

SECOND REGULAR SESSION
[TRULY AGREED TO AND FINALLY PASSED]
CONFERENCE COMMITTEE SUBSTITUTE FOR
SENATE SUBSTITUTE FOR
HOUSE COMMITTEE SUBSTITUTE FOR
HOUSE BILL NO. 1900
93RD GENERAL ASSEMBLY

5172L.07T

2006

AN ACT

To repeal sections 105.470, 105.473, 105.485, 105.957, 105.959, 105.963, 130.011, 130.016, 130.032, 130.046, 130.050, and 130.054, RSMo, and to enact in lieu thereof sixteen new sections relating to ethics, with an effective date.

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

Section A. Sections 105.470, 105.473, 105.485, 105.957, 105.959, 105.963, 130.011, 2 130.016, 130.032, 130.046, 130.050, and 130.054, RSMo, are repealed and sixteen new sections 3 enacted in lieu thereof, to be known as sections 105.470, 105.473, 105.485, 105.957, 105.959, 4 105.963, 115.342, 115.350, 130.011, 130.016, 130.032, 130.042, 130.046, 130.050, 130.054, and 5 1, to read as follows:

105.470. As used in section 105.473, unless the context requires otherwise, the following 2 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**
6 **ten million dollars;**

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.

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 such
12 person's employer; or

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

15 (c) Is designated to act as a lobbyist by any person, business entity, governmental entity,
16 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 agency
27 of the executive branch of government or any elected or appointed officer or employee thereof;

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

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

34 d. Participating in public hearings or public proceedings on rules, grants, or other
35 matters;

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

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

40 g. Acting within the scope of employment by the general assembly, or acting within the
41 scope of employment by the executive branch of government when acting with respect to the
42 department, division, board, commission, agency or elected state officer by which such person

43 is employed, or with respect to any duty or authority imposed by law to perform any action in
44 conjunction with any other public official or state employee; or

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

47 [(2)] (3) "Expenditure", any payment made or charge, expense, cost, debt or bill
48 incurred; any gift, honorarium or item of value bestowed including any food or beverage; any
49 price, charge or fee which is waived, forgiven, reduced or indefinitely delayed; any loan or debt
50 which is canceled, reduced or otherwise forgiven; the transfer of any item with a reasonably
51 discernible cost or fair market value from one person to another or provision of any service or
52 granting of any opportunity for which a charge is customarily made, without charge or for a
53 reduced charge; except that the term "expenditure" shall not include the following:

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

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

60 (c) Contributions to the public official's campaign committee or candidate committee
61 which are reported pursuant to the provisions of chapter 130, RSMo;

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

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

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

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

82 [(3)] (4) "Judicial lobbyist", any natural person who acts for the purpose of attempting
83 to influence any purchasing decision by the judicial branch of government or by any elected or
84 appointed official or any employee thereof and in connection with such activity, meets the
85 requirements of any one or more of the following:

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

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

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

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

98
99 A "judicial lobbyist" shall not include a member of the general assembly, an elected state official,
100 or any other person solely due to such person's participation in any of the following activities:

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

103 b. Participating in public hearings or public proceedings on rules, grants, or other
104 matters;

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

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

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

114 [(4)] (5) "Legislative lobbyist", any natural person who acts for the purpose of
115 attempting to influence the taking, passage, amendment, delay or defeat of any official action on
116 any bill, resolution, amendment, nomination, appointment, report or any other action or any other
117 matter pending or proposed in a legislative committee in either house of the general assembly,
118 or in any matter which may be the subject of action by the general assembly and in connection
119 with such activity, meets the requirements of any one or more of the following:

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

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

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

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

132
133 A "legislative lobbyist" shall include an attorney at law engaged in activities on behalf of any
134 person unless excluded by any of the following exceptions. A "legislative lobbyist" shall not
135 include any member of the general assembly, an elected state official, or any other person solely
136 due to such person's participation in any of the following activities:

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

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

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

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

144 [(5)] (6) "Lobbyist", any natural person defined as an executive lobbyist, judicial
145 lobbyist, **elected local government official lobbyist**, or a legislative lobbyist;

146 [(6)] (7) "Lobbyist principal", any person, business entity, governmental entity, religious
147 organization, nonprofit corporation or association who employs, contracts for pay or otherwise
148 compensates a lobbyist;

149 [(7)] (8) "Public official", any member or member-elect of the general assembly, judge
150 or judicial officer, or any other person holding an elective office of state government or any
151 agency head, department director or division director of state government or any member of any
152 state board or commission and any designated decision-making public servant designated by
153 persons described in this subdivision.

105.473. 1. Each lobbyist shall, not later than **January fifth of each year** or five days
2 after beginning any activities as a lobbyist, file standardized registration forms, verified by a
3 written declaration that it is made under the penalties of perjury, along with a filing fee of ten
4 dollars, with the commission. The forms shall include the lobbyist's name and business address,
5 the name and address of all persons such lobbyist employs for lobbying purposes, the name and
6 address of each lobbyist principal by whom such lobbyist is employed or in whose interest such
7 lobbyist appears or works. The commission shall maintain files on all lobbyists' filings, which
8 shall be open to the public. Each lobbyist shall file an updating statement under oath within one
9 week of any addition, deletion, or change in the lobbyist's employment or representation. The
10 filing fee shall be deposited to the general revenue fund of the state. The lobbyist principal or
11 a lobbyist employing another person for lobbying purposes may notify the commission that a
12 judicial, executive or legislative lobbyist is no longer authorized to lobby for the principal or the
13 lobbyist and should be removed from the commission's files.

14 2. Each person shall, before giving testimony before any committee of the general
15 assembly, give to the secretary of such committee such person's name and address and the
16 identity of any lobbyist or organization, if any, on whose behalf such person appears. A person
17 who is not a lobbyist as defined in section 105.470 shall not be required to give such person's
18 address if the committee determines that the giving of such address would endanger the person's
19 physical health.

20 3. (1) During any period of time in which a lobbyist continues to act as an executive
21 lobbyist, judicial lobbyist [or a] , legislative lobbyist, **or elected local government official**
22 **lobbyist**, the lobbyist shall file with the commission on standardized forms prescribed by the
23 commission monthly reports which shall be due at the close of business on the tenth day of the
24 following month;

25 (2) Each report filed pursuant to this subsection shall include a statement, verified by a
26 written declaration that it is made under the penalties of perjury, setting forth the following:

27 (a) The total of all expenditures by the lobbyist or his or her lobbyist principals made on
28 behalf of all public officials, their staffs and employees, and their spouses and dependent
29 children, which expenditures shall be separated into at least the following categories by the
30 executive branch, judicial branch and legislative branch of government: printing and publication

31 expenses; media and other advertising expenses; travel; **the time, venue, and nature of any**
32 entertainment; honoraria; meals, food and beverages; and gifts;

33 (b) **The total of all expenditures by the lobbyist or his or her lobbyist principals**
34 **made on behalf of all elected local government officials, their staffs and employees, and**
35 **their spouses and children. Such expenditures shall be separated into at least the following**
36 **categories: printing and publication expenses; media and other advertising expenses;**
37 **travel; the time, venue, and nature of any entertainment; honoraria; meals; food and**
38 **beverages; and gifts;**

