

FIRST REGULAR SESSION
HOUSE COMMITTEE SUBSTITUTE FOR
HOUSE BILL NO. 1170
94TH GENERAL ASSEMBLY

Reported from the Committee on Elections April 11, 2007 with recommendation that House Committee Substitute for House Bill No. 1170 Do Pass. Referred to the Committee on Rules pursuant to Rule 25(21)(f).

D. ADAM CRUMBLISS, Chief Clerk

2522L.02C

AN ACT

To repeal sections 105.466, 105.485, 105.487, 105.492, 105.957, 105.961, 105.963, 105.973, 130.021, 130.036, 130.046, 130.049, 130.050, and 130.057, RSMo, and to enact in lieu thereof fourteen new sections relating to ethics, with penalty provisions.

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

Section A. Sections 105.466, 105.485, 105.487, 105.492, 105.957, 105.961, 105.963, 105.973, 130.021, 130.036, 130.046, 130.049, 130.050, and 130.057, RSMo, are repealed and fourteen new sections enacted in lieu thereof, to be known as sections 105.466, 105.485, 105.487, 105.492, 105.957, 105.961, 105.963, 130.021, 130.036, 130.046, 130.049, 130.050, 130.057, and 130.062, to read as follows:

105.466. 1. No provision of sections 105.450 to 105.458, 105.462 to [105.468] **105.467**, and [105.472] **105.470** to 105.482 shall be construed to prohibit any person from performing any ministerial act or any act required by order of a court or by law to be performed.

2. No provision of sections 105.450 to 105.458, 105.462 to [105.468] **105.467**, and [105.472] **105.470** to 105.482 shall be construed to prohibit any person from communicating with the office of the attorney general or any prosecuting attorney or any attorney for any political subdivision concerning any prospective claim or complaint then under consideration not otherwise prohibited by law.

3. No provision of sections 105.450 to 105.458, 105.462 to [105.468] **105.467**, and [105.472] **105.470** to 105.482 shall be construed to prohibit any person, firm or corporation from

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.

11 receiving compensation for property taken by the state or any political subdivision thereof under
12 the power of eminent domain in accordance with the provisions of the constitution and the laws
13 of the state.

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] **the penalty** of perjury; provided, however, the
4 [form] **statement** shall not seek information which is not specifically required by sections
5 105.483 to 105.492.

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

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

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

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

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

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

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

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

67 (8) The name and address of each source from which such person received a gift or gifts,
68 or honorarium or honoraria in excess of two hundred dollars in value per source during the year
69 covered by the statement other than gifts from persons within the third degree of consanguinity

70 or affinity of the person filing the financial interest statement. For the purposes of this section,
71 a "gift" shall not be construed to mean political contributions otherwise required to be reported
72 by law or hospitality such as food, beverages or admissions to social, art, or sporting events or
73 the like, or informational material. For the purposes of this section, a "gift" shall include gifts
74 to or by creditors of the individual for the purpose of canceling, reducing or otherwise forgiving
75 the indebtedness of the individual to that creditor;

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

79 (a) Paid in the ordinary course of business for businesses described in subdivisions (1),
80 (2), (5) and (6) of this subsection which are related to the duties of office of such official; or

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

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

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

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

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

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

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

98 (b) Is a lobbyist; or

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

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

103 3. For the purposes of subdivisions (1), (2) and (3) of subsection 2 of this section, an
104 individual shall be deemed to have received a salary from [his] **the individual's** employer or
105 income from any source at the time when [he] **the individual** shall receive a negotiable

106 instrument whether or not payable at a later date and at the time when under the practice of [his]
107 **the individual's** employer or the terms of an agreement, [he] **the individual** has earned or is
108 entitled to anything of actual value whether or not delivery of the value is deferred or right to it
109 has vested. The term "income" as used in this section shall have the same meaning as provided
110 in the Internal Revenue Code of 1986, and amendments thereto, as the same may be or becomes
111 effective, at any time or from time to time for the taxable year, provided that income shall not
112 be considered received or earned for purposes of this section from a partnership or sole
113 proprietorship until such income is converted from business to personal use.

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

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

127 (a) For such person, and all persons within the first degree of consanguinity or affinity
128 of such person, the date and the identities of the parties to each transaction with a total value in
129 excess of five hundred dollars, if any, that such person had with the political subdivision, other
130 than compensation received as an employee or payment of any tax, fee or penalty due to the
131 political subdivision, and other than transfers for no consideration to the political subdivision;

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

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

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

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

105.487. The financial interest statements shall be filed at the following times, but no
2 person is required to file more than one financial interest statement in any calendar year:

3 (1) Each candidate for elective office, except those candidates for county committee of
4 a political party pursuant to section 115.609, RSMo, or section 115.611, RSMo, who is required
5 to file a personal financial disclosure statement shall file a financial interest statement no later
6 than [fourteen days after the close of filing at which the candidate seeks nomination or election,
7 and the statement shall be for the twelve months prior to the closing date, except that in the event
8 an individual does not become a candidate until after the date of certification for candidates, the
9 statement shall be filed within fourteen days of the individual's nomination by caucus. An
10 individual required to file a financial interest statement because of the individual's candidacy for
11 office prior to a primary election in accordance with this section is also required to amend such
12 statement no later than the close of business on Monday prior to the general election to reflect
13 any changes in financial interest during the interim] **the thirty-first day of March or within ten**
14 **days of filing for office, whichever is later, except any candidate for elective office who is**
15 **required to file a financial interest statement when the election is held in April, shall file**
16 **the statement no later than the thirty-first day of January or within ten days of filing for**
17 **office, whichever is later. Each statement filed shall cover the calendar year ending the**
18 **immediately preceding December thirty-first, provided that the governor, lieutenant**
19 **governor, any member of the general assembly, or any member of the governing body of**
20 **a political subdivision may supplement such person's financial interest statement to report**
21 **additional interests acquired after December thirty-first of the covered year until the date**
22 **of filing of the financial interest statement.** The appropriate election authority shall provide
23 to the candidate at the time of filing for [election] **office** written notice of the candidate's
24 obligation to file pursuant to sections 105.483 to 105.492 and the candidate shall sign a statement
25 acknowledging receipt of such notice;

