

SECOND REGULAR SESSION

HOUSE BILL NO. 1750

103RD GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVE MILLER.

5042H.011

JOSEPH ENGLER, Chief Clerk

AN ACT

To repeal sections 105.470, 116.040, 116.050, 116.080, 116.090, 116.332, 116.334, and 130.011, RSMo, and to enact in lieu thereof ten new sections relating to the initiative petition process, with penalty provisions.

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

Section A. Sections 105.470, 116.040, 116.050, 116.080, 116.090, 116.332, 116.334, 2 and 130.011, RSMo, are repealed and ten new sections enacted in lieu thereof, to be known as 3 sections 105.470, 116.040, 116.050, 116.080, 116.090, 116.332, 116.333, 116.334, 116.410, 4 and 130.011, to read as follows:

105.470. As used in section 105.473, unless the context requires otherwise, the 2 following words and terms mean:

3 (1) "Elected local government official lobbyist", any natural person employed 4 specifically for the purpose of attempting to influence any action by a local government 5 official elected in a county, city, town, or village with an annual operating budget of over ten 6 million dollars;

7 (2) "Executive lobbyist", any natural person who acts for the purpose of attempting to 8 influence any action by the executive branch of government or by any elected or appointed 9 official, employee, department, division, agency or board or commission thereof and in 10 connection with such activity, meets the requirements of any one or more of the following:

11 (a) Is acting in the ordinary course of employment on behalf of or for the benefit of 12 such person's employer; or

13 (b) Is engaged for pay or for any valuable consideration for the purpose of performing 14 such activity; or

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.

15 (c) Is designated to act as a lobbyist by any person, business entity, governmental
16 entity, religious organization, nonprofit corporation, association or other entity; or

17 (d) Makes total expenditures of fifty dollars or more during the twelve-month period
18 beginning January first and ending December thirty-first for the benefit of one or more public
19 officials or one or more employees of the executive branch of state government in connection
20 with such activity.

21

22 An "executive lobbyist" shall not include a member of the general assembly, an elected state
23 official, or any other person solely due to such person's participation in any of the following
24 activities:

25 a. Appearing or inquiring in regard to a complaint, citation, summons, adversary
26 proceeding, or contested case before a state board, commission, department, division or
27 agency of the executive branch of government or any elected or appointed officer or
28 employee thereof;

29 b. Preparing, filing or inquiring, or responding to any audit, regarding any tax return,
30 any public document, permit or contract, any application for any permit or license or
31 certificate, or any document required or requested to be filed with the state or a political
32 subdivision;

33 c. Selling of goods or services to be paid for by public funds, provided that such
34 person is attempting to influence only the person authorized to authorize or enter into a
35 contract to purchase the goods or services being offered for sale;

36 d. Participating in public hearings or public proceedings on rules, grants, or other
37 matters;

38 e. Responding to any request for information made by any public official or employee
39 of the executive branch of government;

40 f. Preparing or publication of an editorial, a newsletter, newspaper, magazine, radio or
41 television broadcast, or similar news medium, whether print or electronic;

42 g. Acting within the scope of employment by the general assembly, or acting within
43 the scope of employment by the executive branch of government when acting with respect to
44 the department, division, board, commission, agency or elected state officer by which such
45 person is employed, or with respect to any duty or authority imposed by law to perform any
46 action in conjunction with any other public official or state employee; or

47 h. Testifying as a witness before a state board, commission or agency of the executive
48 branch;

49 (3) "Expenditure", any payment made or charge, expense, cost, debt or bill incurred;
50 any gift, honorarium or item of value bestowed including any food or beverage; any price,
51 charge or fee which is waived, forgiven, reduced or indefinitely delayed; any loan or debt

52 which is cancelled, reduced or otherwise forgiven; the transfer of any item with a reasonably
53 discernible cost or fair market value from one person to another or provision of any service or
54 granting of any opportunity for which a charge is customarily made, without charge or for a
55 reduced charge; except that the term "expenditure" shall not include the following:

