

HCS HB 255 -- ETHICS COMPLAINTS

SPONSOR: May (Cunningham, 86)

COMMITTEE ACTION: Voted "do pass" by the Committee on Elections by a vote of 9 to 1.

This substitute changes the laws regarding campaign finance disclosure report complaints. In its main provisions, the substitute:

(1) Requires that the person named in the complaint be given the complainant's name, address, and telephone number;

(2) Permits the Missouri Ethics Commission to assess reasonable investigation and defense costs against persons filing complaints when the commission finds the complaints to be motivated by malice or reasons contrary to the spirit of the law;

(3) Makes the complaint a closed record until the commission completes its investigation and renders its findings and conclusions;

(4) Subjects persons or entities who disclose any information about a complaint while it is still a closed record to a civil penalty not to exceed \$2,500 and, upon conviction, a criminal penalty not to exceed \$2,500 and/or a term of imprisonment not to exceed one year;

(5) Changes the language regarding the notice that must be given to subjects of complaints and commission investigations from "actual notice" to "notice";

(6) Changes the body to which subjects of complaints and commission investigations may appeal commission actions from the Administrative Hearing Commission to the circuit court of Cole County; and

(7) Requires persons requesting to inspect or copy campaign finance disclosure reports to provide photo identification.

FISCAL NOTE: No impact on state funds in FY 2006, FY 2007, and FY 2008.

PROPOSERS: Supporters say that the bill requires all election complaints to remain closed records. This is especially important because election complaints are often misused as a campaign tactic.

Testifying for the bill were Representative Cunningham (86); and Maryland Heights City Council.

OPPONENTS: There was no opposition voiced to the committee.

OTHERS: Others testifying on the bill say that there is no real increase in complaints filed immediately before an election, and more complaints are filed for primaries. In addition, the Missouri Ethics Commission does not handle Sunshine Law complaints.

Others testifying on the bill was Missouri Ethics Commission.

Kristina Jenkins, Legislative Analyst