26 (2) Each person appointed to office, except any person elected for county committee of
27 a political party pursuant to section 115.617, RSMo, and each official or employee described in
28 section 105.483 who is not otherwise covered in this subsection shall file the statement within
29 thirty days of such appointment or employment. **This statement shall cover the time period**
30 **described in subsection (1) of this section;**

31 (3) Every other person required by sections 105.483 to 105.492 to file a financial interest
32 statement shall file the statement annually not later than the [first] **thirty-first** day of [May]
33 **March** and the statement shall cover the calendar year ending the immediately preceding
34 December thirty-first; provided that the governor, lieutenant governor, any member of the
35 general assembly or any member of the governing body of a political subdivision may
36 supplement such person's financial interest statement to report additional interests acquired after
37 December thirty-first of the covered year until the date of filing of the financial interest
38 statement. **If an individual becomes a candidate for office by nomination of a political party**
39 **committee, the individual shall file a financial interest statement within ten days of the**
40 **nomination. Such statement shall cover the time period described in subdivision (1) of this**
41 **section;**

42 (4) The deadline for filing any statement required by sections 105.483 to 105.492 shall
43 be 5:00 p.m. of the last day designated for filing the statement. When the last day of filing falls
44 on a Saturday or Sunday or on an official state holiday, the deadline for filing is extended to 5:00
45 p.m. on the next day which is not a Saturday or Sunday or official holiday. Any statement
46 required within a specified time shall be deemed to be timely filed if it is postmarked not later
47 than midnight of the day [previous to the last day] designated for filing the statement.

105.492. 1. Any person required in sections 105.483 to 105.492 to file a financial
2 interest statement who fails to file such statement by the times required in section 105.487 shall,
3 if such person receives any compensation or other remuneration from public funds for the
4 person's services, not be paid such compensation or receive such remuneration until the person
5 has filed a financial interest statement as required by sections 105.483 to 105.492. Any person
6 required in sections 105.483 to 105.492 to file a financial statement who fails to file such
7 statement by the time required in section 105.487 and continues to fail to file the required
8 financial interest statement for thirty or more days after receiving notice from the commission
9 shall be subject to suspension from office in the manner otherwise provided by law or the
10 constitution. The attorney general or prosecuting or circuit attorney, at the request of the
11 commission, may take appropriate legal action to enforce the provisions of this section.

12 2. If a candidate for office does not file a financial interest statement by the close of
13 business on the twenty-first day after the last day for filing for election for which the person is
14 a candidate, the commission shall notify the official who accepted such candidate's declaration
15 of candidacy that the candidate is disqualified. Such election official shall remove the
16 candidate's name from the ballot.

17 3. Failure of any elected official or judge to file a financial interest statement thirty days
18 after notice from the appropriate filing officer shall be grounds for removal from office as may
19 be otherwise provided by law or the constitution.

20 4. Any person who knowingly misrepresents or omits any facts required to be contained
21 in any financial interest statement filed as required by sections 105.483 to 105.496 is guilty of
22 a class B misdemeanor. Venue for any criminal proceeding brought pursuant to this section shall
23 be the county in which the defendant resided at the time the defendant filed the financial interest
24 statement.

25 5. Any lobbyist who fails to timely file a lobbying disclosure report as required by
26 section 105.473 shall be assessed a late filing fee of ten dollars for every day such report is late.
27 **Any lobbyist who is assessed such a late fee may appeal this assessment as provided in**
28 **subsection 7 of section 105.963.**

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] **105.467** and
10 section 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 **of a complaint that is properly signed and notarized, and that alleges facts that,**
20 **if true, fall within the jurisdiction of the commission,** a copy of the complaint, including the
21 name of the complainant, shall be delivered to the alleged violator.

22 3. No complaint shall be investigated which concerns alleged criminal conduct which
23 allegedly occurred previous to the period of time allowed by law for criminal prosecution for
24 such conduct. The commission may refuse to investigate any conduct which is the subject of
25 civil or criminal litigation. The commission, its executive director or an investigator shall not
26 investigate any complaint concerning conduct which is not criminal in nature which occurred
27 more than two years prior to the date of the complaint. A complaint alleging misconduct on the

28 part of a candidate for public office, other than those alleging failure to file the appropriate
29 financial interest statements or campaign finance disclosure reports, shall not be accepted by the
30 commission within sixty days prior to the primary election at which such candidate is running
31 for office, and until after the general election.

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

105.961. 1. Upon receipt of a complaint as described by section 105.957, the
2 commission shall assign the complaint to a special investigator, who may be a commission
3 employee, who shall investigate and determine the merits of the complaint. Within ten days of
4 such assignment, the special investigator shall review such complaint and disclose, in writing,
5 to the commission any conflict of interest which the special investigator has or might have with
6 respect to the investigation and subject thereof. Within one hundred twenty days of receipt of
7 the complaint from the commission, the special investigator shall submit the special
8 investigator's report to the commission. The commission, after review of such report, shall
9 determine:

10 (1) That there is reasonable grounds for belief that a violation has occurred; or

11 (2) That there are no reasonable grounds for belief that a violation exists and the
12 complaint should be dismissed; or

13 (3) That additional time is necessary to complete the investigation, and the status and
14 progress of the investigation to date. The commission, in its discretion, may allow the
15 investigation to proceed for additional successive periods of one hundred twenty days each,
16 pending reports regarding the status and progress of the investigation at the end of each such
17 period.

