 nomination or election to public office of one or more candidates or the qualification,
 47 passage or defeat of any ballot measure, and it accepts no contributions, and all
 48 expenditures it makes are from its own funds or property obtained in the usual course

of business or in any commercial or other transaction and which are not contributions as defined by subdivision (11) of this section;

d. ~~A labor organization organized or operated for a primary or principal purpose other than that of influencing or attempting to influence the action of voters for or against the nomination or election to public office of one or more candidates, or the qualification, passage, or defeat of any ballot measure, and it accepts no contributions, and expenditures made by the organization are from its own funds or property received from membership dues or membership fees which were given or solicited for the purpose of supporting the normal and usual activities and functions of the organization and which are not contributions as defined by subdivision (11) of this section;~~

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

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

(b) ~~The term "committee" includes, but is not limited to, each of the following committees: campaign committee, candidate committee, political action committee, exploratory committee, and political party committee;~~

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

(11) ~~"Contribution", a payment, gift, loan, advance, deposit, or donation of money or anything of value for the purpose of supporting or opposing the nomination or election of any candidate for public office or the qualification, passage or defeat of any ballot measure, or for the support of any committee supporting or opposing candidates or ballot measures or for paying debts or obligations of any candidate or committee previously incurred for the above purposes. A contribution of anything of value shall be deemed to have a money value equivalent to the fair market value.~~

~~"Contribution" includes, but is not limited to:~~

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

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

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

1 (d) Receipts from fund-raising events including testimonial affairs;
 2 (e) Any loan, guarantee of a loan, cancellation or forgiveness of a loan or debt or
 3 other obligation by a third party, or payment of a loan or debt or other obligation by a
 4 third party if the loan or debt or other obligation was contracted, used, or intended, in
 5 whole or in part, for use in an election campaign or used or intended for the payment
 6 of such debts or obligations of a candidate or committee previously incurred, or
 7 which was made or received by a committee;
 8 (f) Funds received by a committee which are transferred to such committee from
 9 another committee or other source, except funds received by a candidate committee
 10 as a transfer of funds from another candidate committee controlled by the same
 11 candidate but such transfer shall be included in the disclosure reports;
 12 (g) Facilities, office space or equipment supplied by any person to a candidate or
 13 committee without charge or at reduced charges, except gratuitous space for meeting
 14 purposes which is made available regularly to the public, including other candidates
 15 or committees, on an equal basis for similar purposes on the same conditions;
 16 (h) The direct or indirect payment by any person, other than a connected
 17 organization, of the costs of establishing, administering, or maintaining a committee,
 18 including legal, accounting and computer services, fund raising and solicitation of
 19 contributions for a committee;
 20 (i) "Contribution" does not include:
 21 a. Ordinary home hospitality or services provided without compensation by
 22 individuals volunteering their time in support of or in opposition to a candidate,
 23 committee or ballot measure, nor the necessary and ordinary personal expenses of
 24 such volunteers incidental to the performance of voluntary activities, so long as no
 25 compensation is directly or indirectly asked or given;
 26 b. An offer or tender of a contribution which is expressly and unconditionally
 27 rejected and returned to the donor within ten business days after receipt or
 28 transmitted to the state treasurer;
 29 c. Interest earned on deposit of committee funds;
 30 d. The costs incurred by any connected organization listed pursuant to subdivision
 31 (4) of subsection 5 of section 130.021 for establishing, administering or maintaining
 32 a committee, or for the solicitation of contributions to a committee which solicitation
 33 is solely directed or related to the members, officers, directors, employees or security
 34 holders of the connected organization;
 35 (12) "County", any one of the several counties of this state or the city of St. Louis;
 36 (13) "Disclosure report", an itemized report of receipts, expenditures and incurred
 37 indebtedness which is prepared on forms approved by the Missouri ethics
 38 commission and filed at the times and places prescribed;
 39 (14) "Election", any primary, general or special election held to nominate or elect an
 40 individual to public office, to retain or recall an elected officeholder or to submit a
 41 ballot measure to the voters, and any caucus or other meeting of a political party or a
 42 political party committee at which that party's candidate or candidates for public
 43 office are officially selected. A primary election and the succeeding general election
 44 shall be considered separate elections;
 45 (15) "Expenditure", a payment, advance, conveyance, deposit, donation or
 46 contribution of money or anything of value for the purpose of supporting or opposing
 47 the nomination or election of any candidate for public office or the qualification or
 48 passage of any ballot measure or for the support of any committee which in turn