39 (c) An itemized listing of the name of the recipient and the nature and amount of each
40 expenditure by the lobbyist or his or her lobbyist principal, including a service or anything of
41 value, for all expenditures made during any reporting period, paid or provided to or for a public
42 official **or elected local government official**, such official's staff, employees, spouse or
43 dependent children;

44 [(c)] (d) The total of all expenditures made by a lobbyist or lobbyist principal for
45 occasions and the identity of the group invited, the date and description of the occasion and the
46 amount of the expenditure for each occasion when any of the following are invited in writing:

47 a. All members of the senate;

48 b. All members of the house of representatives;

49 c. All members of a joint committee of the general assembly or a standing committee of
50 either the house of representatives or senate; or

51 d. All members of a caucus of the [general assembly if the caucus consists of at least ten
52 members, a list of the members of the caucus has been previously filed with the ethics committee
53 of the house or the senate, and such list has been approved by either of such ethics committees]
54 **majority party of the house of representatives, minority party of the house of**
55 **representatives, majority party of the senate, or minority party of the senate;**

56 [(d)] (e) Any expenditure made on behalf of a public official, **an elected local**
57 **government official** or [the public] **such** official's staff, employees, spouse or dependent
58 children, if such expenditure is solicited by such [public] official, the [public] official's staff,
59 employees, or spouse or dependent children, from the lobbyist or his or her lobbyist principals
60 and the name of such person or persons, except any expenditures made to any not-for-profit
61 corporation, charitable, fraternal or civic organization or other association formed to provide for
62 good in the order of benevolence;

63 [(e)] (f) A statement detailing any direct business relationship or association or
64 partnership the lobbyist has with any public official **or elected local government official**.

65 The reports required by this subdivision shall cover the time periods since the filing of the last
66 report or since the lobbyist's employment or representation began, whichever is most recent.

67 4. No expenditure reported pursuant to this section shall include any amount expended
68 by a lobbyist or lobbyist principal on himself or herself. All expenditures disclosed pursuant to
69 this section shall be valued on the report at the actual amount of the payment made, or the
70 charge, expense, cost, or obligation, debt or bill incurred by the lobbyist or the person the
71 lobbyist represents. Whenever a lobbyist principal employs more than one lobbyist, expenditures
72 of the lobbyist principal shall not be reported by each lobbyist, but shall be reported by one of
73 such lobbyists. **No expenditure shall be made on behalf of a state senator or state**
74 **representative, or such public official's staff, employees, spouse, or dependent children for**
75 **travel or lodging outside the state of Missouri unless such travel or lodging was approved**
76 **prior to the date of the expenditure by the administration and accounts committee of the**
77 **house or the administration committee of the senate.**

78 5. Any lobbyist principal shall provide in a timely fashion whatever information is
79 reasonably requested by the lobbyist principal's lobbyist for use in filing the reports required by
80 this section.

81 6. All information required to be filed pursuant to the provisions of this section with the
82 commission shall be kept available by the executive director of the commission at all times open
83 to the public for inspection and copying for a reasonable fee for a period of five years from the
84 date when such information was filed.

85 7. No person shall knowingly employ any person who is required to register as a
86 registered lobbyist but is not registered pursuant to this section. Any person who knowingly
87 violates this subsection shall be subject to a civil penalty in an amount of not more than ten
88 thousand dollars for each violation. Such civil penalties shall be collected by action filed by the
89 commission.

90 8. No lobbyist shall knowingly omit, conceal, or falsify in any manner information
91 required pursuant to this section.

92 9. The prosecuting attorney of Cole County shall be reimbursed only out of funds
93 specifically appropriated by the general assembly for investigations and prosecutions for
94 violations of this section.

95 10. Any public official or other person whose name appears in any lobbyist report filed
96 pursuant to this section who contests the accuracy of the portion of the report applicable to such
97 person may petition the commission for an audit of such report and shall state in writing in such
98 petition the specific disagreement with the contents of such report. The commission shall
99 investigate such allegations in the manner described in section 105.959. If the commission
100 determines that the contents of such report are incorrect, incomplete or erroneous, it shall enter
101 an order requiring filing of an amended or corrected report.

102 11. The commission shall provide a report listing the total spent by a lobbyist for the
103 month and year to any member or member-elect of the general assembly, judge or judicial
104 officer, or any other person holding an elective office of state government **or any elected local**
105 **government official** on or before the twentieth day of each month. For the purpose of providing
106 accurate information to the public, the commission shall not publish information in either written
107 or electronic form for ten working days after providing the report pursuant to this subsection.
108 The commission shall not release any portion of the lobbyist report if the accuracy of the report
109 has been questioned pursuant to subsection 10 of this section unless it is conspicuously marked
110 "Under Review".

111 12. Each lobbyist or lobbyist principal by whom the lobbyist was employed, or in whose
112 behalf the lobbyist acted, shall provide a general description of the proposed legislation or action
113 by the executive branch or judicial branch which the lobbyist or lobbyist principal supported or
114 opposed. This information shall be supplied to the commission on March fifteenth and May
115 thirtieth of each year.

116 **13. The provisions of this section shall supersede any contradicting ordinances or**
117 **charter provisions.**

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

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

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

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

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

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

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

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

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

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

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

76 (a) Paid in the ordinary course of business for businesses described in subdivisions (1),
77 (2), (5) and (6) of this subsection which are related to the duties of office of such official; or

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

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

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

83 (e) Paid for purely personal purposes which are not related to the person's official duties
84 by a third person who is not a lobbyist, a lobbyist principal or member, or officer or director of
85 a member, of any association or entity which employs a lobbyist. The statement shall include
86 the name and address of such person who paid the expenses, the date such expenses were
87 incurred, the amount incurred, the location of the travel and lodging, and the nature of the
88 services rendered or reason for the expenses;

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

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

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

95 (b) Is a lobbyist; or

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

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

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

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

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

123 (a) For such person, and all persons within the first degree of consanguinity or affinity
124 of such person, the date and the identities of the parties to each transaction with a total value in
125 excess of five hundred dollars, if any, that such person had with the political subdivision, other

126 than compensation received as an employee or payment of any tax, fee or penalty due to the
127 political subdivision, and other than transfers for no consideration to the political subdivision;

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

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

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

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

105.957. 1. The commission shall receive any complaints alleging violation of the
2 provisions of:

3 (1) The requirements imposed on lobbyists by sections 105.470 to 105.478;

4 (2) The financial interest disclosure requirements contained in sections 105.483 to
5 105.492;

6 (3) The campaign finance disclosure requirements contained in chapter 130, RSMo;

7 (4) Any code of conduct promulgated by any department, division or agency of state
8 government, or by state institutions of higher education, or by executive order;

9 (5) The conflict of interest laws contained in sections 105.450 to 105.468 and section
10 171.181, RSMo; and

11 (6) The provisions of the constitution or state statute or order, ordinance or resolution
12 of any political subdivision relating to the official conduct of officials or employees of the state
13 and political subdivisions.