56 (a) Any item, service or thing of value transferred to any person within the third
57 degree of consanguinity of the transferor which is unrelated to any activity of the transferor as
58 a lobbyist;

59 (b) Informational material such as books, reports, pamphlets, calendars or periodicals
60 informing a public official regarding such person's official duties, or souvenirs or mementos
61 valued at less than ten dollars;

62 (c) Contributions to the public official's campaign committee or candidate committee
63 which are reported pursuant to the provisions of chapter 130;

64 (d) Any loan made or other credit accommodations granted or other payments made
65 by any person or entity which extends credit or makes loan accommodations or such
66 payments in the regular ordinary scope and course of business, provided that such are
67 extended, made or granted in the ordinary course of such person's or entity's business to
68 persons who are not public officials;

69 (e) Any item, service or thing of de minimis value offered to the general public,
70 whether or not the recipient is a public official or a staff member, employee, spouse or
71 dependent child of a public official, and only if the grant of the item, service or thing of de
72 minimis value is not motivated in any way by the recipient's status as a public official or staff
73 member, employee, spouse or dependent child of a public official;

74 (f) The transfer of any item, provision of any service or granting of any opportunity
75 with a reasonably discernible cost or fair market value when such item, service or opportunity
76 is necessary for a public official or employee to perform his or her duty in his or her official
77 capacity, including but not limited to entrance fees to any sporting event, museum, or other
78 venue when the official or employee is participating in a ceremony, public presentation or
79 official meeting therein;

80 (g) Any payment, gift, compensation, fee, expenditure or anything of value which is
81 bestowed upon or given to any public official or a staff member, employee, spouse or
82 dependent child of a public official when it is compensation for employment or given as an
83 employment benefit and when such employment is in addition to their employment as a
84 public official;

85 (4) "Judicial lobbyist", any natural person who acts for the purpose of attempting to
86 influence any purchasing decision by the judicial branch of government or by any elected or
87 appointed official or any employee thereof and in connection with such activity, meets the
88 requirements of any one or more of the following:

89 (a) Is acting in the ordinary course of employment which primary purpose is to
90 influence the judiciary in its purchasing decisions on a regular basis on behalf of or for the
91 benefit of such person's employer, except that this shall not apply to any person who engages
92 in lobbying on an occasional basis only and not as a regular pattern of conduct; or

93 (b) Is engaged for pay or for any valuable consideration for the purpose of performing
94 such activity; or

95 (c) Is designated to act as a lobbyist by any person, business entity, governmental
96 entity, religious organization, nonprofit corporation or association; or

97 (d) Makes total expenditures of fifty dollars or more during the twelve-month period
98 beginning January first and ending December thirty-first for the benefit of one or more public
99 officials or one or more employees of the judicial branch of state government in connection
100 with attempting to influence such purchasing decisions by the judiciary.

101

102 A "judicial lobbyist" shall not include a member of the general assembly, an elected state
103 official, or any other person solely due to such person's participation in any of the following
104 activities:

105 a. Appearing or inquiring in regard to a complaint, citation, summons, adversary
106 proceeding, or contested case before a state court;

107 b. Participating in public hearings or public proceedings on rules, grants, or other
108 matters;

109 c. Responding to any request for information made by any judge or employee of the
110 judicial branch of government;

111 d. Preparing, distributing or publication of an editorial, a newsletter, newspaper,
112 magazine, radio or television broadcast, or similar news medium, whether print or electronic;
113 or

114 e. Acting within the scope of employment by the general assembly, or acting within
115 the scope of employment by the executive branch of government when acting with respect to
116 the department, division, board, commission, agency or elected state officer by which such
117 person is employed, or with respect to any duty or authority imposed by law to perform any
118 action in conjunction with any other public official or state employee;

119 (5) "Legislative lobbyist", any natural person who acts for the purpose of attempting
120 to influence the taking, passage, amendment, delay or defeat of any official action on any bill,
121 resolution, amendment, nomination, appointment, report or any other action or any other
122 matter pending or proposed in a legislative committee in either house of the general assembly,
123 or in any matter which may be the subject of action by the general assembly and in
124 connection with such activity, meets the requirements of any one or more of the following:

125 (a) Is acting in the ordinary course of employment, which primary purpose is to
126 influence legislation on a regular basis, on behalf of or for the benefit of such person's
127 employer, except that this shall not apply to any person who engages in lobbying on an
128 occasional basis only and not as a regular pattern of conduct; or

129 (b) Is engaged for pay or for any valuable consideration for the purpose of performing
130 such activity; or

131 (c) Is designated to act as a lobbyist by any person, business entity, governmental
132 entity, religious organization, nonprofit corporation, association or other entity; or

133 (d) Makes total expenditures of fifty dollars or more during the twelve-month period
134 beginning January first and ending December thirty-first for the benefit of one or more public
135 officials or one or more employees of the legislative branch of state government in connection
136 with such activity.

137

138 A "legislative lobbyist" shall include an attorney at law engaged in activities on behalf of any
139 person unless excluded by any of the following exceptions. A "legislative lobbyist" shall not
140 include any legislative liaison. For purposes of this subdivision, "legislative liaison" means
141 any state employee hired to communicate with members of the general assembly on behalf of
142 any elected official of the state; the judicial branch of state government; or any department,
143 agency, board, or commission of the state, provided such entity is a part of the executive
144 branch of state government. Any state employee employed as a legislative liaison who
145 performs lobbying services for any other entity shall register as a lobbyist with respect to such
146 lobbying services. A "legislative lobbyist" shall also not include any member of the general
147 assembly, an elected state official, or any other person solely due to such person's
148 participation in any of the following activities:

149 a. Responding to any request for information made by any public official or employee
150 of the legislative branch of government;

151 b. Preparing or publication of an editorial, a newsletter, newspaper, magazine, radio
152 or television broadcast, or similar news medium, whether print or electronic;

153 c. Acting within the scope of employment of the legislative branch of government
154 when acting with respect to the general assembly or any member thereof;

155 d. Testifying as a witness before the general assembly or any committee thereof;

156 (6) "Lobbyist", any natural person defined as an executive lobbyist, judicial lobbyist,
157 elected local government official lobbyist, or a legislative lobbyist. **"Lobbyist" shall also**
158 **include any individual who files an initiative or referendum petition with the secretary**
159 **of state and any circulator who is paid to collect signatures for an initiative or**
160 **referendum petition;**

161 (7) "Lobbyist principal", any person, business entity, governmental entity, religious
162 organization, nonprofit corporation or association who employs, contracts for pay or
163 otherwise compensates a lobbyist;

164 (8) "Public official", any member or member-elect of the general assembly, judge or
165 judicial officer, or any other person holding an elective office of state government or any
166 agency head, department director or division director of state government or any member of
167 any state board or commission and any designated decision-making public servant designated
168 by persons described in this subdivision.

116.040. The following shall be substantially the form of each page of each petition
2 for any law or amendment to the Constitution of the state of Missouri proposed by the
3 initiative:

4 County _____

5 Page No. _____

6 It is a class A misdemeanor punishable, notwithstanding the provisions
7 of section [~~560.021~~] **558.002**, RSMo, to the contrary, for a term of
8 imprisonment not to exceed one year in the county jail or a fine not to
9 exceed ten thousand dollars or both, for anyone to sign any initiative
10 petition with any name other than his or her own, or knowingly to sign
11 his or her name more than once for the same measure for the same
12 election, or to sign a petition when such person knows he or she is not a
13 registered voter.

14 INITIATIVE PETITION

15 To the Honorable _____, Secretary of State for the state of Missouri:

16 We, the undersigned, registered voters of the state of Missouri and _____

17 _____ County (or City of St. Louis), respectfully order that the following

18 proposed law (or amendment to the constitution) shall be submitted to

19 the voters of the state of Missouri, for their approval or rejection, at the

20 general election to be held on the _____ day of _____, _____, and

21 each for himself or herself says: I have personally signed this petition; I

22 am a registered voter of the state of Missouri and _____ County (or

23 City of St. Louis); my registered voting address and the name of the

24 city, town or village in which I live are correctly written after my name.