1 supports or opposes any candidate or ballot measure or for the purpose of paying a
 2 previously incurred campaign debt or obligation of a candidate or the debts or
 3 obligations of a committee; a payment, or an agreement or promise to pay, money or
 4 anything of value, including a candidate's own money or property, for the purchase
 5 of goods, services, property, facilities or anything of value for the purpose of
 6 supporting or opposing the nomination or election of any candidate for public office
 7 or the qualification or passage of any ballot measure or for the support of any
 8 committee which in turn supports or opposes any candidate or ballot measure or for
 9 the purpose of paying a previously incurred campaign debt or obligation of a
 10 candidate or the debts or obligations of a committee. An expenditure of anything of
 11 value shall be deemed to have a money value equivalent to the fair market value.

12 "Expenditure" includes, but is not limited to:

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

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

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

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

24 (e) "Expenditure" does not include:

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

28 b. The internal dissemination by any membership organization, proprietorship, labor
 29 organization, corporation, association or other entity of information advocating the
 30 election or defeat of a candidate or candidates or the passage or defeat of a ballot
 31 measure or measures to its directors, officers, members, employees or security
 32 holders, provided that the cost incurred is reported pursuant to subsection 2 of section
 33 130.051;

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

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

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

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

48 (16) "Exploratory committees", a committee which shall be formed by an individual

to receive contributions and make expenditures on behalf of this individual in determining whether or not the individual seeks elective office. Such committee shall terminate no later than December thirty-first of the year prior to the general election for the possible office;

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

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

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

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

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

(22) "Political action committee", a committee of continuing existence which is not formed, controlled or directed by a candidate, and is a committee other than a candidate committee, political party committee, campaign committee, exploratory committee, or debt service committee, whose primary or incidental purpose is to receive contributions or make expenditures to influence or attempt to influence the action of voters whether or not a particular candidate or candidates or a particular ballot measure or measures to be supported or opposed has been determined at the time the committee is required to file any statement or report pursuant to the provisions of this chapter. Such a committee includes, but is not limited to, any committee organized or sponsored by a business entity, a labor organization, a professional association, a trade or business association, a club or other organization and whose primary purpose is to solicit, accept and use contributions from the members, employees or stockholders of such entity and any individual or group of individuals who accept and use contributions to influence or attempt to influence the action of voters. Such committee shall be formed no later than sixty days prior to the election for which the committee receives contributions or makes expenditures;

(23) "Political merchandise", goods such as bumper stickers, pins, hats, ties, jewelry, literature, or other items sold or distributed at a fund-raising event or to the general public for publicity or for the purpose of raising funds to be used in supporting or

opposing a candidate for nomination or election or in supporting or opposing the qualification, passage or defeat of a ballot measure;

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

(25) ~~"Political party committee", a committee of a political party which may be organized as a not-for-profit corporation under Missouri law and has the primary or incidental purpose of receiving contributions and making expenditures to influence or attempt to influence the action of voters on behalf of the political party. Political party committees shall only take the following forms:~~

(a) ~~One congressional district committee per political party for each congressional district in the state; and~~

(b) ~~One state party committee per political party;~~

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

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

(28) ~~"Write-in candidate", an individual whose name is not printed on the ballot but who otherwise meets the definition of candidate in subdivision (4) of this section.]~~

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

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

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

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

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

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

1 days after the person's learning of the above-specified activities, the individual shall file the
 2 statement disavowing the candidacy within one day; or

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

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

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

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

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

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

17 a. A person or combination of persons, if neither the aggregate of expenditures made nor the
 18 aggregate of contributions received during a calendar year exceeds five hundred dollars and if no
 19 single contributor has contributed more than two hundred fifty dollars of such aggregate
 20 contributions;

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

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

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

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

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

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

46 (8) "Campaign committee", a committee, other than a candidate committee, which shall be
 47 formed by an individual or group of individuals to receive contributions or make expenditures and
 48 whose sole purpose is to support or oppose the qualification and passage of one or more particular

1 ballot measures in an election or the retention of judges under the nonpartisan court plan, such
2 committee shall be formed no later than thirty days prior to the election for which the committee
3 receives contributions or makes expenditures, and which shall terminate the later of either thirty
4 days after the general election or upon the satisfaction of all committee debt after the general
5 election, except that no committee retiring debt shall engage in any other activities in support of a
6 measure for which the committee was formed;

