

House _____ Amendment NO. _____

Offered By _____

1 AMEND Senate Substitute No. 2 for Senate Committee Substitute for Senate Bill No. 11, Page 1,
2 Section A, Line 6, by inserting after all of said line the following:

3
4 "8.925. No solicitation of expenditures, fund-raising activities, or fund-raising event, as such
5 terms are defined in section 130.011, supporting or opposing any candidate, ballot measure, political
6 party, or political party committee shall occur on any property or in any building owned or leased by
7 the state or any political subdivision, unless the property or building is routinely used by and made
8 available for rent or for a fee to all members of the public by the state or the political subdivision.

9 27.035. When directed by the Missouri ethics commission, the attorney general, or a
10 designated assistant, shall aid the ethics commission in any investigation as provided in subsection 9
11 of section 105.959.

12 28.320. When directed by the Missouri ethics commission, the elections division of the
13 office of the secretary of state shall aid the ethics commission in any investigation as provided in
14 subsection 9 of section 105.959.

15 56.060. 1. Each prosecuting attorney shall commence and prosecute all civil and criminal
16 actions in the prosecuting attorney's county in which the county or state is concerned, defend all suits
17 against the state or county, and prosecute forfeited recognizances and actions for the recovery of
18 debts, fines, penalties and forfeitures accruing to the state or county. In all cases, civil and criminal,
19 in which changes of venue are granted, the prosecuting attorney shall follow and prosecute or
20 defend, as the case may be, all the causes, for which, in addition to the fees now allowed by law, the
21 prosecuting attorney shall receive his or her actual expenses. If any misdemeanor case is taken to the
22 court of appeals by appeal the prosecuting attorney shall represent the state in the case in the court
23 and make out and cause to be printed, at the expense of the county, all necessary abstracts of record
24 and briefs, and if necessary appear in the court in person, or shall employ some attorney at the
25 prosecuting attorney's own expense to represent the state in the court, and for his or her services he
26 or she shall receive the compensation that is proper, not to exceed twenty-five dollars for each case,
27 and necessary traveling expenses, to be audited and paid as other claims are audited and paid by the
28 county commission of the county.

29 2. Notwithstanding the provisions of subsection 1 of this section, in any county for which a
30 county counselor is appointed, the prosecuting attorney shall only perform those duties prescribed by
31 subsection 1 of this section which are not performed by the county counselor under the provisions of
32 law relating to the office of county counselor.

33 3. In addition to all other duties required under this chapter, when directed by the Missouri
34 ethics commission, the prosecuting attorney of each county or city not within a county shall aid the
35 ethics commission in any investigation as provided in subsection 9 of section 105.959."; and
36

Action Taken _____ Date _____

1 Further amend said bill, Page 19, Section 105.499, Line 49, by inserting after all of said line the
 2 following:

3
 4 "105.959. 1. (1) The executive director of the commission, under the supervision of the
 5 commission, shall review reports [and], statements, and records filed with the commission or other
 6 appropriate officers pursuant to sections 105.470, 105.483 to 105.492, and chapter 130 for
 7 completeness, accuracy [and], timeliness of filing of the reports or statements and any records
 8 relating to the reports or statements, [and] any records relating to the reports, statements and records,
 9 and any investigation conducted under paragraph (d) of subdivision (3) of subsection 3 of section
 10 130.031. If, upon review, [if] the executive director finds there are reasonable grounds to believe
 11 that a violation has occurred, the executive director shall conduct an investigation of such reports,
 12 statements, and records and assign a special investigator following the provisions of subsection 1 of
 13 section 105.961.

14 (2) If an investigation conducted under this subsection fails to establish reasonable grounds
 15 to believe that a violation has occurred, the investigation shall be terminated and the person who had
 16 been under investigation shall be notified of the reasons for the disposition of the investigation.