25 (Official Ballot title) _____

26 CIRCULATOR'S AFFIDAVIT

27 State Of Missouri,

28 County Of _____

29 I, _____, being first duly sworn, say (print or type names of signers)

30	REGISTERED					
31		DATE	VOTING	ZIP	CONGR.	
32	NAME	SIGNED	ADDRESS	CODE	DIST.	NAME
33	(Signature)		(Street) (City,			(Printed or
34			Town or			
35			Village)			Typed)

36 (Here follow numbered lines for signers)

37 signed this page of the foregoing petition, and each of them signed his

38 or her name thereto in my presence; I believe that each has stated his or

39 her name, registered voting address and city, town or village correctly,

40 and that each signer is a registered voter of the state of Missouri and __

41 __ County.

42 FURTHERMORE, I HEREBY SWEAR OR AFFIRM UNDER

43 PENALTY OF PERJURY THAT ALL STATEMENTS MADE BY ME

44 ARE TRUE AND CORRECT AND THAT I HAVE NEVER BEEN

45 CONVICTED OF, FOUND GUILTY OF, OR PLED GUILTY TO

46 ANY OFFENSE INVOLVING FORGERY.

47 I am at least 18 years of age. I do _____ do not _____ (check one)

48 expect to be paid for circulating this petition. If paid, list the payer ____

49 _____

50 _____

51 Signature of Affiant

52 (Person obtaining signatures)

53 _____

54 (Printed Name of Affiant)

55 _____

56 Address of Affiant

57 Subscribed and sworn to before me this _____ day of _____, A.D. _

58 _____

59 _____

60 Signature of Notary

61 Address of Notary

62 Notary Public (Seal)

63 My commission expires _____

64

65 If this form is followed substantially and the requirements of section 116.050 and section
66 116.080 are met, it shall be sufficient, disregarding clerical and merely technical errors.

116.050. 1. Initiative and referendum petitions filed under the provisions of this
2 chapter shall consist of pages of a uniform size. Each page, excluding the text of the measure,
3 shall be no larger than eight and one-half by fourteen inches. Each page of an initiative
4 petition shall be attached to or shall contain a full and correct text of the proposed measure.
5 Each page of a referendum petition shall be attached to or shall contain a full and correct text
6 of the measure on which the referendum is sought. **Each page shall also advise petitioners**
7 **of the crime of petition signature fraud and the penalties associated with such crime, as**
8 **provided in section 116.090.**

9 2. The full and correct text of all initiative and referendum petition measures shall:

10 (1) Contain all matter which is to be deleted included in its proper place enclosed in
11 brackets and all new matter shown underlined;

12 (2) Include all sections of existing law or of the constitution which would be repealed
13 by the measure; and

14 (3) Otherwise conform to the provisions of Article III, Section 28 and Article III,
15 Section 50 of the Constitution and those of this chapter.

116.080. 1. Each petition circulator shall be at least eighteen years of age and
2 registered with the secretary of state. **Paid circulators shall be residents of the state of**
3 **Missouri for more than one hundred eighty days before the petition is filed with the**
4 **secretary of state.** Signatures collected by any circulator who has not registered with the
5 secretary of state pursuant to this chapter on or before 5:00 p.m. on the final day for filing
6 petitions with the secretary of state shall not be counted. A petition circulator shall be
7 deemed registered at the time such circulator delivers a signed circulator's affidavit pursuant
8 to section 116.030, with respect to a referendum petition, or section 116.040, with respect to
9 an initiative petition, to the office of the secretary of state. No person shall qualify as a
10 petition circulator who has been convicted of, found guilty of, or pled guilty to an offense
11 involving forgery under the laws of this state or an offense under the laws of any other
12 jurisdiction if that offense would be considered forgery under the laws of this state.