14 2. Complaints filed with the commission shall be in writing and filed only by a natural
15 person. The complaint shall contain all facts known by the complainant that have given rise to
16 the complaint and the complaint shall be sworn to, under penalty of perjury, by the complainant.
17 No complaint shall be investigated unless the complaint alleges facts which, if true, fall within
18 the jurisdiction of the commission. **Within five days after receipt of a complaint by the**

19 **commission, a copy of the complaint, including the name of the complainant, shall be**
20 **delivered to the alleged violator.**

21 3. No complaint shall be investigated which concerns alleged criminal conduct which
22 allegedly occurred previous to the period of time allowed by law for criminal prosecution for
23 such conduct. The commission may refuse to investigate any conduct which is the subject of
24 civil or criminal litigation. The commission, its executive director or an investigator shall not
25 investigate any complaint concerning conduct which is not criminal in nature which occurred
26 more than two years prior to the date of the complaint. A complaint alleging misconduct on the
27 part of a candidate for public office, other than those alleging failure to file the appropriate
28 financial interest statements or campaign finance disclosure reports, shall not be accepted by the
29 commission within sixty days prior to the primary election at which such candidate is running
30 for office, and until after the general election.

31 4. **If the commission finds that any complaint is frivolous in nature or finds no**
32 **probable cause to believe that there has been a violation, the commission shall dismiss the**
33 **case. For purposes of this subsection, "frivolous" shall mean a complaint clearly lacking**
34 **any basis in fact or law. Any person who submits a frivolous complaint shall be liable for**
35 **actual and compensatory damages to the alleged violator for holding the alleged violator**
36 **before the public in a false light. If the commission finds that a complaint is frivolous or**
37 **that there is not probable cause to believe there has been a violation, the commission shall**
38 **issue a public report to the complainant and the alleged violator stating with particularity**
39 **its reasons for dismissal of the complaint. Upon such issuance, the complaint and all**
40 **materials relating to the complaint shall be a public record as defined in chapter 610,**
41 **RSMo.**

42 5. Complaints which allege violations as described in this section which are filed with
43 the commission shall be handled as provided by section 105.961.

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

12 investigation information shall be cause for removal or dismissal of the executive director or a
13 commission member or employee.

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

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

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

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

31 6. After completion of an audit or investigation, the executive director shall provide a
32 detailed report of such audit or investigation to the commission. Upon determination that there
33 are reasonable grounds to believe that a person has violated the requirements of sections
34 105.470, 105.483 to 105.492, or chapter 130, RSMo, by a vote of four members of the
35 commission, the commission may refer the report with the recommendations of the commission
36 to the appropriate prosecuting authority together with a copy of the audit and the details of the
37 investigation by the commission as is provided in subsection 2 of section 105.961.

105.963. 1. The executive director shall assess every [candidate for state or local office]
2 **committee, as defined in section 130.011, RSMo**, failing to file with a filing officer other than
3 a local election authority as provided by section 130.026, RSMo, a campaign disclosure report
4 as required by chapter 130, RSMo, other than the report required pursuant to subdivision (1) of
5 subsection 1 of section 130.046, RSMo, a late filing fee of ten dollars for each day after such
6 report is due to the commission. The executive director shall mail a notice, by registered mail,
7 to any candidate and [candidate committee treasurer and deputy treasurer] **the treasurer of any**
8 **committee** who fails to file such report informing such person of such failure and the fees
9 provided by this section. If the candidate **or treasurer of any committee** persists in such failure
10 for a period in excess of thirty days beyond receipt of such notice, the amount of the late filing

11 fee shall increase to one hundred dollars for each day that the report is not filed, provided that
12 the total amount of such fees assessed pursuant to this subsection per report shall not exceed
13 three thousand dollars.

14 2. (1) Any candidate for state or local office who fails to file a campaign disclosure
15 report required pursuant to subdivision (1) of subsection 1 of section 130.046, RSMo, other than
16 a report required to be filed with a local election authority as provided by section 130.026,
17 RSMo, shall be assessed by the executive director a late filing fee of one hundred dollars for each
18 day that the report is not filed, until the first day after the date of the election. After such election
19 date, the amount of such late filing fee shall accrue at the rate of ten dollars per day that such
20 report remains unfiled, except as provided in subdivision (2) of this subsection.

21 (2) The executive director shall mail a notice, by certified mail or other means to give
22 actual notice, to any candidate [and candidate committee treasurer and deputy treasurer] who
23 fails to file the report described in subdivision (1) of this subsection informing such person of
24 such failure and the fees provided by this section. If the candidate persists in such failure for a
25 period in excess of thirty days beyond receipt of such notice, the amount of the late filing fee
26 shall increase to one hundred dollars for each day that the report is not filed, provided that the
27 total amount of such fees assessed pursuant to this subsection per report shall not exceed six
28 thousand dollars.

29 3. The executive director shall assess every person required to file a financial interest
30 statement pursuant to sections 105.483 to 105.492 failing to file such a financial interest
31 statement with the commission a late filing fee of ten dollars for each day after such statement
32 is due to the commission. The executive director shall mail a notice, by certified mail, to any
33 person who fails to file such statement informing the individual required to file of such failure
34 and the fees provided by this section. If the person persists in such failure for a period in excess
35 of thirty days beyond receipt of such notice, the amount of the late filing fee shall increase to one
36 hundred dollars for each day thereafter that the statement is late, provided that the total amount
37 of such fees assessed pursuant to this subsection per statement shall not exceed six thousand
38 dollars.

39 4. Any person assessed a late filing fee may seek review of such assessment or the
40 amount of late filing fees assessed, at the person's option, by filing a petition within fourteen days
41 after receiving actual notice of assessment with the administrative hearing commission, or
42 without exhausting the person's administrative remedies may seek review of such issues with the
43 circuit court of Cole County.

44 5. The executive director of the Missouri ethics commission shall collect such late filing
45 fees as are provided for in this section. Unpaid late filing fees shall be collected by action filed
46 by the commission. The commission shall contract with the appropriate entity to collect such

47 late filing fees after a thirty-day delinquency. If not collected within one hundred twenty days,
48 the Missouri ethics commission shall file a petition in Cole County circuit court to seek a
49 judgment on said fees. All late filing fees collected pursuant to this section shall be transmitted
50 to the state treasurer and deposited to the general revenue fund.

51 6. The late filing fees provided by this section shall be in addition to any penalty
52 provided by law for violations of sections 105.483 to 105.492 or chapter 130, RSMo.

53 7. If any candidate fails to file a campaign disclosure report in a timely manner and that
54 candidate is assessed a late filing fee, the candidate, candidate committee treasurer or assistant
55 treasurer may file an appeal of the assessment of the late filing fee with the commission. The
56 commission may forgive the assessment of the late filing fee upon a showing of good cause.
57 Such appeal shall be filed within ten days of the receipt of notice of the assessment of the late
58 filing fee.