18 2. When the commission concludes, based on the report from the special investigator,
19 or based on an audit conducted pursuant to section 105.959, that there are reasonable grounds
20 to believe that a violation of any criminal law has occurred, and if the commission believes that

21 criminal prosecution would be appropriate upon a vote of four members of the commission, the
22 commission shall refer the report to the Missouri office of prosecution services, prosecutors
23 coordinators training council established in section 56.760, RSMo, which shall submit a panel
24 of five attorneys for recommendation to the court having criminal jurisdiction, for appointment
25 of an attorney to serve as a special prosecutor; except that, the attorney general of Missouri or
26 any assistant attorney general shall not act as such special prosecutor. The court shall then
27 appoint from such panel a special prosecutor pursuant to section 56.110, RSMo, who shall have
28 all the powers provided by section 56.130, RSMo. The court shall allow a reasonable and
29 necessary attorney's fee for the services of the special prosecutor. Such fee shall be assessed as
30 costs if a case is filed, or ordered by the court if no case is filed, and paid together with all other
31 costs in the proceeding by the state, in accordance with rules and regulations promulgated by the
32 state courts administrator, subject to funds appropriated to the office of administration for such
33 purposes. If the commission does not have sufficient funds to pay a special prosecutor, the
34 commission shall refer the case to the prosecutor or prosecutors having criminal jurisdiction.
35 If the prosecutor having criminal jurisdiction is not able to prosecute the case due to a conflict
36 of interest, the court may appoint a special prosecutor, paid from county funds, upon
37 appropriation by the county or the attorney general to investigate and, if appropriate, prosecute
38 the case. The special prosecutor or prosecutor shall commence an action based on the report by
39 the filing of an information or seeking an indictment within sixty days of the date of such
40 prosecutor's appointment, or shall file a written statement with the commission explaining why
41 criminal charges should not be sought. If the special prosecutor or prosecutor fails to take either
42 action required by this subsection, upon request of the commission, a new special prosecutor,
43 who may be the attorney general, shall be appointed. The report may also be referred to the
44 appropriate disciplinary authority over the person who is the subject of the report.

45 3. When the commission concludes, based on the report from the special investigator or
46 based on an audit conducted pursuant to section 105.959, that there are reasonable grounds to
47 believe that a violation of any law has occurred which is not a violation of criminal law or that
48 criminal prosecution is not appropriate, the commission shall conduct a hearing which shall be
49 a closed meeting and not open to the public. The hearing shall be conducted pursuant to the
50 procedures provided by sections 536.063 to 536.090, RSMo, and shall be considered to be a
51 contested case for purposes of such sections. The commission shall determine, in its discretion,
52 whether or not that there is probable cause that a violation has occurred. If the commission
53 determines, by a vote of at least four members of the commission, that probable cause exists that
54 a violation has occurred, the commission may refer its findings and conclusions to the
55 appropriate disciplinary authority over the person who is the subject of the report, as described
56 in subsection 7 of this section. After the commission determines by a vote of at least four

57 members of the commission that probable cause exists that a violation has occurred, and the
58 commission has referred the findings and conclusions to the appropriate disciplinary authority
59 over the person subject of the report, the subject of the report may appeal the determination of
60 the commission to the administrative hearing commission. Such appeal shall stay the action of
61 the Missouri ethics commission. Such appeal shall be filed not later than the fourteenth day after
62 the subject of the commission's action receives [actual] notice of the commission's action.

63 4. If the appropriate disciplinary authority receiving a report from the commission
64 pursuant to subsection 3 of this section fails to follow, within sixty days of the receipt of the
65 report, the recommendations contained in the report, or if the commission determines, by a vote
66 of at least four members of the commission that some action other than referral for criminal
67 prosecution or for action by the appropriate disciplinary authority would be appropriate, the
68 commission shall take any one or more of the following actions:

69 (1) Notify the person to cease and desist violation of any provision of law which the
70 report concludes was violated and that the commission may seek judicial enforcement of its
71 decision pursuant to subsection 5 of this section;

72 (2) Notify the person of the requirement to file, amend or correct any report, statement,
73 or other document or information required by sections 105.473, 105.483 to 105.492, or chapter
74 130, RSMo, and that the commission may seek judicial enforcement of its decision pursuant to
75 subsection 5 of this section; and

76 (3) File the report with the executive director to be maintained as a public document; or

77 (4) Issue a letter of concern or letter of reprimand to the person, which would be
78 maintained as a public document; or

79 (5) Issue a letter that no further action shall be taken, which would be maintained as a
80 public document; or

81 (6) Through reconciliation agreements or civil action, the power to seek fees for
82 violations in an amount not greater than one thousand dollars or double the amount involved in
83 the violation.

84 5. Upon vote of at least four members, the commission may initiate formal judicial
85 proceedings seeking to obtain any of the following orders:

86 (1) Cease and desist violation of any provision of sections 105.450 to 105.496, or chapter
87 130, RSMo, or sections 105.955 to 105.963;

88 (2) Pay any civil penalties required by sections 105.450 to 105.496 or chapter 130,
89 RSMo;

90 (3) File any reports, statements, or other documents or information required by sections
91 105.450 to 105.496, or chapter 130, RSMo; or

92 (4) Pay restitution for any unjust enrichment the violator obtained as a result of any
93 violation of any criminal statute as described in subsection 6 of this section.

94

95 The Missouri ethics commission shall give [actual] notice to the subject of the complaint of the
96 proposed action as set out in this section. The subject of the complaint may appeal the action
97 of the Missouri ethics commission, other than a referral for criminal prosecution, to the
98 [administrative hearing commission] **circuit court of Cole County**. Such appeal shall stay the
99 action of the Missouri ethics commission. Such appeal shall be filed no later than fourteen days
100 after the subject of the commission's actions receives actual notice of the commission's actions.