13 2. Each petition circulator shall subscribe and swear to the proper affidavit on each
14 petition page such circulator submits before a notary public commissioned in Missouri.
15 When notarizing a circulator's signature, a notary public shall sign his or her official signature
16 and affix his or her official seal to the affidavit only if the circulator personally appears before
17 the notary and subscribes and swears to the affidavit in his or her presence.

18 3. Any circulator who falsely swears to a circulator's affidavit knowing it to be false is
19 guilty of a class A misdemeanor punishable, notwithstanding the provisions of section

20 ~~[560.021]~~ **558.002** to the contrary, for a term of imprisonment not to exceed one year in the
21 county jail or a fine not to exceed ten thousand dollars or both.

116.090. 1. Any person who commits any of the following actions is guilty of the
2 crime of petition signature fraud:

3 (1) Signs any name other than his or her own to any petition, or who knowingly signs
4 his or her name more than once for the same measure for the same election, or who knows he
5 or she is not at the time of signing or circulating the same a Missouri registered voter and a
6 resident of this state; or

7 (2) Intentionally submits petition signature sheets with the knowledge that the person
8 whose name appears on the signature sheet did not actually sign the petition; or

9 (3) Causes a voter to sign a petition other than the one the voter intended to sign; or

10 (4) Forges or falsifies signatures; or

11 (5) Knowingly accepts or offers money or anything of value to another person in
12 exchange for a signature on a petition.

13 2. Any person who knowingly causes a petition circulator's signatures to be submitted
14 for counting, and who either knows that such circulator has violated subsection 1 of this
15 section or, after receiving notice of facts indicating that such person may have violated
16 subsection 1 of this section, causes the signatures to be submitted with reckless indifference
17 as to whether such circulator has complied with subsection 1 of this section, shall also be
18 deemed to have committed the crime of petition signature fraud.

19 3. A person who violates subsection 1 or 2 of this section, shall, upon conviction
20 thereof, be guilty of a class A misdemeanor punishable, notwithstanding the provisions of
21 section ~~[560.021]~~ **558.002** to the contrary, by a term of imprisonment not to exceed one year
22 in the county jail or a fine not to exceed ten thousand dollars or both. **Any second or**
23 **subsequent conviction of petition signature fraud shall be a class D felony punishable by**
24 **a fine not to exceed ten thousand dollars or both.**

25 4. Any person employed by or serving as an election authority, that has reasonable
26 cause to suspect a person has committed petition signature fraud, shall immediately report or
27 cause a report to be made to the appropriate prosecuting authorities. Failure to so report or
28 cause a report to be made shall be a class A misdemeanor.

29 **5. The secretary of state shall forward the name of any person who fraudulently**
30 **signs an initiative petition to the attorney general. The attorney general shall have**
31 **concurrent authority with the appropriate prosecuting attorney to file charges against**
32 **such person.**

116.332. 1. Before a constitutional amendment petition, a statutory initiative petition,
2 or a referendum petition may be circulated for signatures, a sample sheet must be submitted to
3 the secretary of state in the form in which it will be circulated. When a person submits a

4 sample sheet of a petition he or she shall designate to the secretary of state the name and
5 address of the person to whom any notices shall be sent pursuant to sections 116.140 and
6 116.180 and, if a committee or person, except the individual submitting the sample sheet, is
7 funding any portion of the drafting or submitting of the sample sheet, the person submitting
8 the sample sheet shall submit a copy of the filed statement of committee organization required
9 under subsection 5 of section 130.021 showing the date the statement was filed. The
10 secretary of state shall refer a copy of the petition sheet to the attorney general for his
11 approval and to the state auditor for purposes of preparing a fiscal note and fiscal note
12 summary. The secretary of state and attorney general must each review the petition for
13 sufficiency as to form and approve or reject the form of the petition, stating the reasons for
14 rejection, if any.