17 2. (1) If there are reasonable grounds to believe that a violation has occurred [and after the
 18 commission unanimously votes to proceed with all six members voting], the executive director shall,
 19 without receipt of a complaint, conduct an independent investigation of any potential violations of
 20 the provisions of:

21 (a) The requirements imposed on lobbyists by sections 105.470 to 105.478;

22 (b) The financial interest disclosure requirements contained in sections 105.483 to 105.492;

23 (c) The campaign finance disclosure requirements contained in chapter 130;

24 (d) Any code of conduct promulgated by any department, division, or agency of state
 25 government, or by state institutions of higher education, or by executive order;

26 (e) The conflict of interest laws contained in sections 105.450 to [105.468] 105.467 and
 27 section 171.181; and

28 (f) The provisions of the constitution or state statute or order, ordinance, or resolution of any
 29 political subdivision relating to the official conduct of officials or employees of the state and political
 30 subdivisions.

31 (2) If an investigation conducted under this subsection fails to establish reasonable grounds
 32 to believe that a violation has occurred, the investigation shall be terminated and the person who had
 33 been under investigation shall be notified of the reasons for the disposition of the complaint.

34 3. Upon findings of the appropriate filing officer which are reported to the commission in
 35 accordance with the provisions of section 130.056, the executive director shall investigate disclosure
 36 reports, statements and records pertaining to such findings within a reasonable time after receipt of
 37 the reports from the appropriate filing officer.

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

40 5. The commission shall notify the person under investigation under this section, by
 41 registered mail, within five days of the decision to conduct such investigation and assign a special
 42 investigator following the provisions of subsection 1 of section 105.961.

43 6. After completion of an investigation, the executive director shall provide a detailed report
 44 of such investigation to the commission. Upon determination that there are reasonable grounds to
 45 believe that a person has violated the requirements of sections 105.470, 105.483 to 105.492, or
 46 chapter 130, by a vote of four members of the commission, the commission may refer the report with
 47 the recommendations of the commission to the appropriate prosecuting authority together with the
 48 details of the investigation by the commission as is provided in subsection 2 of section 105.961.

1 7. All investigations by the executive director of an alleged violation shall be strictly
 2 confidential with the exception of notification of the commission and the complainant and the person
 3 under investigation. Revealing any such confidential investigation information shall be cause for
 4 removal or dismissal of the executive director or a commission member or employee. This
 5 subsection shall not be construed to prohibit any necessary sharing of confidential investigation
 6 information in the course of any investigation conducted under subsection 9 of this section or under
 7 section 27.035 or 28.320, or subsection 3 of section 56.060.

8 8. The time limits prescribed in subsections 1 to 6 of this section shall apply unless an action
 9 prohibited under paragraph (d) of subdivision (3) of subsection 3 of section 130.031 occurs in an
 10 even-number year, from April until the general election day, or between the opening of the period of
 11 candidate filing to the special election day in any year in which a special election is scheduled, in
 12 which cases the following time limits shall apply:

13 (1) For the notification required under subsection 1 of this section, within the first business
 14 day after such complaint or investigation is received;

15 (2) For all other procedures required in subsections 2 to 6 of this section, within ten business
 16 days after such complaint or investigation is received.

17 9. The ethics commission shall have the authority to direct the office of the attorney general,
 18 the elections division of the office of the secretary of state, and any prosecuting attorney of any
 19 county or city not within a county in which a violation of paragraph (d) of subdivision (3) of
 20 subsection 3 of section 130.031 occurs to assist with any investigation subject to the time limits of
 21 subsection 8 of this section and, to direct that findings investigated under this subsection be
 22 submitted to the ethics commission within such time limits.

23 [105.959. 1. The executive director of the commission, under the supervision
 24 of the commission, shall review reports and statements filed with the
 25 commission or other appropriate officers pursuant to sections 105.470,
 26 105.483 to 105.492, and chapter 130 for completeness, accuracy and
 27 timeliness of filing of the reports or statements, and upon review, if there are
 28 reasonable grounds to believe that a violation has occurred, shall conduct an
 29 audit of such reports and statements. All investigations by the executive
 30 director of an alleged violation shall be strictly confidential with the exception
 31 of notification of the commission and the complainant or the person under
 32 investigation. All investigations by the executive director shall be limited to
 33 the information contained in the reports or statements. The commission shall
 34 notify the complainant or the person under investigation, by registered mail,
 35 within five days of the decision to conduct such investigation. Revealing any
 36 such confidential investigation information shall be cause for removal or
 37 dismissal of the executive director or a commission member or employee.

