

SECOND REGULAR SESSION
[TRULY AGREED TO AND FINALLY PASSED]
SENATE COMMITTEE SUBSTITUTE FOR
HOUSE COMMITTEE SUBSTITUTE FOR
HOUSE BILL NO. 1474
98TH GENERAL ASSEMBLY

4593S.04T

2016

AN ACT

To repeal section 130.026 as enacted by senate bill no. 844, ninety-fifth general assembly, second regular session, section 130.026 as enacted by senate bill no. 262, eighty-eighth general assembly, first regular session, section 130.057 as enacted by senate bill no. 844, ninety-fifth general assembly, second regular session, and section 130.057 as enacted by house bill no. 676 merged with senate bills nos. 31 & 285, ninety-second general assembly, first regular session, and to enact in lieu thereof two new sections relating to the requirement of filing certain disclosure reports in an electronic format with the Missouri ethics commission.

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

Section A. Section 130.026 as enacted by senate bill no. 844, ninety-fifth general
2 assembly, second regular session, section 130.026 as enacted by senate bill no. 262, eighty-
3 eighth general assembly, first regular session, section 130.057 as enacted by senate bill no. 844,
4 ninety-fifth general assembly, second regular session, and section 130.057 as enacted by house
5 bill no. 676 merged with senate bills nos. 31 & 285, ninety-second general assembly, first regular
6 session, are repealed and two new sections enacted in lieu thereof, to be known as sections
7 130.026 and 130.057, to read as follows:

2 [130.026. 1. For the purpose of this section, the term "election authority"
3 or "local election authority" means the county clerk, except that in a city or
county having a board of election commissioners the board of election

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.

4 commissioners shall be the election authority. For any political subdivision or
5 other district which is situated within the jurisdiction of more than one election
6 authority, as defined herein, the election authority is the one in whose jurisdiction
7 the candidate resides or, in the case of ballot measures, the one in whose
8 jurisdiction the most populous portion of the political subdivision or district for
9 which an election is held is situated, except that a county clerk or a county board
10 of election commissioners shall be the election authority for all candidates for
11 elective county offices other than county clerk and for any countywide ballot
12 measures.

13 2. The appropriate officer or officers for candidates and ballot measures
14 shall be as follows:

15 (1) In the case of candidates for the offices of governor, lieutenant
16 governor, secretary of state, state treasurer, state auditor, attorney general, judges
17 of the supreme court and appellate court judges, the appropriate officer shall be
18 the Missouri ethics commission;

19 (2) Notwithstanding the provisions of subsection 1 of this section, in the
20 case of candidates for the offices of state senator, state representative, county
21 clerk, and associate circuit court judges and circuit court judges, the appropriate
22 officers shall be the Missouri ethics commission and the election authority for the
23 place of residence of the candidate;

24 (3) In the case of candidates for elective municipal offices in
25 municipalities of more than one hundred thousand inhabitants and elective county
26 offices in counties of more than one hundred thousand inhabitants, the
27 appropriate officers shall be the Missouri ethics commission and the election
28 authority of the municipality or county in which the candidate seeks office;

29 (4) In the case of all other offices, the appropriate officer shall be the
30 election authority of the district or political subdivision for which the candidate
31 seeks office;

32 (5) In the case of ballot measures, the appropriate officer or officers shall
33 be:

34 (a) The Missouri ethics commission for a statewide measure;

35 (b) The local election authority for any political subdivision or district as
36 determined by the provisions of subsection 1 of this section for any measure,
37 other than a statewide measure, to be voted on in that political subdivision or
38 district.

39 3. The appropriate officer or officers for candidate committees and
40 campaign committees shall be the same as designated in subsection 2 of this
41 section for the candidates or ballot measures supported or opposed as indicated
42 in the statement of organization required to be filed by any such committee.

43 4. The appropriate officer for political party committees shall be as
44 follows:

45 (1) In the case of state party committees, the appropriate officer shall be
46 the Missouri ethics commission;

47 (2) In the case of any district, county or city political party committee, the
48 appropriate officer shall be the Missouri ethics commission and the election
49 authority for that district, county or city.