**115.342. 1. Any person who files as a candidate for election to a public office shall
2 be disqualified from participation in the election for which the candidate has filed if such
3 person is delinquent in the payment of any state income taxes, personal property taxes, real
4 property taxes on the place of residence, as stated on the declaration of candidacy, or if the
5 person is a past or present corporate officer of any fee office that owes any taxes to the
6 state.**

7 **2. Each potential candidate for election to a public office shall file an affidavit with
8 the department of revenue and include a copy of the affidavit with the declaration of
9 candidacy required under section 115.349, RSMo. Such affidavit shall be in substantially
10 the following form:**

11 **"AFFIRMATION OF TAX PAYMENTS:**

12 **I hereby declare under penalties of perjury that I am not currently aware of any
13 delinquency in the filing or payment of any state income taxes, personal property taxes,
14 real property taxes on the place of residence, as stated on the declaration of candidacy, or
15 that I am a past or present corporate officer of any fee office that owes any taxes to the
16 state, other than those taxes which may be in dispute.**

17 **..... Candidate's Signature**

18 **..... Printed Name of Candidate."**

19 **3. Upon receipt of a complaint alleging a delinquency of the candidate in the filing
20 or payment of any state income taxes, personal property taxes, real property taxes on the
21 place of residence, as stated on the declaration of candidacy, or if the person is a past or
22 present corporate officer of any fee office that owes any taxes to the state, the department
23 of revenue shall investigate such potential candidate to verify the claim contained in the
24 complaint. If the department of revenue finds a positive affirmation to be false, the**

25 department shall contact the secretary of state, or the election official who accepted such
26 candidate's declaration of candidacy, and the potential candidate. The department shall
27 notify the candidate of the outstanding tax owed and give the candidate thirty days to remit
28 any such outstanding taxes owed which are not the subject of dispute between the
29 department and the candidate. If the candidate fails to remit such amounts in full within
30 thirty days, the candidate shall be disqualified from participating in the current election
31 and barred from refiling for an entire election cycle even if the individual pays all of the
32 outstanding taxes that were the subject of the complaint.

115.350. No person shall qualify as a candidate for elective public office in the state
2 of Missouri who has been convicted of or found guilty of or pled guilty to a felony under
3 the laws of this state.

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 in
4 section 130.026 to receive certain required statements and reports;

5 (2) "Ballot measure" or "measure", any proposal submitted or intended to be submitted
6 to qualified voters for their approval or rejection, including any proposal submitted by initiative
7 petition, referendum petition, or by the general assembly or any local governmental body having
8 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 office,
12 an individual standing for retention in an election to an office to which the individual was
13 previously appointed, an individual who seeks nomination or election whether or not the specific
14 elective public office to be sought has been finally determined by such individual at the time the
15 individual meets the conditions described in paragraph (a) or (b) of this subdivision, and an
16 individual who is a "write-in candidate" as defined in subdivision (28) of this section. A
17 candidate shall be deemed to seek nomination or election when the person first:

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

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

26 provided that, if the election at which such individual is supported as a candidate is to take place
27 within five days after the person's learning of the above-specified activities, the individual shall
28 file the statement disavowing the candidacy within one day; or

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

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

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

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

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

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

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

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

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

57 d. A labor organization organized or operated for a primary or principal purpose other
58 than that of influencing or attempting to influence the action of voters for or against the
59 nomination or election to public office of one or more candidates, or the qualification, passage,
60 or defeat of any ballot measure, and it accepts no contributions, and expenditures made by the
61 organization are from its own funds or property received from membership dues or membership

62 fees which were given or solicited for the purpose of supporting the normal and usual activities
63 and functions of the organization and which are not contributions as defined by subdivision (12)
64 of this section;

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

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

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

75 (8) "Campaign committee", a committee, other than a candidate committee, which shall
76 be formed by an individual or group of individuals to receive contributions or make expenditures
77 and whose sole purpose is to support or oppose the qualification and passage of one or more
78 particular ballot measures in an election or the retention of judges under the nonpartisan court
79 plan, such committee shall be formed no later than thirty days prior to the election for which the
80 committee receives contributions or makes expenditures, and which shall terminate the later of
81 either thirty days after the general election or upon the satisfaction of all committee debt after
82 the general election, except that no committee retiring debt shall engage in any other activities
83 in support of a measure for which the committee was formed;

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

95 (10) "Continuing committee", a committee of continuing existence which is not formed,
96 controlled or directed by a candidate, and is a committee other than a candidate committee or
97 campaign committee, whose primary or incidental purpose is to receive contributions or make

98 expenditures to influence or attempt to influence the action of voters whether or not a particular
99 candidate or candidates or a particular ballot measure or measures to be supported or opposed
100 has been determined at the time the committee is required to file any statement or report pursuant
101 to the provisions of this chapter. "Continuing committee" includes, but is not limited to, any
102 committee organized or sponsored by a business entity, a labor organization, a professional
103 association, a trade or business association, a club or other organization and whose primary
104 purpose is to solicit, accept and use contributions from the members, employees or stockholders
105 of such entity and any individual or group of individuals who accept and use contributions to
106 influence or attempt to influence the action of voters. Such committee shall be formed no later
107 than [thirty] **sixty** days prior to the election for which the committee receives contributions or
108 makes expenditures;

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

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

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

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

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

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

- 133 (e) Any loan, guarantee of a loan, cancellation or forgiveness of a loan or debt or other
134 obligation by a third party, or payment of a loan or debt or other obligation by a third party if the
135 loan or debt or other obligation was contracted, used, or intended, in whole or in part, for use in
136 an election campaign or used or intended for the payment of such debts or obligations of a
137 candidate or committee previously incurred, or which was made or received by a committee;
- 138 (f) Funds received by a committee which are transferred to such committee from another
139 committee or other source, except funds received by a candidate committee as a transfer of funds
140 from another candidate committee controlled by the same candidate but such transfer shall be
141 included in the disclosure reports;
- 142 (g) Facilities, office space or equipment supplied by any person to a candidate or
143 committee without charge or at reduced charges, except gratuitous space for meeting purposes
144 which is made available regularly to the public, including other candidates or committees, on an
145 equal basis for similar purposes on the same conditions;
- 146 (h) The direct or indirect payment by any person, other than a connected organization,
147 of the costs of establishing, administering, or maintaining a committee, including legal,
148 accounting and computer services, fund raising and solicitation of contributions for a committee;
- 149 (i) "Contribution" does not include:
- 150 a. Ordinary home hospitality or services provided without compensation by individuals
151 volunteering their time in support of or in opposition to a candidate, committee or ballot
152 measure, nor the necessary and ordinary personal expenses of such volunteers incidental to the
153 performance of voluntary activities, so long as no compensation is directly or indirectly asked
154 or given;
- 155 b. An offer or tender of a contribution which is expressly and unconditionally rejected
156 and returned to the donor within ten business days after receipt or transmitted to the state
157 treasurer;
- 158 c. Interest earned on deposit of committee funds;
- 159 d. The costs incurred by any connected organization listed pursuant to subdivision (4)
160 of subsection 5 of section 130.021 for establishing, administering or maintaining a committee,
161 or for the solicitation of contributions to a committee which solicitation is solely directed or
162 related to the members, officers, directors, employees or security holders of the connected
163 organization;
- 164 (13) "County", any one of the several counties of this state or the city of St. Louis;
- 165 (14) "Disclosure report", an itemized report of receipts, expenditures and incurred
166 indebtedness which is prepared on forms approved by the Missouri ethics commission and filed
167 at the times and places prescribed;

168 (15) "Election", any primary, general or special election held to nominate or elect an
169 individual to public office, to retain or recall an elected officeholder or to submit a ballot
170 measure to the voters, and any caucus or other meeting of a political party or a political party
171 committee at which that party's candidate or candidates for public office are officially selected.
172 A primary election and the succeeding general election shall be considered separate elections;

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

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

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

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

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

197 (e) "Expenditure" does not include:

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

201 b. The internal dissemination by any membership organization, proprietorship, labor
202 organization, corporation, association or other entity of information advocating the election or
203 defeat of a candidate or candidates or the passage or defeat of a ballot measure or measures to

204 its directors, officers, members, employees or security holders, provided that the cost incurred
205 is reported pursuant to subsection 2 of section 130.051;

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

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

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

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

219 (17) "Exploratory committees", a committee which shall be formed by an individual to
220 receive contributions and make expenditures on behalf of this individual in determining whether
221 or not the individual seeks elective office.