38 2. Upon findings of the appropriate filing officer which are reported to the
 39 commission in accordance with the provisions of section 130.056, the
 40 executive director shall audit disclosure reports, statements and records
 41 pertaining to such findings within a reasonable time after receipt of the reports
 42 from the appropriate filing officer.

43 3. Upon a sworn written complaint of any natural person filed with the
 44 commission pursuant to section 105.957, the commission shall audit and
 45 investigate alleged violations. Within sixty days after receipt of a sworn
 46 written complaint alleging a violation, the executive director shall notify the
 47 complainant in writing of the action, if any, the executive director has taken
 48 and plans to take on the complaint. If an investigation conducted pursuant to

1 this subsection fails to establish reasonable grounds to believe that a violation
 2 has occurred, the investigation shall be terminated and the complainant and
 3 the person who had been under investigation shall be notified of the reasons
 4 for the disposition of the complaint.

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

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

11 6. After completion of an audit or investigation, the executive director shall
 12 provide a detailed report of such audit or investigation to the commission.
 13 Upon determination that there are reasonable grounds to believe that a person
 14 has violated the requirements of sections 105.470, 105.483 to 105.492, or
 15 chapter 130, by a vote of four members of the commission, the commission
 16 may refer the report with the recommendations of the commission to the
 17 appropriate prosecuting authority together with a copy of the audit and the
 18 details of the investigation by the commission as is provided in subsection 2 of
 19 section 105.961.]

20 105.961. 1. Upon receipt of a complaint as described by section 105.957 or upon
 21 notification by the commission of an investigation under subsection 5 of section 105.959, the
 22 executive director on behalf of the commission shall assign the complaint or investigation to a
 23 special investigator, who may be a commission employee, who shall investigate and determine the
 24 merits of the complaint or investigation. Within ten days of such assignment, the special investigator
 25 shall review such complaint or investigation and disclose, in writing, to the commission any conflict
 26 of interest which the special investigator has or might have with respect to the investigation and
 27 subject thereof. Within ninety days of receipt of the complaint from the commission, the special
 28 investigator shall submit the special investigator's report to the commission. The commission, after
 29 review of such report, shall determine:

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

31 (2) That there are no reasonable grounds for belief that a violation exists and the complaint
 32 or investigation shall be dismissed or the investigation shall be terminated; or

33 (3) That additional time is necessary to complete the investigation, and the status and
 34 progress of the investigation to date. The commission, in its discretion, may allow the investigation
 35 to proceed for [no more than two] additional successive periods of ninety days each, pending reports
 36 regarding the status and progress of the investigation at the end of each such period.

37 2. When the commission concludes, based on the report from the special investigator, or
 38 based on an investigation conducted pursuant to section 105.959, that there are reasonable grounds to
 39 believe that a violation of any criminal law has occurred, and if the commission believes that
 40 criminal prosecution would be appropriate upon a vote of four members of the commission, the
 41 commission shall refer the report to the Missouri office of prosecution services, prosecutors
 42 coordinators training council established in section 56.760, which shall submit a panel of five
 43 attorneys for recommendation to the court having criminal jurisdiction, for appointment of an
 44 attorney to serve as a special prosecutor; except that, the attorney general of Missouri or any assistant
 45 attorney general shall not act as such special prosecutor. The court shall then appoint from such
 46 panel a special prosecutor pursuant to section 56.110, who shall have all the powers provided by
 47 section 56.130. The court shall allow a reasonable and necessary attorney's fee for the services of the
 48 special prosecutor. Such fee shall be assessed as costs if a case is filed, or ordered by the court if no

1 case is filed, and paid together with all other costs in the proceeding by the state, in accordance with
2 rules and regulations promulgated by the state courts administrator, subject to funds appropriated to
3 the office of administration for such purposes. If the commission does not have sufficient funds to
4 pay a special prosecutor, the commission shall refer the case to the prosecutor or prosecutors having
5 criminal jurisdiction. If the prosecutor having criminal jurisdiction is not able to prosecute the case
6 due to a conflict of interest, the court may appoint a special prosecutor, paid from county funds, upon
7 appropriation by the county or the attorney general to investigate and, if appropriate, prosecute the
8 case. The special prosecutor or prosecutor shall commence an action based on the report by the
9 filing of an information or seeking an indictment within sixty days of the date of such prosecutor's
10 appointment, or shall file a written statement with the commission explaining why criminal charges
11 should not be sought. If the special prosecutor or prosecutor fails to take either action required by
12 this subsection, upon request of the commission, a new special prosecutor, who may be the attorney
13 general, shall be appointed. The report may also be referred to the appropriate disciplinary authority
14 over the person who is the subject of the report.