15 2. Within two business days of receipt of any such sample sheet, the office of the
16 secretary of state shall conspicuously post on its website the text of the proposed measure, a
17 disclaimer stating that such text may not constitute the full and correct text as required under
18 section 116.050, and the name of the person or organization submitting the sample sheet. The
19 secretary of state's failure to comply with such posting shall be considered a violation of
20 chapter 610 and subject to the penalties provided under subsection 3 of section 610.027. The
21 posting shall be removed within three days of either the withdrawal of the petition under
22 section 116.115 or the rejection for any reason of the petition.

23 3. Upon receipt of a petition from the office of the secretary of state, the attorney
24 general shall examine the petition as to form. If the petition is rejected as to form, the
25 attorney general shall forward his or her comments to the secretary of state within ten days
26 after receipt of the petition by the attorney general. If the petition is approved as to form, the
27 attorney general shall forward his or her approval as to form to the secretary of state within
28 ten days after receipt of the petition by the attorney general.

29 4. The secretary of state shall review the comments and statements of the attorney
30 general as to form and make a final decision as to the approval or rejection of the form of the
31 petition. The secretary of state shall send written notice to the person who submitted the
32 petition sheet of the approval within fifteen days after submission of the petition sheet. **Any**
33 **petition that is approved shall receive an identification number from the secretary of**
34 **state and such number shall appear on each signature page.** The secretary of state shall
35 send written notice if the petition has been rejected, together with reasons for rejection, within
36 fifteen days after submission of the petition sheet.

116.333. 1. No person shall be eligible to file any petition under this chapter
2 **unless such person:**

3 **(1) Is a citizen of the United States of America;**

4 **(2) Is a resident of the state of Missouri; and**

5 **(3) Has been a registered voter in the state of Missouri for at least one year prior**
6 **to the date of the filing of the petition.**

7 **2. No person shall file more than one petition that proposes a constitutional**
8 **amendment for each general election cycle. This limit shall apply only to petitions**
9 **approved for circulation. If a petition is rejected as to form under section 116.332, the**
10 **person shall have the opportunity to correct and refile such petition.**

11 **3. There shall be a ten-thousand-dollar filing fee for statutory initiative and**
12 **referendum petitions if:**

13 **(1) It is the second or subsequent such petition the person has filed for the**
14 **current general election cycle; or**

15 **(2) The person is receiving compensation to file such petition.**

116.334. 1. If the petition form is approved, the secretary of state shall make a copy
2 of the sample petition available on the secretary of state's website. For a period of fifteen
3 days after the petition is approved as to form, the secretary of state shall accept public
4 comments regarding the proposed measure and provide copies of such comments upon
5 request. Within twenty-three days of receipt of such approval, the secretary of state shall
6 prepare and transmit to the attorney general a summary statement of the measure which shall
7 be a concise statement not exceeding one hundred words. This statement shall be in the form
8 of a question using language neither intentionally argumentative nor likely to create prejudice
9 either for or against the proposed measure. The attorney general shall within ten days
10 approve the legal content and form of the proposed statement.

11 2. Signatures obtained prior to the date the official ballot title is certified by the
12 secretary of state shall not be counted. **If a court orders a change that substantially alters**
13 **the content of the official ballot title under subsection 4 of section 116.190, all signatures**
14 **gathered before such change occurred shall be invalidated, regardless of whether those**
15 **signatures were gathered on petition pages that displayed what was previously the**
16 **official ballot title as certified by the secretary of state.** Once the secretary of state certifies
17 the official ballot title, signatures may be collected, even if the ballot title is subject to an
18 action in court challenging the sufficiency and fairness of the ballot title. If a court orders a
19 change that alters the content of the official ballot title, then all signatures gathered before
20 such change occurred shall not be invalidated based upon the fact that one or more signatures
21 were gathered prior to the alteration of the official ballot title, regardless of whether those
22 signatures were gathered on petition pages that displayed what was previously the official
23 ballot title as certified by the secretary of state. Nothing in this subsection shall prohibit the
24 invalidation of a signature for a reason otherwise allowed by this chapter.

25 3. Signatures for statutory initiative petitions shall be filed not later than six months
26 prior to the general election during which the petition's ballot measure is submitted for a vote,

27 and shall also be collected not earlier than the day after the day upon which the previous
28 general election was held.