222 Such committee shall terminate no later than December thirty-first of the year prior to the general
223 election for the possible office;

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

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

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

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

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

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

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

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

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

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

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

130.016. 1. No candidate for statewide elected office, general assembly, or municipal
2 office in a city with a population of more than one hundred thousand shall be required to comply
3 with the requirements to file a statement of organization or disclosure reports of contributions
4 and expenditures for any election in which neither the aggregate of contributions received nor
5 the aggregate of expenditures made on behalf of such candidate exceeds five hundred dollars and
6 no single contributor, other than the candidate, has contributed more than the amount of the
7 limitation on contributions to elect an individual to the office of state representative as calculated
8 in subsection 2 of section 130.032, provided that:

9 (1) The candidate files a sworn exemption statement with the appropriate officer that the
10 candidate does not intend to either receive contributions or make expenditures in the aggregate
11 of more than five hundred dollars or receive contributions from any single contributor, other than

12 the candidate, that aggregate more than the amount of the limitation on contributions to elect an
13 individual to the office of state representative as calculated in subsection 2 of section 130.032,
14 and that the total of all contributions received or expenditures made by the candidate and all
15 committees or any other person with the candidate's knowledge and consent in support of the
16 candidacy will not exceed five hundred dollars and that the aggregate of contributions received
17 from any single contributor will not exceed the amount of the limitation on contributions to elect
18 an individual to the office of state representative as calculated in subsection 2 of section 130.032.
19 Such exemption statement shall be filed no later than the date set forth in section 130.046 on
20 which a disclosure report would otherwise be required if the candidate does not file the
21 exemption statement. The exemption statement shall be filed on a form furnished to each
22 appropriate officer by the executive director of the Missouri ethics commission. Each
23 appropriate officer shall make the exemption statement available to candidates and shall direct
24 each candidate's attention to the exemption statement and explain its purpose to the candidate;
25 and

26 (2) The sworn exemption statement includes a statement that the candidate understands
27 that records of contributions and expenditures must be maintained from the time the candidate
28 first receives contributions or makes expenditures and that an exemption from filing a statement
29 of organization or disclosure reports does not exempt the candidate from other provisions of this
30 chapter. Each candidate described in this subsection who files a statement of exemption shall
31 file a statement of limited activity for each reporting period described in section 130.046.

32 2. Any candidate who has filed an exemption statement as provided in subsection 1 of
33 this section shall not accept any contribution or make any expenditure in support of the person's
34 candidacy, either directly or indirectly or by or through any committee or any other person acting
35 with the candidate's knowledge and consent, which would cause such contributions or
36 expenditures to exceed the limits specified in subdivision (1) of subsection 1 of this section
37 unless the candidate later rejects the exemption pursuant to subsection 3 of this section. Any
38 contribution received in excess of such limits shall be returned to the donor or transmitted to the
39 state treasurer to escheat to the state.

40 3. If, after filing the exemption statement provided for in this section, the candidate
41 subsequently determines the candidate wishes to exceed any of the limits in subdivision (1) of
42 subsection 1 of this section, the candidate shall file a notice of rejection of the exemption with
43 the appropriate officer; however, such rejection shall not be filed later than thirty days before
44 election. A notice of rejection of exemption shall be accompanied by a statement of organization
45 as required by section 130.021 and any other statements and reports which would have been
46 required if the candidate had not filed an exemption statement.

47 4. A primary election and the immediately succeeding general election are separate
48 elections, and restrictions on contributions and expenditures set forth in subsection 2 of this
49 section shall apply to each election; however, if a successful primary candidate has correctly filed
50 an exemption statement prior to the primary election and has not filed a notice of rejection prior
51 to the date on which the first disclosure report applicable to the succeeding general election is
52 required to be filed, the candidate shall not be required to file an exemption statement for that
53 general election if the limitations set forth in subsection 1 of this section apply to the succeeding
54 general election.

55 5. A candidate who has an existing candidate committee formed for a prior election for
56 which all statements and reports required by this chapter have been properly filed shall be
57 eligible to file the exemption statement as provided in subsection 1 of this section and shall not
58 be required to file the disclosure reports pertaining to the election for which the candidate is
59 eligible to file the exemption statement if the candidate and the treasurer or deputy treasurer of
60 such existing candidate committee continue to comply with the requirements, limitations and
61 restrictions set forth in subsections 1, 2, 3 and 4 of this section. The exemption permitted by this
62 subsection does not exempt a candidate or the treasurer of the candidate's existing candidate
63 committee from complying with the requirements of subsections 6 and 7 of section 130.046
64 applicable to a prior election.

65 6. No candidate for supreme court, circuit court, or associate circuit court, or candidate
66 for political party office, or for county office or municipal office in a city of one hundred
67 thousand or less, or for any special purpose district office shall be required to file an exemption
68 statement pursuant to this section in order to be exempted from forming a committee and filing
69 disclosure reports required of committees pursuant to this chapter if the aggregate of
70 contributions received or expenditures made by the candidate and any other person with the
71 candidate's knowledge and consent in support of the person's candidacy does not exceed one
72 thousand dollars and the aggregate of contributions from any single contributor does not exceed
73 the amount of the limitation on contributions to elect an individual to the office of state
74 representative as calculated in subsection 2 of section 130.032. No candidate for any office
75 listed in this subsection shall be excused from complying with the provisions of any section of
76 this chapter, other than the filing of an exemption statement under the conditions specified in this
77 subsection.

78 7. If any candidate for an office listed in subsection 6 of this section exceeds the limits
79 specified in subsection 6 of this section, the candidate shall form a committee no later than thirty
80 days prior to the election for which the contributions were received or expended which shall
81 comply with all provisions of this chapter for committees.