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

18 (10) "Continuing committee", a committee of continuing existence which is not formed,
19 controlled or directed by a candidate, and is a committee other than a candidate committee or
20 campaign committee, whose primary or incidental purpose is to receive contributions or make
21 expenditures to influence or attempt to influence the action of voters whether or not a particular
22 candidate or candidates or a particular ballot measure or measures to be supported or opposed has
23 been determined at the time the committee is required to file any statement or report pursuant to the
24 provisions of this chapter. "Continuing committee" includes, but is not limited to, any committee
25 organized or sponsored by a business entity, a labor organization, a professional association, a trade
26 or business association, a club or other organization and whose primary purpose is to solicit, accept
27 and use contributions from the members, employees or stockholders of such entity and any
28 individual or group of individuals who accept and use contributions to influence or attempt to
29 influence the action of voters. Such committee shall be formed no later than sixty days prior to the
30 election for which the committee receives contributions or makes expenditures;

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

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

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

48 (b) Payment by any person, other than a candidate or committee, to compensate another

1 person for services rendered to that candidate or committee;

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

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

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

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

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

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

22 (i) "Contribution" does not include:

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

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

29 c. Interest earned on deposit of committee funds;

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

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

35 (14) "Covered communication", any of the following:

36 (a) Paid advertisements broadcast over radio, television, cable, or satellite in this state;

37 (b) Paid placement of content on the internet or other electronic communication network
38 targeted to voters in this state;

39 (c) Paid advertisements published in a periodical or on a billboard in this state;

40 (d) Paid telephone communications to five hundred or more households in this state;

41 (e) Mailings sent or distributed through the United States Postal Service or similar private
42 mail carriers to two thousand or more recipients in this state; and

43 (f) Printed materials exceeding two thousand copies distributed in this state;

44 (15) "Disclosure report", an itemized report of receipts, expenditures and incurred
45 indebtedness which is prepared on forms approved by the Missouri ethics commission and filed at
46 the times and places prescribed;

47 [(15)] (16) "Election", any primary, general or special election held to nominate or elect an
48 individual to public office, to retain or recall an elected officeholder or to submit a ballot measure to

the voters, and any caucus or other meeting of a political party or a political party committee at which that party's candidate or candidates for public office are officially selected. A primary election and the succeeding general election shall be considered separate elections;

(17) "Electioneering activity":

(a) Any of the following:

a. Any covered communication that influences or attempts to influence the action of voters for or against the nomination or election to public office of one or more candidates or the qualification, passage, or defeat of any ballot measure; and

b. Any covered communication made within forty-five days of a primary election or ninety days of a general election that:

(i) Identifies or depicts a particular candidate by name but does not specifically call for his or her election or defeat; or

(ii) Identifies or depicts a particular ballot measure by name or by its proposition or amendment number but does not specifically call for its qualification, passage, or defeat;

(b) Does not include:

a. An activity or communication for the purpose of encouraging individuals to register to vote or to vote, if that activity or communication does not mention or depict a clearly identified candidate or ballot issue;

b. A bona fide news story, commentary, blog, or editorial distributed through the facilities of any broadcasting station, newspaper, magazine, internet website, or other periodical publication of general circulation;

c. A communication by any membership organization or corporation to its members, stockholders, or employees; or

d. A communication that the Missouri ethics commission determines by rule is not an electioneering activity;

~~[(16)]~~ (18) "Expenditure", a payment, advance, conveyance, deposit, donation or contribution of money or anything of value for the purpose of supporting or opposing the nomination or election of any candidate for public office or the qualification or passage of any ballot measure or for the support of any committee which in turn supports or opposes any candidate or ballot measure or for the purpose of paying a previously incurred campaign debt or obligation of a candidate or the debts or obligations of a committee; a payment, or an agreement or promise to pay, money or anything of value, including a candidate's own money or property, for the purchase of goods, services, property, facilities or anything of value for the purpose of supporting or opposing the nomination or election of any candidate for public office or the qualification or passage of any ballot measure or for the support of any committee which in turn supports or opposes any candidate or ballot measure or for the purpose of paying a previously incurred campaign debt or obligation of a candidate or the debts or obligations of a committee. An expenditure of anything of value shall be deemed to have a money value equivalent to the fair market value. "Expenditure" includes, but is not limited to:

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

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

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

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

1 but

2 (e) "Expenditure" does not include:

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

6 b. The internal dissemination by any membership organization, proprietorship, labor
7 organization, corporation, association or other entity of information advocating the election or
8 defeat of a candidate or candidates or the passage or defeat of a ballot measure or measures to its
9 directors, officers, members, employees or security holders, provided that the cost incurred is
10 reported pursuant to subsection 2 of section 130.051;