15 3. When the commission concludes, based on the report from the special investigator or
16 based on an investigation conducted pursuant to section 105.959, that there are reasonable grounds to
17 believe that a violation of any law has occurred which is not a violation of criminal law or that
18 criminal prosecution is not appropriate, the commission shall conduct a hearing which shall be a
19 closed meeting and not open to the public. The hearing shall be conducted pursuant to the
20 procedures provided by sections 536.063 to 536.090 and shall be considered to be a contested case
21 for purposes of [such] sections 536.063 to 536.090. The commission shall determine, in its
22 discretion, whether or not that there is probable cause that a violation has occurred. If the
23 commission determines, by a vote of at least four members of the commission, that probable cause
24 exists that a violation has occurred, the commission may refer its findings and conclusions to the
25 appropriate disciplinary authority over the person who is the subject of the report, as described in
26 subsection 8 of this section. When the violation that has occurred is a violation of paragraph (d) of
27 subdivision (3) of subsection 3 of section 130.031 and such violation occurs in an even-number year,
28 from April until the general election day, or between the opening of the period of candidate filing to
29 the special election day in any year in which a special election is scheduled, any action required
30 under this subsection shall be concluded within ten business days of the commission's conclusion.

31 4. If the appropriate disciplinary authority receiving a report from the commission pursuant
32 to subsection 3 of this section fails to follow, within sixty days of the receipt of the report, or within
33 fifteen days of the receipt of the report when the violation that has occurred is a violation of
34 paragraph (d) of subdivision (3) of subsection 3 of section 130.031 and such violation occurs in an
35 even-number year, from April until the general election day, or between the opening of the period of
36 candidate filing to the special election day in any year in which a special election is scheduled, the
37 recommendations contained in the report, or if the commission determines, by a vote of at least four
38 members of the commission that some action other than referral for criminal prosecution or for
39 action by the appropriate disciplinary authority would be appropriate, the commission shall take any
40 one or more of the following actions within ten business days of the commission's conclusion under
41 subsection 3 of this section:

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

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

- 1 (3) File the report with the executive director to be maintained as a public document; or
2 (4) Issue a letter of concern or letter of reprimand to the person, which would be maintained
3 as a public document; or
4 (5) Issue a letter that no further action shall be taken, which would be maintained as a public
5 document; or
6 (6) Through reconciliation agreements or action of the commission, the power to seek fees
7 for violations in an amount not greater than one thousand dollars or double the amount involved in
8 the violation.

9 5. Upon a vote of at least four members, the commission may initiate formal judicial
10 proceedings in the circuit court of Cole County seeking to obtain any of the following orders:

11 (1) Cease and desist violation of any provision of sections 105.450 to 105.496, or chapter
12 130, or sections 105.955 to 105.963;

13 (2) Pay any civil penalties required by sections 105.450 to 105.496 or chapter 130;

14 (3) File any reports, statements, or other documents or information required by sections
15 105.450 to 105.496, or chapter 130; or

16 (4) Pay restitution for any unjust enrichment the violator obtained as a result of any violation
17 of any criminal statute as described in subsection 7 of this section.