82 **8. No member of or candidate for the general assembly shall form a candidate**
83 **committee for the office of speaker of the house of representatives or president pro tem of**
84 **the senate.**

130.032. 1. [In addition to the limitations imposed pursuant to section 130.031, the
2 amount of contributions made by or accepted from any person other than the candidate in any
3 one election shall not exceed the following:

4 (1) To elect an individual to the office of governor, lieutenant governor, secretary of
5 state, state treasurer, state auditor or attorney general, one thousand dollars;

6 (2) To elect an individual to the office of state senator, five hundred dollars;

7 (3) To elect an individual to the office of state representative, two hundred fifty dollars;

8 (4) To elect an individual to any other office, including judicial office, if the population
9 of the electoral district, ward, or other unit according to the latest decennial census is under one
10 hundred thousand, two hundred fifty dollars;

11 (5) To elect an individual to any other office, including judicial office, if the population
12 of the electoral district, ward, or other unit according to the latest decennial census is at least one
13 hundred thousand but less than two hundred fifty thousand, five hundred dollars; and

14 (6) To elect an individual to any other office, including judicial office, if the population
15 of the electoral district, ward, or other unit according to the latest decennial census is at least two
16 hundred fifty thousand, one thousand dollars.

17 2. For purposes of this subsection "base year amount" shall be the contribution limits
18 prescribed in this section on January 1, 1995. Such limits shall be increased on the first day of
19 January in each even-numbered year by multiplying the base year amount by the cumulative
20 consumer price index, as defined in section 104.010, RSMo, and rounded to the nearest
21 twenty-five-dollar amount, for all years since January 1, 1995.

22 3. Candidate committees, exploratory committees, campaign committees and continuing
23 committees, other than those continuing committees which are political party committees, shall
24 be subject to the limits prescribed in subsection 1 of this section. The provisions of this
25 subsection shall not limit the amount of contributions which may be accumulated by a candidate
26 committee and used for expenditures to further the nomination or election of the candidate who
27 controls such candidate committee, except as provided in section 130.052.

28 4. Except as limited by this subsection, the amount of cash contributions, and a separate
29 amount for the amount of in-kind contributions, made by or accepted from a political party
30 committee in any one election shall not exceed the following:

31 (1) To elect an individual to the office of governor, lieutenant governor, secretary of
32 state, state treasurer, state auditor or attorney general, ten thousand dollars;

33 (2) To elect an individual to the office of state senator, five thousand dollars;

34 (3) To elect an individual to the office of state representative, two thousand five hundred
35 dollars; and

36 (4) To elect an individual to any other office of an electoral district, ward or unit, ten
37 times the allowable contribution limit for the office sought.

38

39 The amount of contributions which may be made by or accepted from a political party committee
40 in the primary election to elect any candidate who is unopposed in such primary shall be fifty
41 percent of the amount of the allowable contributions as determined in this subsection.

42 5. Contributions from persons under fourteen years of age shall be considered made by
43 the parents or guardians of such person and shall be attributed toward any contribution limits
44 prescribed in this chapter. Where the contributor under fourteen years of age has two custodial
45 parents or guardians, fifty percent of the contribution shall be attributed to each parent or
46 guardian, and where such contributor has one custodial parent or guardian, all such contributions
47 shall be attributed to the custodial parent or guardian.

48 6. Contributions received and expenditures made prior to January 1, 1995, shall be
49 reported as a separate account and pursuant to the laws in effect at the time such contributions
50 are received or expenditures made. Contributions received and expenditures made after January
51 1, 1995, shall be reported as a separate account from the aforementioned account and pursuant
52 to the provisions of this chapter. The account reported pursuant to the prior law shall be retained
53 as a separate account and any remaining funds in such account may be used pursuant to this
54 chapter and section 130.034.

55 7. Any committee which accepts or gives contributions other than those allowed shall
56 be subject to a surcharge of one thousand dollars plus an amount equal to the contribution per
57 nonallowable contribution, to be paid to the ethics commission and which shall be transferred
58 to the director of revenue, upon notification of such nonallowable contribution by the ethics
59 commission, and after the candidate has had ten business days after receipt of notice to return
60 the contribution to the contributor. The candidate and the candidate committee treasurer or
61 deputy treasurer owing a surcharge shall be personally liable for the payment of the surcharge
62 or may pay such surcharge only from campaign funds existing on the date of the receipt of
63 notice. Such surcharge shall constitute a debt to the state enforceable under, but not limited to,
64 the provisions of chapter 143, RSMo.] **Monetary contributions shall not be made from any**
65 **political party committee as defined in subdivision (25) of section 130.011 to any candidate**
66 **committee, continuing committee, or political party committee. Nothing in this section**
67 **shall be construed to limit any candidate committee from making contributions to any**
68 **other committee.**

69 **2. Any candidate for the office of state representative, the office of state senator, or**
70 **a statewide elected office shall not accept any contributions from the first Wednesday after**
71 **the first Monday in January through the first Friday after the second Monday of May of**
72 **each year at 6:00 p.m. Only candidates for special election to the house of representatives,**
73 **senate, or statewide elected office may, during such time, accept contributions from the**
74 **date of the candidate's nomination by his or her respective political party until thirty days**
75 **after the date of the election.**

130.042. The Missouri ethics commission shall post on its website in an easily
2 **accessible and conspicuous manner, a listing organized by candidate showing all**
3 **expenditures required to be disclosed by sections 130.041 and 130.050, made in support of**
4 **and against each candidate, together with the date and amount of each expenditure. The**
5 **commission shall post each expenditure within seven days of notification of the**
6 **expenditure. The list underlying each candidate shall be further organized into the**
7 **following two categories:**

8 **(1) Expenditures in support of the candidate; and**

9 **(2) Expenditures in opposition to the candidate.**

 130.046. 1. The disclosure reports required by section 130.041 for all committees shall
2 be filed at the following times and for the following periods:

3 (1) Not later than the eighth day before an election for the period closing on the twelfth
4 day before the election if the committee has made any contribution or expenditure either in
5 support or opposition to any candidate or ballot measure;

6 (2) Not later than the thirtieth day after an election for a period closing on the
7 twenty-fifth day after the election, if the committee has made any contribution or expenditure
8 either in support of or opposition to any candidate or ballot measure; except that, a successful
9 candidate who takes office prior to the twenty-fifth day after the election shall have complied
10 with the report requirement of this subdivision if a disclosure report is filed by such candidate
11 and any candidate committee under the candidate's control before such candidate takes office,
12 and such report shall be for the period closing on the day before taking office; and

13 (3) Not later than the fifteenth day following the close of each calendar quarter.

14

15 Notwithstanding the provisions of this subsection, if any committee accepts contributions or
16 makes expenditures in support of or in opposition to a ballot measure or a candidate, and the
17 report required by this subsection for the most recent calendar quarter is filed prior to the fortieth
18 day before the election on the measure or candidate, the committee shall file an additional
19 disclosure report not later than the fortieth day before the election for the period closing on the
20 forty-fifth day before the election.