101 6. In the proceeding in circuit court, the commission may seek restitution against any
102 person who has obtained unjust enrichment as a result of violation of any provision of sections
103 105.450 to 105.496, or chapter 130, RSMo, and may recover on behalf of the state or political
104 subdivision with which the alleged violator is associated, damages in the amount of any unjust
105 enrichment obtained and costs and attorney's fees as ordered by the court.

106 7. The appropriate disciplinary authority to whom a report shall be sent pursuant to
107 subsection 2 or 3 of this section shall include, but not be limited to, the following:

108 (1) In the case of a member of the general assembly, the ethics committee of the house
109 of which the subject of the report is a member;

110 (2) In the case of a person holding an elective office or an appointive office of the state,
111 if the alleged violation is an impeachable offense, the report shall be referred to the ethics
112 committee of the house of representatives;

113 (3) In the case of a person holding an elective office of a political subdivision, the report
114 shall be referred to the governing body of the political subdivision;

115 (4) In the case of any officer or employee of the state or of a political subdivision, the
116 report shall be referred to the person who has immediate supervisory authority over the
117 employment by the state or by the political subdivision of the subject of the report;

118 (5) In the case of a judge of a court of law, the report shall be referred to the commission
119 on retirement, removal and discipline, or if the inquiry involves an employee of the judiciary to
120 the applicable presiding judge;

121 (6) In the case of a person holding an appointive office of the state, if the alleged
122 violation is not an impeachable offense, the report shall be referred to the governor;

123 (7) In the case of a statewide elected official, the report shall be referred to the attorney
124 general;

125 (8) In a case involving the attorney general, the report shall be referred to the prosecuting
126 attorney of Cole County.

127 8. The special investigator having a complaint referred to the special investigator by the
128 commission shall have the following powers:

129 (1) To request and shall be given access to information in the possession of any person
130 or agency which the special investigator deems necessary for the discharge of the special
131 investigator's responsibilities;

132 (2) To examine the records and documents of any person or agency, unless such
133 examination would violate state or federal law providing for confidentiality;

134 (3) To administer oaths and affirmations;

135 (4) Upon refusal by any person to comply with a request for information relevant to an
136 investigation, an investigator may issue a subpoena for any person to appear and give testimony,
137 or for a subpoena duces tecum to produce documentary or other evidence which the investigator
138 deems relevant to a matter under the investigator's inquiry. The subpoenas and subpoenas duces
139 tecum may be enforced by applying to a judge of the circuit court of Cole County or any county
140 where the person or entity that has been subpoenaed resides or may be found, for an order to
141 show cause why the subpoena or subpoena duces tecum should not be enforced. The order and
142 a copy of the application therefor shall be served in the same manner as a summons in a civil
143 action, and if, after hearing, the court determines that the subpoena or subpoena duces tecum
144 should be sustained and enforced, the court shall enforce the subpoena or subpoena duces tecum
145 in the same manner as if it had been issued by the court in a civil action; and

146 (5) To request from the commission such investigative, clerical or other staff assistance
147 or advancement of other expenses which are necessary and convenient for the proper completion
148 of an investigation. Within the limits of appropriations to the commission, the commission may
149 provide such assistance, whether by contract to obtain such assistance or from staff employed
150 by the commission, or may advance such expenses.

151 9. (1) Any retired judge may request in writing to have the judge's name removed from
152 the list of special investigators subject to appointment by the commission or may request to
153 disqualify himself or herself from any investigation. Such request shall include the reasons for
154 seeking removal;

155 (2) By vote of four members of the commission, the commission may disqualify a judge
156 from a particular investigation or may permanently remove the name of any retired judge from
157 the list of special investigators subject to appointment by the commission.

158 10. Any person who is the subject of any investigation pursuant to this section shall be
159 entitled to be represented by counsel at any proceeding before the special investigator or the
160 commission.

161 11. The provisions of sections 105.957, 105.959 and 105.961 are in addition to other
162 provisions of law under which any remedy or right of appeal or objection is provided for any

163 person, or any procedure provided for inquiry or investigation concerning any matter. The
164 provisions of this section shall not be construed to limit or affect any other remedy or right of
165 appeal or objection.

166 12. No person shall be required to make or file a complaint to the commission as a
167 prerequisite for exhausting the person's administrative remedies before pursuing any civil cause
168 of action allowed by law.

169 13. If, in the opinion of the commission, the complaining party was motivated by malice
170 or reason contrary to the spirit of any law on which such complaint was based, in filing the
171 complaint without just cause, this finding shall be reported to appropriate law enforcement
172 authorities. Any person who knowingly files a complaint without just cause, or with malice, is
173 guilty of a class A misdemeanor.

174 14. A respondent party who prevails in a formal judicial action brought by the
175 commission shall be awarded those reasonable fees and expenses incurred by that party in the
176 formal judicial action, unless the court finds that the position of the commission was
177 substantially justified or that special circumstances make such an award unjust.

178 15. The special investigator and members and staff of the commission shall maintain
179 confidentiality with respect to all matters concerning a complaint until and if a report is filed
180 with the commission, with the exception of communications with any person which are
181 necessary to the investigation. The report filed with the commission resulting from a complaint
182 acted upon under the provisions of this section shall not contain the name of the complainant or
183 other person providing information to the investigator, if so requested in writing by the
184 complainant or such other person. Any person who violates the confidentiality requirements
185 imposed by this section or subsection 17 of section 105.955 required to be confidential is guilty
186 of a class A misdemeanor and shall be subject to removal from or termination of employment
187 by the commission.