18 6. After the commission determines by a vote of at least four members of the commission
19 that a violation has occurred, other than a referral for criminal prosecution, and the commission has
20 referred the findings and conclusions to the appropriate disciplinary authority over the person who is
21 the subject of the report, or has taken an action under subsection 4 of this section, the subject of the
22 report may appeal the determination of the commission to the circuit court of Cole County. [The
23 court shall conduct a de novo review of the determination of the commission.] Such appeal shall
24 stay the action of the Missouri ethics commission. Such appeal shall be filed not later than the
25 fourteenth day after the subject of the commission's action receives actual notice of the commission's
26 action. If a petition for judicial review of a final order is not filed as provided in this section or when
27 an order for fees under subsection 4 of this section becomes final following an appeal to the circuit
28 court of Cole County, the commission may file a certified copy of the final order with the circuit
29 court of Cole County. [When any order for fees under subsection 4 of this section becomes final, the
30 commission may file a certified copy of the final order with the circuit court of Cole County.] The
31 order so filed shall have the same effect as a judgment of the court and may be recorded, enforced, or
32 satisfied in the same manner as a judgment of the court.

33 7. In the proceeding in the circuit court of Cole County, the commission may seek restitution
34 against any person who has obtained unjust enrichment as a result of violation of any provision of
35 sections 105.450 to 105.496, or chapter 130 and may recover on behalf of the state or political
36 subdivision with which the alleged violator is associated, damages in the amount of any unjust
37 enrichment obtained and costs and attorney's fees as ordered by the court.

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

40 (1) In the case of a member of the general assembly, the ethics committee of the [house]
41 chamber of which the subject of the report is a member;

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

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

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

1 state or by the political subdivision of the subject of the report;

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

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

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

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

11 9. The special investigator having a complaint referred to the special investigator by the
12 commission shall have the following powers:

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

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

18 (3) To administer oaths and affirmations;

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

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

35 10. (1) Any retired judge may request in writing to have the judge's name removed from the
36 list of special investigators subject to appointment by the commission or may request to disqualify
37 himself or herself from any investigation. Such request shall include the reasons for seeking
38 removal;

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

42 11. Any person who is the subject of any investigation pursuant to this section shall be
43 entitled to be represented by counsel at any proceeding before the special investigator or the
44 commission.

45 12. The provisions of sections 105.957, 105.959 and 105.961 are in addition to other
46 provisions of law under which any remedy or right of appeal or objection is provided for any person,
47 or any procedure provided for inquiry or investigation concerning any matter. The provisions of this
48 section shall not be construed to limit or affect any other remedy or right of appeal or objection.

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

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

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

13 16. The special investigator and members and staff of the commission shall maintain
14 confidentiality with respect to all matters concerning a complaint, with the exception of
15 communications with any person which are necessary to the investigation. Any person who violates
16 the confidentiality requirements imposed by this section or subsection 17 of section 105.955
17 [required to be confidential] is guilty of a class A misdemeanor and shall be subject to removal from
18 or termination of employment by the commission.

19 17. Any judge of the court of appeals or circuit court who ceases to hold such office by
20 reason of the judge's retirement and who serves as a special investigator pursuant to this section shall
21 receive annual compensation, salary or retirement for such services at the rates of compensation
22 provided for senior judges by subsections 1, 2 and 4 of section 476.682. Such retired judges shall by
23 the tenth day of each month following any month in which the judge provided services pursuant to
24 this section certify to the commission and to the state courts administrator the amount of time
25 engaged in such services by hour or fraction thereof, the dates thereof, and the expenses incurred and
26 allowable pursuant to this section. The commission shall then issue a warrant to the state treasurer
27 for the payment of the salary and expenses to the extent, and within limitations, provided for in this
28 section. The state treasurer upon receipt of such warrant shall pay the same out of any
29 appropriations made for this purpose on the last day of the month during which the warrant was
30 received by the state treasurer.

31 [105.961. 1. Upon receipt of a complaint as described by section 105.957,
32 the commission shall assign the complaint to a special investigator, who may
33 be a commission employee, who shall investigate and determine the merits of
34 the complaint. Within ten days of such assignment, the special investigator
35 shall review such complaint and disclose, in writing, to the commission any
36 conflict of interest which the special investigator has or might have with
37 respect to the investigation and subject thereof. Within one hundred twenty
38 days of receipt of the complaint from the commission, the special investigator
39 shall submit the special investigator's report to the commission. The
40 commission, after review of such report, shall determine:

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

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

45 (3) That additional time is necessary to complete the investigation, and the
46 status and progress of the investigation to date. The commission, in its
47 discretion, may allow the investigation to proceed for additional successive
48 periods of one hundred twenty days each, pending reports regarding the status

1 and progress of the investigation at the end of each such period.