21 2. In the case of a ballot measure to be qualified to be on the ballot by initiative petition
22 or referendum petition, or a recall petition seeking to remove an incumbent from office,
23 disclosure reports relating to the time for filing such petitions shall be made as follows:

24 (1) In addition to the disclosure reports required to be filed pursuant to subsection 1 of
25 this section the treasurer of a committee, other than a continuing committee, supporting or
26 opposing a petition effort to qualify a measure to appear on the ballot or to remove an incumbent
27 from office shall file an initial disclosure report fifteen days after the committee begins the
28 process of raising or spending money. After such initial report, the committee shall file quarterly
29 disclosure reports as required by subdivision (3) of subsection 1 of this section until such time
30 as the reports required by subdivisions (1) and (2) of subsection 1 of this section are to be filed.
31 In addition the committee shall file a second disclosure report no later than the fifteenth day after
32 the deadline date for submitting such petition. The period covered in the initial report shall begin
33 on the day the committee first accepted contributions or made expenditures to support or oppose
34 the petition effort for qualification of the measure and shall close on the fifth day prior to the date
35 of the report;

36 (2) If the measure has qualified to be on the ballot in an election and if a committee
37 subject to the requirements of subdivision (1) of this subsection is also required to file a
38 preelection disclosure report for such election any time within thirty days after the date on which
39 disclosure reports are required to be filed in accordance with subdivision (1) of this subsection,
40 the treasurer of such committee shall not be required to file the report required by subdivision
41 (1) of this subsection, but shall include in the committee's preelection report all information
42 which would otherwise have been required by subdivision (1) of this subsection.

43 3. The candidate, if applicable, treasurer or deputy treasurer of a committee shall file
44 disclosure reports pursuant to this section, except for any calendar quarter in which the
45 contributions received by the committee or the expenditures or contributions made by the
46 committee do not exceed five hundred dollars. The reporting dates and periods covered for such
47 quarterly reports shall not be later than the fifteenth day of January, April, July and October for
48 periods closing on the thirty-first day of December, the thirty-first day of March, the thirtieth day
49 of June and the thirtieth day of September. No candidate, treasurer or deputy treasurer shall be
50 required to file the quarterly disclosure report required not later than the fifteenth day of any
51 January immediately following a November election, provided that such candidate, treasurer or
52 deputy treasurer shall file the information required on such quarterly report on the quarterly
53 report to be filed not later than the fifteenth day of April immediately following such November
54 election. Each report by such committee shall be cumulative from the date of the last report. In
55 the case of the continuing committee's first report, the report shall be cumulative from the date
56 of the continuing committee's organization. Every candidate, treasurer or deputy treasurer shall

57 file, at a minimum, the campaign disclosure reports covering the quarter immediately preceding
58 the date of the election and those required by subdivisions (1) and (2) of subsection 1 of this
59 section. A continuing committee shall submit additional reports if it makes aggregate
60 expenditures, other than contributions to a committee, of five hundred dollars or more, within
61 the reporting period at the following times for the following periods:

62 (1) Not later than the eighth day before an election for the period closing on the twelfth
63 day before the election;

64 (2) Not later than [forty-eight] **twenty-four** hours after aggregate expenditures of [five]
65 **two** hundred **fifty** dollars or more are made after the twelfth day before the election; and

66 (3) Not later than the thirtieth day after an election for a period closing on the
67 twenty-fifth day after the election.

68 4. The reports required to be filed no later than the thirtieth day after an election and any
69 subsequently required report shall be cumulative so as to reflect the total receipts and
70 disbursements of the reporting committee for the entire election campaign in question. The
71 period covered by each disclosure report shall begin on the day after the closing date of the most
72 recent disclosure report filed and end on the closing date for the period covered. If the
73 committee has not previously filed a disclosure report, the period covered begins on the date the
74 committee was formed; except that in the case of a candidate committee, the period covered
75 begins on the date the candidate became a candidate according to the definition of the term
76 candidate in section 130.011.

77 5. Notwithstanding any other provisions of this chapter to the contrary:

78 (1) Certain disclosure reports pertaining to any candidate who receives nomination in
79 a primary election and thereby seeks election in the immediately succeeding general election
80 shall not be required in the following cases:

81 (a) If there are less than fifty days between a primary election and the immediately
82 succeeding general election, the disclosure report required to be filed quarterly; provided that,
83 any other report required to be filed prior to the primary election and all other reports required
84 to be filed not later than the eighth day before the general election are filed no later than the final
85 dates for filing such reports;

86 (b) If there are less than eighty-five days between a primary election and the immediately
87 succeeding general election, the disclosure report required to be filed not later than the thirtieth
88 day after the primary election need not be filed; provided that any report required to be filed prior
89 to the primary election and any other report required to be filed prior to the general election are
90 filed no later than the final dates for filing such reports; and

91 (2) No disclosure report needs to be filed for any reporting period if during that reporting
92 period the committee has neither received contributions aggregating more than five hundred

93 dollars nor made expenditure aggregating more than five hundred dollars and has not received
94 contributions aggregating more than three hundred dollars from any single contributor and if the
95 committee's treasurer files a statement with the appropriate officer that the committee has not
96 exceeded the identified thresholds in the reporting period. Any contributions received or
97 expenditures made which are not reported because this statement is filed in lieu of a disclosure
98 report shall be included in the next disclosure report filed by the committee. This statement shall
99 not be filed in lieu of the report for two or more consecutive disclosure periods if either the
100 contributions received or expenditures made in the aggregate during those reporting periods
101 exceed five hundred dollars. This statement shall not be filed, in lieu of the report, later than the
102 thirtieth day after an election if that report would show a deficit of more than one thousand
103 dollars.

104 6. (1) If the disclosure report required to be filed by a committee not later than the
105 thirtieth day after an election shows a deficit of unpaid loans and other outstanding obligations
106 in excess of five thousand dollars, semiannual supplemental disclosure reports shall be filed with
107 the appropriate officer for each succeeding semiannual period until the deficit is reported in a
108 disclosure report as being reduced to five thousand dollars or less; except that, a supplemental
109 semiannual report shall not be required for any semiannual period which includes the closing
110 date for the reporting period covered in any regular disclosure report which the committee is
111 required to file in connection with an election. The reporting dates and periods covered for
112 semiannual reports shall be not later than the fifteenth day of January and July for periods closing
113 on the thirty-first day of December and the thirtieth day of June;

114 (2) Committees required to file reports pursuant to subsection 2 or 3 of this section
115 which are not otherwise required to file disclosure reports for an election shall file semiannual
116 reports as required by this subsection if their last required disclosure report shows a total of
117 unpaid loans and other outstanding obligations in excess of five thousand dollars.

118 7. In the case of a committee which disbands and is required to file a termination
119 statement pursuant to the provisions of section 130.021 with the appropriate officer not later than
120 the tenth day after the committee was dissolved, the candidate, committee treasurer or deputy
121 treasurer shall attach to the termination statement a complete disclosure report for the period
122 closing on the date of dissolution. A committee shall not utilize the provisions of subsection 8
123 of section 130.021 or the provisions of this subsection to circumvent or otherwise avoid the
124 reporting requirements of subsection 6 or 7 of this section.

125 8. Disclosure reports shall be filed with the appropriate officer not later than 5:00 p.m.
126 prevailing local time of the day designated for the filing of the report and a report postmarked
127 not later than midnight of the day previous to the day designated for filing the report shall be

128 deemed to have been filed in a timely manner. The appropriate officer may establish a policy
129 whereby disclosure reports may be filed by facsimile transmission.