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

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

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

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

23 [(17)] (19) ["Exploratory committees"] "Exploratory committee", a committee which shall
24 be formed by an individual to receive contributions and make expenditures on behalf of this
25 individual in determining whether or not the individual seeks elective office. Such committee shall
26 terminate no later than December thirty-first of the year prior to the general election for the possible
27 office;

28 [(18)] (20) "Fund-raising event", an event such as a dinner, luncheon, reception, coffee,
29 testimonial, rally, auction or similar affair through which contributions are solicited or received by
30 such means as the purchase of tickets, payment of attendance fees, donations for prizes or through
31 the purchase of goods, services or political merchandise;

32 [(19)] (21) "In-kind contribution" or "in-kind expenditure", a contribution or expenditure in
33 a form other than money;

34 [(20)] (22) "Labor organization", any organization of any kind, or any agency or employee
35 representation committee or plan, in which employees participate and which exists for the purpose,
36 in whole or in part, of dealing with employers concerning grievances, labor disputes, wages, rates of
37 pay, hours of employment, or conditions of work;

38 [(21)] (23) "Loan", a transfer of money, property or anything of ascertainable monetary
39 value in exchange for an obligation, conditional or not, to repay in whole or in part and which was
40 contracted, used, or intended for use in an election campaign, or which was made or received by a
41 committee or which was contracted, used, or intended to pay previously incurred campaign debts or
42 obligations of a candidate or the debts or obligations of a committee;

43 [(22)] (24) "Person", an individual, group of individuals, corporation, partnership,
44 committee, proprietorship, joint venture, any department, agency, board, institution or other entity
45 of the state or any of its political subdivisions, union, labor organization, trade or professional or
46 business association, association, political party or any executive committee thereof, or any other
47 club or organization however constituted or any officer or employee of such entity acting in the
48 person's official capacity;

1 [(23)] (25) "Political merchandise", goods such as bumper stickers, pins, hats, ties, jewelry,
 2 literature, or other items sold or distributed at a fund-raising event or to the general public for
 3 publicity or for the purpose of raising funds to be used in supporting or opposing a candidate for
 4 nomination or election or in supporting or opposing the qualification, passage or defeat of a ballot
 5 measure;

6 [(24)] (26) "Political party", a political party which has the right under law to have the
 7 names of its candidates listed on the ballot in a general election;

8 [(25)] (27) "Political party committee", a state, district, county, city, or area committee of a
 9 political party, as defined in section 115.603, which may be organized as a not-for-profit corporation
 10 under Missouri law, and which committee is of continuing existence, and has the primary or
 11 incidental purpose of receiving contributions and making expenditures to influence or attempt to
 12 influence the action of voters on behalf of the political party;

13 [(26)] (28) "Public office" or "office", any state, judicial, county, municipal, school or other
 14 district, ward, township, or other political subdivision office or any political party office which is
 15 filled by a vote of registered voters;

16 [(27)] (29) "Regular session", includes that period beginning on the first Wednesday after
 17 the first Monday in January and ending following the first Friday after the second Monday in Ma

18 [(28)] (30) "Write-in candidate", an individual whose name is not printed on the ballot but
 19 who otherwise meets the definition of candidate in subdivision (3) of this section.

20 130.034. 1. Contributions as defined in section 130.011, received by any committee shall
 21 not be converted to any personal use.

22 2. Contributions may be used for any purpose allowed by law including, but not limited to:

23 (1) Any ordinary expenses incurred relating to a campaign;

24 (2) Any ordinary and necessary expenses incurred in connection with the duties of a holder
 25 of elective office;

26 (3) Any expenses associated with the duties of candidacy or of elective office pertaining to
 27 the entertaining of or providing social courtesies to constituents, professional associations, or other
 28 holders of elective office;

29 (4) The return of any contribution to the person who made the contribution to the candidate
 30 or holder of elective office;

31 (5) To contribute to a political organization or candidate committee as allowed by law;

32 (6) To establish a new committee as defined by this chapter; or

33 (7) To make an unconditional gift which is fully vested to any charitable, fraternal or civic
 34 organizations or other associations formed to provide for some good in the order of benevolence, if
 35 such candidate, former candidate or holder of elective office or such person's immediate family gain
 36 no direct financial benefit from the unconditional gift[;

37 ~~—— (8) Except when such candidate, former candidate or holder of elective office dies while the~~
 38 ~~committee remains in existence, the committee may make an unconditional gift to a fund~~
 39 ~~established for the benefit of the spouse and children of the candidate, former candidate or holder of~~
 40 ~~elective office. The provisions of this subdivision shall expire October 1, 1997].~~

41 3. Upon the death of the candidate, former candidate or holder of elective office who
 42 received such contributions, all contributions shall be disposed of according to this section and any
 43 funds remaining after final settlement of the candidate's decedent's estate, or if no estate is opened,
 44 then twelve months after the candidate's death, will escheat to the state of Missouri to be deposited
 45 in the general revenue fund.