**116.410. An entity that funds a petition filed under this chapter shall be liable for
2 any cause of action that arises out of the actions of an individual being paid to file the
3 petition, collect signatures, or otherwise work in support of such petition.**

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

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

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

9 (3) "Candidate", an individual who seeks nomination or election to public office. The
10 term candidate includes an elected officeholder who is the subject of a recall election, an
11 individual who seeks nomination by the individual's political party for election to public
12 office, an individual standing for retention in an election to an office to which the individual
13 was previously appointed, an individual who seeks nomination or election whether or not the
14 specific elective public office to be sought has been finally determined by such individual at
15 the time the individual meets the conditions described in paragraph (a) or (b) of this
16 subdivision, and an individual who is a write-in candidate as defined in subdivision (29) of
17 this section. A candidate shall be deemed to seek nomination or election when the person
18 first:

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

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

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

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

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

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

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

47 (a) Committee, does not include:

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

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

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

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

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

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

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

79 (8) "Campaign committee", a committee, other than a candidate committee, which
80 shall be formed by an individual or group of individuals to receive contributions or make
81 expenditures and whose sole purpose is to support or oppose the qualification and passage of
82 one or more particular ballot measures in an election or the retention of judges under the
83 nonpartisan court plan, such committee shall be formed no later than thirty days prior to the
84 election for which the committee receives contributions or makes expenditures, and which
85 shall terminate the later of either thirty days after the general election or upon the satisfaction
86 of all committee debt after the general election, except that no committee retiring debt shall
87 engage in any other activities in support of a measure for which the committee was formed.
88 **Any entity that pays individuals to file initiative petitions and referendums or**
89 **circulators to collect signatures for initiatives petitions and referendums shall be**
90 **required to register as a campaign committee with the Missouri ethics commission;**

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

102 (10) "Continuing committee", a committee of continuing existence which is not
103 formed, controlled or directed by a candidate, and is a committee other than a candidate
104 committee or campaign committee, whose primary or incidental purpose is to receive
105 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. Continuing 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;

(11) "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;

(12) "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;

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

(e) Any loan, guarantee of a loan, cancellation or forgiveness of a loan or debt or other obligation by a third party, or payment of a loan or debt or other obligation by a third party if the loan or debt or other obligation was contracted, used, or intended, in whole or in

143 part, for use in an election campaign or used or intended for the payment of such debts or
144 obligations of a candidate or committee previously incurred, or which was made or received
145 by a committee;

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

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

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

158 (i) Contribution does not include:

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

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

167 c. Interest earned on deposit of committee funds;

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

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

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

177 (15) "Election", any primary, general or special election held to nominate or elect an
178 individual to public office, to retain or recall an elected officeholder or to submit a ballot
179 measure to the voters, and any caucus or other meeting of a political party or a political party

180 committee at which that party's candidate or candidates for public office are officially
181 selected. A primary election and the succeeding general election shall be considered separate
182 elections;

183 (16) "Electronic means", any instrument, device, or service that facilitates an
184 electronic withdrawal of funds from a bank account including, but not limited to, credit cards,
185 debit cards, and the presentation of a credit or debit card account number;

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

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

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

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

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

212 (e) Expenditure does not include:

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

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

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

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

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

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

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

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

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

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

248 (22) "Loan", a transfer of money, property or anything of ascertainable monetary
249 value in exchange for an obligation, conditional or not, to repay in whole or in part and which
250 was contracted, used, or intended for use in an election campaign, or which was made or
251 received by a committee or which was contracted, used, or intended to pay previously

252 incurred campaign debts or obligations of a candidate or the debts or obligations of a
253 committee;

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

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

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

267 (26) "Political party committee", a state, district, county, city, or area committee of a
268 political party, as defined in section 115.603, which may be organized as a not-for-profit
269 corporation under Missouri law, and which committee is of continuing existence, and has the
270 primary or incidental purpose of receiving contributions and making expenditures to
271 influence or attempt to influence the action of voters on behalf of the political party;

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

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

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

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