188 16. Any judge of the court of appeals or circuit court who ceases to hold such office by
189 reason of the judge's retirement and who serves as a special investigator pursuant to this section
190 shall receive annual compensation, salary or retirement for such services at the rates of
191 compensation provided for senior judges by subsections 1, 2 and 4 of section 476.682, RSMo.
192 Such retired judges shall by the tenth day of each month following any month in which the judge
193 provided services pursuant to this section certify to the commission and to the state courts
194 administrator the amount of time engaged in such services by hour or fraction thereof, the dates
195 thereof, and the expenses incurred and allowable pursuant to this section. The commission shall
196 then issue a warrant to the state treasurer for the payment of the salary and expenses to the extent,
197 and within limitations, provided for in this section. The state treasurer upon receipt of such

198 warrant shall pay the same out of any appropriations made for this purpose on the last day of the
199 month during which the warrant was received by the state treasurer.

105.963. 1. The executive director shall assess every committee, as defined in section
2 130.011, RSMo, failing to file with a filing officer other than a local election authority as
3 provided by section 130.026, RSMo, a campaign disclosure report as required by chapter 130,
4 RSMo, other than the report required pursuant to subdivision (1) of subsection 1 of section
5 130.046, RSMo, a late filing fee of ten dollars for each day after such report is due to the
6 commission. The executive director shall mail a notice[, by registered mail,] to any candidate
7 and the treasurer of any committee who fails to file such report informing such person of such
8 failure and the fees provided by this section. If the candidate or treasurer of any committee
9 persists in such failure for a period in excess of thirty days beyond receipt of such notice, the
10 amount of the late filing fee shall increase to one hundred dollars for each day that the report is
11 not filed, provided that the total amount of such fees assessed pursuant to this subsection per
12 report shall not exceed three thousand dollars.

13 2. (1) Any candidate for state or local office who fails to file a campaign disclosure
14 report required pursuant to subdivision (1) of subsection 1 of section 130.046, RSMo, other than
15 a report required to be filed with a local election authority as provided by section 130.026,
16 RSMo, shall be assessed by the executive director a late filing fee of one hundred dollars for each
17 day that the report is not filed, until the first day after the date of the election. After such election
18 date, the amount of such late filing fee shall accrue at the rate of ten dollars per day that such
19 report remains unfiled, except as provided in subdivision (2) of this subsection.

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

27 3. The executive director shall assess every person required to file a financial interest
28 statement pursuant to sections 105.483 to 105.492 failing to file such a financial interest
29 statement with the commission a late filing fee of ten dollars for each day after such statement
30 is due to the commission. The executive director shall mail a notice[, by certified mail,] to any
31 person who fails to file such statement informing the individual required to file of such failure
32 and the fees provided by this section. If the person persists in such failure for a period in excess
33 of thirty days beyond receipt of such notice, the amount of the late filing fee shall increase to one
34 hundred dollars for each day thereafter that the statement is late, provided that the total amount

35 of such fees assessed pursuant to this subsection per statement shall not exceed six thousand
36 dollars.

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

42 5. The executive director of the Missouri ethics commission shall collect such late filing
43 fees as are provided for in this section. Unpaid late filing fees shall be collected by action filed
44 by the commission. The commission shall contract with the appropriate entity to collect such
45 late filing fees after a thirty-day delinquency. If not collected within one hundred twenty days,
46 the Missouri ethics commission shall file a petition in Cole County circuit court to seek a
47 judgment on said fees. All late filing fees collected pursuant to this section shall be transmitted
48 to the state treasurer and deposited to the general revenue fund.

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

51 7. If any **lobbyist fails to file a lobbyist report in a timely manner and that lobbyist**
52 **is assessed a late fee, or if any individual who is required to file a personal financial**
53 **disclosure statement fails to file such disclosure statement in a timely manner and is**
54 **assessed a late fee, or if any candidate and the treasurer of any committee who** fails to file
55 a campaign disclosure report in a timely manner and that candidate **and the treasurer of any**
56 **committee who fails to file such disclosure statement in a timely manner and** is assessed a
57 late filing fee, the **lobbyist, individual,** candidate [, candidate committee treasurer or assistant
58 treasurer] **or the treasurer of any committee** may file an appeal of the assessment of the late
59 filing fee with the commission. The commission may forgive the assessment of the late filing
60 fee upon a showing of good cause. Such appeal shall be filed within ten days of the receipt of
61 notice of the assessment of the late filing fee.

130.021. 1. Every committee shall have a treasurer who, except as provided in
2 subsection 10 of this section, shall be a resident of this state. A committee may also have a
3 deputy treasurer who, except as provided in subsection 10 of this section, shall be a resident of
4 this state, to serve in the capacity of committee treasurer in the event the committee treasurer is
5 unable for any reason to perform the treasurer's duties.

6 2. Every candidate for offices listed in subsection 1 of section 130.016 who has not filed
7 a statement of exemption pursuant to that subsection and every candidate for offices listed in
8 subsection 6 of section 130.016 who is not excluded from filing a statement of organization and
9 disclosure reports pursuant to subsection 6 shall form a candidate committee and appoint a

10 treasurer. Thereafter, all contributions on hand and all further contributions received by such
11 candidate and any of the candidate's own funds to be used in support of the person's candidacy
12 shall be deposited in a candidate committee depository account established pursuant to the
13 provisions of subsection 4 of this section, and all expenditures shall be made through the
14 candidate, treasurer or deputy treasurer of the person's candidate committee. Nothing in this
15 chapter shall prevent a candidate from appointing himself or herself as a committee of one and
16 serving as the person's own treasurer, maintaining the candidate's own records and filing all the
17 reports and statements required to be filed by the treasurer of a candidate committee.

18 3. A candidate who has more than one candidate committee supporting the person's
19 candidacy shall designate one of those candidate committees as the committee responsible for
20 consolidating the aggregate contributions to all such committees under the candidate's control
21 and direction as required by section 130.041.