130 **9. Each candidate for the office of state representative, state senator, and for**
131 **statewide elected office shall file all disclosure reports described in section 130.041**
132 **electronically with the Missouri ethics commission. The Missouri ethics commission shall**
133 **promulgate rules establishing the standard for electronic filings with the commission and**
134 **shall propose such rules for the importation of files to the reporting program.**

135 **10. Any rule or portion of a rule, as that term is defined in section 536.010, RSMo,**
136 **that is created under the authority delegated in this section shall become effective only if**
137 **it complies with and is subject to all of the provisions of chapter 536, RSMo, and, if**
138 **applicable, section 536.028, RSMo. This section and chapter 536, RSMo, are nonseverable**
139 **and if any of the powers vested with the general assembly pursuant to chapter 536, RSMo,**
140 **to review, to delay the effective date, or to disapprove and annul a rule are subsequently**
141 **held unconstitutional, then the grant of rulemaking authority and any rule proposed or**
142 **adopted after August 28, 2006, shall be invalid and void.**

130.050. 1. An out-of-state committee which, according to the provisions of subsection
2 10 of section 130.021, is not required to file a statement of organization and is not required to
3 file the full disclosure reports required by section 130.041 shall file reports with the Missouri
4 ethics commission according to the provisions of this subsection if the committee makes
5 contributions or expenditures in support of or in opposition to candidates or ballot measures in
6 this state in any election covered by this chapter or makes contributions to any committee
7 domiciled in this state. An initial report shall be filed on or within fourteen days prior to the date
8 such out-of-state committee first makes a contribution or expenditure in this state, and thereafter
9 reports shall be filed at the times and for the reporting periods prescribed in subsection 1 of
10 section 130.046. Each report shall contain:

11 (1) The full name, address and domicile of the committee making the report and the
12 name, residential and business addresses, domicile and telephone numbers of the committee's
13 treasurer;

14 (2) The name and address of any entity such as a labor union, trade or business or
15 professional association, club or other organization or any business entity with which the
16 committee is affiliated;

17 (3) A statement of the total dollar amount of all funds received by the committee in the
18 current calendar year and a statement of the total contributions in the same period from persons
19 domiciled in this state and a list by name, address, date and amount of each Missouri resident
20 who contributed an aggregate of more than two hundred dollars in the current calendar year;

21 (4) A list by name, address, date and amount regarding any contributor to the out-of-state
22 committee, regardless of state of residency, who made a contribution during the reporting period
23 which was restricted or designated in whole or in part for use in supporting or opposing a
24 candidate, ballot measure or committee in this state or was restricted for use in this state at the
25 committee's discretion, or a statement that no such contributions were received;

26 (5) A statement as to whether the committee is required to file reports with the Federal
27 Election Commission, and a listing of agencies in other states with which the committee files
28 reports, if any;

29 (6) A separate listing showing contributions made in support of or opposition to each
30 candidate or ballot measure in this state, together with the date and amount of each contribution;

31 (7) A separate listing showing contributions made to any committee domiciled in this
32 state with the date and amount of each contribution.

33 2. In the case of a political party committee's selection of an individual to be the party's
34 nominee for public office in an election covered by this chapter, any individual who seeks such
35 nomination and who is a candidate according to the definition of the term candidate in section
36 130.011 shall be required to comply with all requirements of this chapter; except that, for the
37 purposes of this subsection, the reporting dates and reporting periods in section 130.046 shall not
38 apply, and the first reporting date shall be no later than the fifteenth day after the date on which
39 a nomination covered by this subsection was made and for the period beginning on the date the
40 individual became a candidate, as the term candidate is defined in section 130.011, and closing
41 on the tenth day after the date the nomination was made, with subsequent reports being made as
42 closely as practicable to the times required in section 130.046.

43 3. The receipt of any late contribution or loan of more than two hundred fifty dollars by
44 a candidate committee supporting a candidate for statewide office or by any other committee
45 shall be reported to the appropriate officer no later than [forty-eight] **twenty-four** hours after
46 receipt. For purposes of this subsection the term "late contribution or loan" means a contribution
47 or loan received after the closing date of the last disclosure report required to be filed before an
48 election but received prior to the date of the election itself. The disclosure report of a late
49 contribution may be made by any written means of communication, setting forth the name and
50 address of the contributor or lender and the amount of the contribution or loan and need not
51 contain the signatures and certification required for a full disclosure report described in section
52 130.041. A late contribution or loan shall be included in subsequent disclosure reports without
53 regard to any special reports filed pursuant to this subsection.

130.054. 1. Notwithstanding the provisions of subsection 3 of section 105.957, RSMo,
2 any natural person may file a complaint with the Missouri ethics commission alleging failure to
3 timely or accurately file a personal financial disclosure statement, a campaign finance disclosure

4 report or a violation of the provisions of this chapter by any candidate for elective office, within
5 sixty days prior to the primary election at which such candidate is running for office, until after
6 the general election. Any such complaint shall be in writing, shall state all facts known by the
7 complainant which have given rise to the complaint, and shall be sworn to, under penalty of
8 perjury, by the complainant.

9 2. Within the first business day after receipt of a complaint pursuant to this section, the
10 executive director shall supply a copy of the complaint to the person or entity named in the
11 complaint, deleting any material identifying the name of the complainant. The executive director
12 shall notify the complainant and the person or entity named in the complaint of the date and time
13 at which the commission shall audit and investigate the allegations contained in the complaint
14 pursuant to subsection 3 of this section.

15 3. Within fifteen business days of receipt of a complaint pursuant to this section, the
16 commission shall audit and investigate the allegations contained in the complaint and shall
17 determine by a vote of at least four members of the commission that there are reasonable grounds
18 to believe that a violation of law has occurred within the jurisdiction of the commission. The
19 respondent may reply in writing or in person to the allegations contained in the complaint and
20 may state justifications to dismiss the complaint. The complainant may also present evidence
21 in support of the allegations contained in the complaint, but such evidence shall be limited in
22 scope to the allegations contained in the original complaint, and such complaint may not be
23 supplemented or otherwise enlarged in scope.

24 4. If, after audit and investigation of the complaint and upon a vote of at least four
25 members of the commission, the commission determines that there are reasonable grounds to
26 believe that a violation of law has occurred within the jurisdiction of the commission, the
27 commission shall proceed with such complaint as provided by sections 105.957 to 105.963,
28 RSMo. If the commission does not determine that there are reasonable grounds to believe that
29 such a violation of law has occurred, the complaint shall be dismissed. If a complaint is
30 dismissed, the fact that such complaint was dismissed, with a statement of the nature of the
31 complaint, shall be made public within twenty-four hours of the commission's action.

32 5. Any complaint made pursuant to this section, and all proceedings and actions
33 concerning such a complaint, shall be subject to the provisions of subsection 15 of section
34 105.961, RSMo.

35 **6. No complaint shall be accepted by the commission within fifteen days prior to**
36 **the primary or general election at which such candidate is running for office.**

Section 1. The ethics commission shall study methods to improve the regulation of
2 **persons and organizations that conduct or utilize political telephone solicitations. The**

- 3 **commission shall issue a report containing recommendations to the general assembly no**
4 **later than January 1, 2007.**

Section B. Section A of this act shall become effective January 1, 2007.

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