50 5. The appropriate officers for a political action committee and for any
51 other committee not named in subsections 3, 4 and 5 of this section shall be as
52 follows:

53 (1) The Missouri ethics commission and the election authority for the
54 county in which the committee is domiciled; and

55 (2) If the committee makes or anticipates making expenditures other than
56 direct contributions which aggregate more than five hundred dollars to support
57 or oppose one or more candidates or ballot measures in the same political
58 subdivision or district for which the appropriate officer is an election authority
59 other than the one for the county in which the committee is domiciled, the
60 appropriate officers for that committee shall include such other election authority
61 or authorities, except that committees covered by this subsection need not file
62 statements required by section 130.021 and reports required by subsections 6, 7
63 and 8 of section 130.046 with any appropriate officer other than those set forth
64 in subdivision (1) of this subsection.

65 6. The term "domicile" or "domiciled" means the address of the
66 committee listed on the statement of organization required to be filed by that
67 committee in accordance with the provisions of section 130.021.]

130.026. 1. For the purpose of this section, the term "election authority" or "local
2 election authority" means the county clerk, except that in a city or county having a board of
3 election commissioners the board of election commissioners shall be the election authority. For
4 any political subdivision or other district which is situated within the jurisdiction of more than
5 one election authority, as defined herein, the election authority is the one in whose jurisdiction
6 the candidate resides or, in the case of ballot measures, the one in whose jurisdiction the most
7 populous portion of the political subdivision or district for which an election is held is situated,
8 except that a county clerk or a county board of election commissioners shall be the election
9 authority for all candidates for elective county offices other than county clerk and for any
10 countywide ballot measures.

11 2. The appropriate officer or officers for candidates and ballot measures shall be as
12 follows:

13 (1) In the case of candidates for the offices of governor, lieutenant governor, secretary
14 of state, state treasurer, state auditor, attorney general, judges of the supreme court and appellate
15 court judges, the appropriate officer shall be the Missouri ethics commission;

16 (2) Notwithstanding the provisions of subsection 1 of this section, in the case of
17 candidates for the offices of state senator, state representative, county clerk, and associate circuit
18 court judges and circuit court judges, the appropriate [officers] **officer** shall be the Missouri
19 ethics commission [and the election authority for the place of residence of the candidate];

20 (3) In the case of candidates for elective municipal offices in municipalities of more than
21 one hundred thousand inhabitants and elective county offices in counties of more than one
22 hundred thousand inhabitants, the appropriate [officers] **officer** shall be the Missouri ethics
23 commission [and the election authority of the municipality or county in which the candidate
24 seeks office];

25 (4) In the case of all other offices, the appropriate officer shall be the [election authority
26 of the district or political subdivision for which the candidate seeks office] **Missouri ethics**
27 **commission**;

28 (5) In the case of ballot measures, the appropriate officer or officers shall be:

29 (a) The Missouri ethics commission for a statewide measure;

30 (b) The local election authority for any political subdivision or district as determined by
31 the provisions of subsection 1 of this section for any measure, other than a statewide measure,
32 to be voted on in that political subdivision or district.

33 3. The appropriate officer or officers for candidate committees and campaign committees
34 shall be the same as designated in subsection 2 of this section for the candidates or ballot
35 measures supported or opposed as indicated in the statement of organization required to be filed
36 by any such committee.

37 4. The appropriate officer for political party committees shall be as follows:

38 (1) In the case of state party committees, the appropriate officer shall be the Missouri
39 ethics commission;

40 (2) In the case of any district, county or city political party committee, the appropriate
41 officer shall be the Missouri ethics commission [and the election authority for that district,
42 county or city].

43 5. The appropriate [officers] **officer** for a continuing committee and for any other
44 committee not named in subsections 2, 3, [4 and 5] **and 4** of this section shall be [as follows:

45 (1)] the Missouri ethics commission [and the election authority for the county in which
46 the committee is domiciled; and

47 (2) If the committee makes or anticipates making expenditures other than direct
48 contributions which aggregate more than five hundred dollars to support or oppose one or more
49 candidates or ballot measures in the same political subdivision or district for which the
50 appropriate officer is an election authority other than the one for the county in which the
51 committee is domiciled, the appropriate officers for that committee shall include such other
52 election authority or authorities, except that committees covered by this subsection need not file
53 statements required by section 130.021 and reports required by subsections 6, 7 and 8 of section
54 130.046 with any appropriate officer other than those set forth in subdivision (1) of this
55 subsection].

56 6. The term "domicile" or "domiciled" means the address of the committee listed on the
57 statement of organization required to be filed by that committee in accordance with the
58 provisions of section 130.021.