22 4. (1) Every committee shall have a single official fund depository within this state
23 which shall be a federally or state-chartered bank, a federally or state-chartered savings and loan
24 association, or a federally or state-chartered credit union in which the committee shall open and
25 thereafter maintain at least one official depository account in its own name. An "official
26 depository account" shall be a checking account or some type of negotiable draft or negotiable
27 order of withdrawal account, and the official fund depository shall, regarding an official
28 depository account, be a type of financial institution which provides a record of deposits,
29 canceled checks or other canceled instruments of withdrawal evidencing each transaction by
30 maintaining copies within this state of such instruments and other transactions. All contributions
31 which the committee receives in money, checks and other negotiable instruments shall be
32 deposited in a committee's official depository account. Contributions shall not be accepted and
33 expenditures shall not be made by a committee except by or through an official depository
34 account and the committee treasurer, deputy treasurer or candidate. Contributions received by
35 a committee shall not be commingled with any funds of an agent of the committee, a candidate
36 or any other person, except that contributions from a candidate of the candidate's own funds to
37 the person's candidate committee shall be deposited to an official depository account of the
38 person's candidate committee. No expenditure shall be made by a committee when the office
39 of committee treasurer is vacant except that when the office of a candidate committee treasurer
40 is vacant, the candidate shall be the treasurer until the candidate appoints a new treasurer.

41 (2) A committee treasurer, deputy treasurer or candidate may withdraw funds from a
42 committee's official depository account and deposit such funds in one or more savings accounts
43 in the committee's name in any bank, savings and loan association or credit union within this
44 state, and may also withdraw funds from an official depository account for investment in the
45 committee's name in any certificate of deposit, bond or security. Proceeds from interest or

46 dividends from a savings account or other investment or proceeds from withdrawals from a
47 savings account or from the sale of an investment shall not be expended or reinvested, except
48 in the case of renewals of certificates of deposit, without first redepositing such proceeds in an
49 official depository account. Investments, other than savings accounts, held outside the
50 committee's official depository account at any time during a reporting period shall be disclosed
51 by description, amount, any identifying numbers and the name and address of any institution or
52 person in which or through which it is held in an attachment to disclosure reports the committee
53 is required to file. Proceeds from an investment such as interest or dividends or proceeds from
54 its sale, shall be reported by date and amount. In the case of the sale of an investment, the names
55 and addresses of the persons involved in the transaction shall also be stated. Funds held in
56 savings accounts and investments, including interest earned, shall be included in the report of
57 money on hand as required by section 130.041.

58 5. The treasurer or deputy treasurer acting on behalf of any person or organization or
59 group of persons which is a committee by virtue of the definitions of "committee" in section
60 130.011 and any candidate who is not excluded from forming a committee in accordance with
61 the provisions of section 130.016 shall file a statement of organization with the appropriate
62 officer within twenty days after the person or organization becomes a committee but no later than
63 the date for filing the first report required pursuant to the provisions of section 130.046. The
64 statement of organization shall contain the following information:

65 (1) The name, mailing address and telephone number, if any, of the committee filing the
66 statement of organization. If the committee is deemed to be affiliated with a connected
67 organization as provided in subdivision (11) of section 130.011, the name of the connected
68 organization, or a legally registered fictitious name which reasonably identifies the connected
69 organization, shall appear in the name of the committee. If the committee is a candidate
70 committee, the name of the candidate shall be a part of the committee's name;

71 (2) The name, mailing address and telephone number of the candidate;

72 (3) The name, mailing address and telephone number of the committee treasurer, and the
73 name, mailing address and telephone number of its deputy treasurer if the committee has named
74 a deputy treasurer;

75 (4) The names, mailing addresses and titles of its officers, if any;

76 (5) The name and mailing address of any connected organizations with which the
77 committee is affiliated;

78 (6) The name and mailing address of its depository, and the name and account number
79 of each account the committee has in the depository, **except that when the report is required**
80 **to be filed with an appropriate officer, as defined in section 130.011, other than the**
81 **Missouri ethics commission, the account number of each account may be omitted;**

82 (7) Identification of the major nature of the committee such as a candidate committee,
83 campaign committee, continuing committee, political party committee, incumbent committee,
84 or any other committee according to the definition of "committee" in section 130.011;

85 (8) In the case of the candidate committee designated in subsection 3 of this section, the
86 full name and address of each other candidate committee which is under the control and direction
87 of the same candidate, together with the name, address and telephone number of the treasurer of
88 each such other committee;

89 (9) The name and office sought of each candidate supported or opposed by the
90 committee;

91 (10) The ballot measure concerned, if any, and whether the committee is in favor of or
92 opposed to such measure.

93

94 **The treasurer of a committee, other than a candidate committee or a political party**
95 **committee, shall obtain from the secretary of state a committee's fictitious name**
96 **registration or committee's incorporation registration, and shall file a copy of such**
97 **registration with the appropriate officer, as defined in section 130.026, with the statement**
98 **of committee organization. The registration shall be maintained as a public document.**

99 6. A committee may omit the information required in subdivisions (9) and (10) of
100 subsection 5 of this section if, on the date on which it is required to file a statement of
101 organization, the committee has not yet determined the particular candidates or particular ballot
102 measures it will support or oppose. Any contribution received over the allowable contribution
103 limits described in section 130.032 shall be returned to the contributor by the committee within
104 five business days of the declaration of candidacy or position on a candidate or a particular ballot
105 measure of the committee.

106 7. A committee which has filed a statement of organization and has not terminated shall
107 not be required to file another statement of organization, except that when there is a change in
108 any of the information previously reported as required by subdivisions (1) to (8) of subsection
109 5 of this section an amended statement of organization shall be filed within twenty days after the
110 change occurs, but no later than the date of the filing of the next report required to be filed by
111 that committee by section 130.046.

112 8. Upon termination of a committee, a termination statement indicating dissolution shall
113 be filed not later than ten days after the date of dissolution with the appropriate officer or officers
114 with whom the committee's statement of organization was filed. The termination statement shall
115 include: the distribution made of any remaining surplus funds and the disposition of any deficits;
116 and the name, mailing address and telephone number of the individual responsible for preserving
117 the committee's records and accounts as required in section 130.036.