46 4. No contributions, as defined in section 130.011, received by a candidate, former
 47 candidate or holder of elective office shall be used to make restitution payments ordered of such
 48 individual by a court of law or for the payment of any fine resulting from conviction of a violation

1 of any local, state or federal law.

2 5. Committees described in subdivision [(47)] (19) of section 130.011 shall make
3 expenditures only for the purpose of determining whether an individual will be a candidate. Such
4 expenditures include polling information, mailings, personal appearances, telephone expenses,
5 office and travel expenses but may not include contributions to other candidate committees.

6 6. Any moneys in the exploratory committee fund may be transferred to the candidate
7 committee upon declaration of candidacy for the position being explored. Such funds shall be
8 included for the purposes of reporting and limitation. In the event that candidacy is not declared for
9 the position being explored, the remaining exploratory committee funds shall be returned to the
10 contributors on a pro rata basis. In no event shall the amount returned exceed the amount given by
11 each contributor nor be less than ten dollars.

12 7. Funds held in candidate committees, campaign committees, debt service committees, and
13 exploratory committees shall be liquid such that these funds shall be readily available for the
14 specific and limited purposes allowed by law. These funds may be invested only in short-term
15 treasury instruments or short-term bank certificates with durations of one year or less, or that allow
16 the removal of funds at any time without any additional financial penalty other than the loss of
17 interest income. Continuing committees, political party committees, and other committees such as
18 out-of-state committees not formed for the benefit of any single candidate or ballot issue shall not be
19 subject to the provisions of this subsection. This subsection shall not be interpreted to restrict the
20 placement of funds in an interest-bearing checking account.

21 130.069. 1. For purposes of this section, "expenditure" means a payment, advance,
22 conveyance, deposit, donation, or contribution of moneys or anything of value made by a person or
23 entity. For purposes of this section, the term "expenditure" does not have the same meaning given
24 to that term under section 130.011.

25 2. Any person or entity that makes an expenditure in excess of one thousand dollars for the
26 purpose of electioneering activities by means of a covered communication shall make an electronic
27 disclosure report to the ethics commission within forty-eight hours. The report shall state
28 specifically the expenditure amount, the person or entity receiving the expenditure, the ballot
29 measure or candidate such expenditure concerns, and a description of the position advocated by the
30 person or entity with regard to the ballot measure or candidate.

31 3. Any person or entity required to file disclosure reports under this section shall make the
32 disclosures electronically.

33 4. (1) If the expenditure described under subsection 2 of this section originated from a
34 segregated bank account of an entity, the electronic disclosure report required under this section
35 shall include the date and amount of each donation to the segregated bank account, as well as the
36 name, address, and employer, occupation if self-employed, or notation of retirement of each donor
37 who has donated over one thousand dollars to the segregated bank account of the entity in the
38 previous twelve-month period.

39 (2) If the expenditure described under subsection 2 of this section did not originate solely
40 from a segregated bank account of the entity, the electronic disclosure report required under this
41 section shall include the date and amount of each donation, as well as the name, address, and
42 employer, occupation if self-employed, or notation of retirement of each donor who has donated
43 over one thousand dollars to the entity in the previous twelve-month period.

44 5. All information required to be reported to the ethics commission under this section shall
45 be a matter of public record that the ethics commission shall make available to the public
46 immediately after receiving the information.

47 6. The ethics commission may promulgate rules to implement the provisions of this section.
48 Any rule or portion of a rule, as that term is defined in section 536.010, that is created under the

1 authority delegated in this section shall become effective only if it complies with and is subject to
2 all of the provisions of chapter 536 and, if applicable, section 536.028. This section and chapter
3 536 are nonseverable, and if any of the powers vested with the general assembly pursuant to chapter
4 536 to review, to delay the effective date, or to disapprove and annul a rule are subsequently held
5 unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after the
6 effective date of this section shall be invalid and void.

7 Section B. Section A of this act shall become effective January 1, 2018."; and

8
9 Further amend said bill by amending the title, enacting clause, and intersectional references
10 accordingly.