59 **7. Any financial disclosure reports and statements filed with the Missouri ethics**
60 **commission under this section shall be filed in an electronic format as prescribed by the**
61 **commission.**

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

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

19 3. When the commission determines that the electronic reporting system
20 has been properly implemented, the commission shall certify to all candidates and
21 committees required to file pursuant to this chapter that such electronic reporting
22 system has been established and implemented. Beginning with the primary and
23 general elections in 2000, or the next primary or general election in which the
24 commission has made certification pursuant to this subsection, whichever is later,
25 candidates and all other committees shall file reports by using either the
26 electronic format prescribed by the commission or paper forms provided by the
27 commission for that purpose. Political action committees shall file reports by
28 electronic format prescribed by the commission, except political action
29 committees which make contributions equal to or less than fifteen thousand
30 dollars in the applicable calendar year. Any political action committee which
31 makes contributions in support of or opposition to any measure or candidate
32 equal to or less than fifteen thousand dollars in the applicable calendar year shall
33 file reports on paper forms provided by the commission for that purpose or by
34 electronic format prescribed by the commission, whichever reporting method the
35 political action committee chooses. The commission shall supply a computer
36 program which shall be used for filing by modem or by a common magnetic

37 media chosen by the commission. In the event that filings are performed
38 electronically, the candidate shall file a signed original written copy within five
39 working days; except that, if a means becomes available which will allow a
40 verifiable electronic signature, the commission may also accept this in lieu of a
41 written statement.

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

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

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

64 7. Annually, the commission shall provide, without cost, a system-wide
65 dump of information contained in the commission's electronic database files to
66 the general assembly. The information is to be copied onto a medium specified
67 by the general assembly. Such information shall not contain records otherwise
68 closed by law. It is the intent of the general assembly to provide open access to
69 the commission's records. The commission shall make every reasonable effort
70 to comply with requests for information and shall take a liberal interpretation
71 when considering such requests.]

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

6 2. The ethics commission [may establish for elections in 1996 and] shall establish [for
7 elections and all required reporting beginning in 1998] and maintain [thereafter] a state campaign

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

16 3. [When the commission determines that the electronic reporting system has been
17 properly implemented, the commission shall certify to all candidates and committees required
18 to file pursuant to this chapter that such electronic reporting system has been established and
19 implemented. Beginning with the primary and general elections in 2000, or the next primary or
20 general election in which the commission has made certification pursuant to this subsection,
21 whichever is later, candidates and all other committees shall file reports by using either the
22 electronic format prescribed by the commission or paper forms provided by the commission for
23 that purpose. Continuing committees shall file reports by electronic format prescribed by the
24 commission, except continuing committees which make contributions equal to or less than
25 fifteen thousand dollars in the applicable calendar year. Any continuing committee which makes
26 contributions in support of or opposition to any measure or candidate equal to or less than fifteen
27 thousand dollars in the applicable calendar year shall file reports on paper forms provided by the
28 commission for that purpose or by electronic format prescribed by the commission, whichever
29 reporting method the continuing committee chooses. The commission shall supply a computer
30 program which shall be used for filing by modem or by a common magnetic media chosen by
31 the commission. In the event that filings are performed electronically, the candidate shall file
32 a signed original written copy within five working days; except that, if a means becomes
33 available which will allow a verifiable electronic signature, the commission may also accept this
34 in lieu of a written statement.

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

42 5.] A copy of all reports filed in the state campaign finance electronic reporting system
43 shall be placed on a public electronic access system so that the general public may have open

44 access to the reports filed pursuant to this section. The access system shall be organized and
45 maintained in such a manner to allow an individual to obtain information concerning all
46 contributions made to or on behalf of, and all expenditures made on behalf of, any **candidate or**
47 **public official** described in subsection 2 of this section in formats that will include both written
48 and electronically readable formats.

49 [6.] 4. All records that are in electronic format, not otherwise closed by law, shall be
50 available in electronic format to the public. The commission shall maintain and provide for
51 public inspection, a listing of all reports with a complete description for each field contained on
52 the report, that has been used to extract information from their database files. The commission
53 shall develop a report or reports which contain every field in each database.

54 [7.] 5. Annually, the commission shall provide, without cost, a system-wide dump of
55 information contained in the commission's electronic database files to the general assembly. The
56 information is to be copied onto a medium specified by the general assembly. Such information
57 shall not contain records otherwise closed by law. It is the intent of the general assembly to
58 provide open access to the commission's records. The commission shall make every reasonable
59 effort to comply with requests for information and shall take a liberal interpretation when
60 considering such requests.

✓