118 9. Any statement required by this section shall be signed and attested by the committee
119 treasurer or deputy treasurer, and by the candidate in the case of a candidate committee.

120 10. A committee domiciled outside this state shall be required to file a statement of
121 organization and appoint a treasurer residing in this state and open an account in a depository
122 within this state; provided that either of the following conditions prevails:

123 (1) The aggregate of all contributions received from persons domiciled in this state
124 exceeds twenty percent in total dollar amount of all funds received by the committee in the
125 preceding twelve months; or

126 (2) The aggregate of all contributions and expenditures made to support or oppose
127 candidates and ballot measures in this state exceeds one thousand five hundred dollars in the
128 current calendar year.

129 11. If a committee domiciled in this state receives a contribution of one thousand five
130 hundred dollars or more from any committee domiciled outside of this state, the committee
131 domiciled in this state shall file a disclosure report with the commission. The report shall
132 disclose the full name, mailing address, telephone numbers and domicile of the contributing
133 committee and the date and amount of the contribution. The report shall be filed within
134 forty-eight hours of the receipt of such contribution if the contribution is received after the last
135 reporting date before the election.

136 130.036. 1. The candidate, treasurer or deputy treasurer of a committee shall maintain
2 accurate records and accounts on a current basis. The records and accounts shall be maintained
3 in accordance with accepted normal bookkeeping procedures and shall contain the bills, receipts,
4 deposit records, canceled checks and other detailed information necessary to prepare and
5 substantiate any statement or report required to be filed pursuant to this chapter. Every person
6 who acts as an agent for a committee in receiving contributions, making expenditures or
7 incurring indebtedness for the committee shall, on request of that committee's treasurer, deputy
8 treasurer or candidate, but in any event within five days after any such action, render to the
9 candidate, committee treasurer or deputy treasurer a detailed account thereof, including names,
10 addresses, dates, exact amounts and any other details required by the candidate, treasurer or
11 deputy treasurer to comply with this chapter. Notwithstanding the provisions of subsection 4 of
12 section 130.021 prohibiting commingling of funds, an individual, trade or professional
13 association, business entity, or labor organization which acts as an agent for a committee in
14 receiving contributions may deposit contributions received on behalf of the committee to the
15 agent's account within a financial institution within this state, for purposes of facilitating
16 transmittal of the contributions to the candidate, committee treasurer or deputy treasurer. Such
17 contributions shall not be held in the agent's account for more than five days after the date the

18 contribution was received by the agent, and shall not be transferred to the account of any other
19 agent or person, other than the committee treasurer.

20 2. Unless a contribution is rejected by the candidate or committee and returned to the
21 donor or transmitted to the state treasurer within ten business days after its receipt, it shall be
22 considered received and accepted on the date received, notwithstanding the fact that it was not
23 deposited by the closing date of a reporting period.

24 3. Notwithstanding the provisions of section 130.041 that only contributors of more than
25 one hundred dollars shall be reported by name and address for all committees, the committee's
26 records shall contain a listing of each contribution received by the committee, including those
27 accepted and those which are rejected and either returned to the donor or transmitted to the state
28 treasurer. Each contribution, regardless of the amount, shall be recorded by date received, name
29 and address of the contributor and the amount of the contribution, except that any contributions
30 from unidentifiable persons which are received through fund-raising activities and events as
31 permitted in subsection 6 of section 130.031 shall be recorded to show the dates and amounts
32 of all such contributions received together with information contained in statements required by
33 subsection 6 of section 130.031. The procedure for recording contributions shall be of a type
34 which enables the candidate, committee treasurer or deputy treasurer to maintain a continuing
35 total of all contributions received from any one contributor.

36 4. Notwithstanding the provisions of section 130.041 that certain expenditures need not
37 be identified in reports by name and address of the payee, the committee's records shall include
38 a listing of each expenditure made and each contract, promise or agreement to make an
39 expenditure, showing the date and amount of each transaction, the name and address of the
40 person to whom the expenditure was made or promised, and the purpose of each expenditure
41 made or promised.

42 5. In the case of a committee which makes expenditures for both the support or
43 opposition of any candidate and the passage or defeat of a ballot measure, the committee
44 treasurer shall maintain records segregated according to each candidate or measure for which the
45 expenditures were made.

46 6. Records shall indicate which transactions, either contributions received or
47 expenditures made, were cash transactions or in-kind transactions.

48 7. Any candidate who, pursuant to section 130.016, is exempt from the requirements to
49 form a committee shall maintain records of each contribution received or expenditure made in
50 support of his candidacy. Any other person or combination of persons who, although not deemed
51 to be a committee according to the definition of the term "committee" in section 130.011, accepts
52 contributions or makes expenditures, other than direct contributions from the person's own funds,
53 for the purpose of supporting or opposing the election or defeat of any candidate or for the

54 purpose of supporting or opposing the qualifications, passage or defeat of any ballot measure
55 shall maintain records of each contribution received or expenditure made. The records shall
56 include name, address and amount pertaining to each contribution received or expenditure made
57 and any bills, receipts, canceled checks or other documents relating to each transaction.

58 8. All records and accounts of receipts and expenditures shall be preserved for at least
59 three years after the date of the election to which the records pertain. Records and accounts
60 regarding supplemental disclosure reports or reports not required pursuant to an election shall
61 be preserved for at least three years after the date of the report to which the records pertain. Such
62 records shall be available for inspection by the [campaign finance review board] **Missouri ethics**
63 **commission** and its duly authorized representatives.

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

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

23 (1) In addition to the disclosure reports required to be filed pursuant to subsection 1 of
24 this section the treasurer of a committee, other than a continuing committee, supporting or
25 opposing a petition effort to qualify a measure to appear on the ballot or to remove an incumbent
26 from office shall file an initial disclosure report fifteen days after the committee begins the

27 process of raising or spending money. After such initial report, the committee shall file quarterly
28 disclosure reports as required by subdivision (3) of subsection 1 of this section until such time
29 as the reports required by subdivisions (1) and (2) of subsection 1 of this section are to be filed.
30 In addition the committee shall file a second disclosure report no later than the fifteenth day after
31 the deadline date for submitting such petition. The period covered in the initial report shall begin
32 on the day the committee first accepted contributions or made expenditures to support or oppose
33 the petition effort for qualification of the measure and shall close on the fifth day prior to the date
34 of the report;

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

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

54

55 In 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 twenty-four hours after aggregate expenditures of two hundred fifty
65 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 **need not be filed**;
83 provided that, any other report required to be filed prior to the primary election and all other
84 reports required to be filed not later than the eighth day before the general election are filed no
85 later than the final 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 statewide
131 elected office shall file all disclosure reports described in section 130.041 electronically with the
132 Missouri ethics commission. The Missouri ethics commission shall promulgate rules

133 establishing the standard for electronic filings with the commission and shall propose such rules
134 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, that
136 is created under the authority delegated in this section shall become effective only if it complies
137 with and is subject to all of the provisions of chapter 536, RSMo, and, if applicable, section
138 536.028, RSMo. This section and chapter 536, RSMo, are nonseverable and if any of the powers
139 vested with the general assembly pursuant to chapter 536, RSMo, to review, to delay the
140 effective date, or to disapprove and annul a rule are subsequently held unconstitutional, then the
141 grant of rulemaking authority and any rule proposed or adopted after August 28, 2006, shall be
142 invalid and void.

130.049. **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 file
3 the full disclosure reports required by section 130.041 shall file reports with the Missouri ethics
4 commission according to [the provisions of such sections] **this subsection** if the committee
5 makes contributions or expenditures in support of or in opposition to candidates or ballot
6 measures in this state in any election covered by this chapter or makes contributions to any
7 committee domiciled in this state. An initial report shall be filed no later than fourteen days prior
8 to the date such out-of-state committee first makes a contribution or expenditure in this state,
9 **and thereafter reports shall be filed at the times and for the reporting periods prescribed**
10 **in subsection 1 of section 130.046.** [Such initial report shall state the name and address of the
11 committee receiving such contributions or expenditures.] The contributions or expenditures shall
12 be made no later than thirty days prior to the election. [The out-of-state committee thereafter
13 shall file copies of the campaign disclosure report required to be filed in the domicile of the
14 committee with the Missouri ethics commission as required by subsections 1 to 3 of section
15 130.046.] No candidate or committee may accept any contribution made by a committee
16 domiciled outside this state unless the provisions of this section are met.

17 **2. Each out-of-state committee report shall contain:**

18 **(1) The full name, address, and domicile of the committee making the report and**
19 **the name, residential, and business addresses, domicile, and telephone numbers of the**
20 **committee's treasurer;**

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

24 **(3) A statement of the total dollar amount of all funds received by the committee**
25 **in the current calendar year and a statement of the total contributions in the same period**
26 **from persons domiciled in this state and a list by name, address, date, and amount of each**

27 **Missouri resident who contributed an aggregate of more than two hundred dollars in the**
28 **current calendar year;**

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

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

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

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

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 twenty-four hours after receipt. For
46 purposes of this subsection the term "late contribution or loan" means a contribution or loan
47 received after the closing date of the last disclosure report required to be filed before an election
48 but received prior to the date of the election itself. The disclosure report of a late contribution
49 may be made by any written means of communication, setting forth the name and address of the
50 contributor or lender and the amount of the contribution or loan and need not contain the
51 signatures and certification required for a full disclosure report described in section 130.041. A
52 late contribution or loan shall be included in subsequent disclosure reports without regard to any
53 special reports filed pursuant to this subsection.

130.057. 1. In order for candidates for election and public officials to more easily file
2 reports required by law and to access information contained in such reports, and for the Missouri
3 ethics commission to receive and store reports in an efficient and economical method, and for

4 the general public and news media to access information contained in such reports, the
5 commission shall establish and maintain an electronic reporting system pursuant to this section.

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

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

36 4. Beginning January 1, 2000, or on the date the commission makes the certification
37 pursuant to subsection 3 of this section, whichever is later, all reports filed with the commission
38 by any candidate for a statewide office, or such candidate's committee, shall be filed in electronic
39 format as prescribed by the commission; provided however, that if a candidate for statewide

40 office, or such candidate's committee receives or spends five thousand dollars or less for any
41 reporting period, the report for that reporting period shall not be required to be filed
42 electronically.

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

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

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

**130.062. In the case of a political party committee's selection of an individual to be
2 the party's nominee for public office in an election covered by this chapter, any individual
3 who seeks such nomination and who is a candidate according to the definition of the term
4 "candidate" in section 130.011 shall be required to comply with all requirements of this
5 chapter; except that, for the purposes of this section, the reporting dates and reporting
6 periods in section 130.046 shall not apply, and the first reporting date shall be no later than
7 the fifteenth day after the date on which a nomination covered by this section was made
8 and for the period beginning on the date the individual became a candidate, as the term
9 candidate is defined in section 130.011, and closing on the tenth day after the date the
10 nomination was made, with subsequent reports being made as closely as practicable to the
11 times required in section 130.046.**

2 [105.973. 1. The ethics commission shall print and make available a
3 summary of all laws over which the commission has enforcement powers
4 pursuant to chapter 105 and chapter 130, RSMo. The summary shall be in plain
English and compiled to put individuals on notice of such laws.

5 2. A candidate shall sign a statement verifying that such candidate has
6 received the summary when filing for an office.]

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