2 2. When the commission concludes, based on the report from the special
3 investigator, or based on an audit conducted pursuant to section 105.959, that
4 there are reasonable grounds to believe that a violation of any criminal law has
5 occurred, and if the commission believes that criminal prosecution would be
6 appropriate upon a vote of four members of the commission, the commission
7 shall refer the report to the Missouri office of prosecution services,
8 prosecutors coordinators training council established in section 56.760, which
9 shall submit a panel of five attorneys for recommendation to the court having
10 criminal jurisdiction, for appointment of an attorney to serve as a special
11 prosecutor; except that, the attorney general of Missouri or any assistant
12 attorney general shall not act as such special prosecutor. The court shall then
13 appoint from such panel a special prosecutor pursuant to section 56.110 who
14 shall have all the powers provided by section 56.130. The court shall allow a
15 reasonable and necessary attorney's fee for the services of the special
16 prosecutor. Such fee shall be assessed as costs if a case is filed, or ordered by
17 the court if no case is filed, and paid together with all other costs in the
18 proceeding by the state, in accordance with rules and regulations promulgated
19 by the state courts administrator, subject to funds appropriated to the office of
20 administration for such purposes. If the commission does not have sufficient
21 funds to pay a special prosecutor, the commission shall refer the case to the
22 prosecutor or prosecutors having criminal jurisdiction. If the prosecutor
23 having criminal jurisdiction is not able to prosecute the case due to a conflict
24 of interest, the court may appoint a special prosecutor, paid from county
25 funds, upon appropriation by the county or the attorney general to investigate
26 and, if appropriate, prosecute the case. The special prosecutor or prosecutor
27 shall commence an action based on the report by the filing of an information
28 or seeking an indictment within sixty days of the date of such prosecutor's
29 appointment, or shall file a written statement with the commission explaining
30 why criminal charges should not be sought. If the special prosecutor or
31 prosecutor fails to take either action required by this subsection, upon request
32 of the commission, a new special prosecutor, who may be the attorney
33 general, shall be appointed. The report may also be referred to the appropriate
34 disciplinary authority over the person who is the subject of the report.

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

1 commission determines by a vote of at least four members of the commission
2 that probable cause exists that a violation has occurred, and the commission
3 has referred the findings and conclusions to the appropriate disciplinary
4 authority over the person subject of the report, the subject of the report may
5 appeal the determination of the commission to the administrative hearing
6 commission. Such appeal shall stay the action of the Missouri ethics
7 commission. Such appeal shall be filed not later than the fourteenth day after
8 the subject of the commission's action receives actual notice of the
9 commission's action.

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

- 17 (1) Notify the person to cease and desist violation of any provision of law
18 which the report concludes was violated and that the commission may seek
19 judicial enforcement of its decision pursuant to subsection 5 of this section;
- 20 (2) Notify the person of the requirement to file, amend or correct any report,
21 statement, or other document or information required by sections 105.473,
22 105.483 to 105.492, or chapter 130 and that the commission may seek judicial
23 enforcement of its decision pursuant to subsection 5 of this section; and
- 24 (3) File the report with the executive director to be maintained as a public
25 document; or
- 26 (4) Issue a letter of concern or letter of reprimand to the person, which
27 would be maintained as a public document; or
- 28 (5) Issue a letter that no further action shall be taken, which would be
29 maintained as a public document; or
- 30 (6) Through reconciliation agreements or civil action, the power to seek fees
31 for violations in an amount not greater than one thousand dollars or double the
32 amount involved in the violation.

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

- 35 (1) Cease and desist violation of any provision of sections 105.450 to
36 105.496, or chapter 130, or sections 105.955 to 105.963;
- 37 (2) Pay any civil penalties required by sections 105.450 to 105.496 or chapter
38 130;
- 39 (3) File any reports, statements, or other documents or information required
40 by sections 105.450 to 105.496, or chapter 130; or
- 41 (4) Pay restitution for any unjust enrichment the violator obtained as a result
42 of any violation of any criminal statute as described in subsection 6 of this
43 section.

44 The Missouri ethics commission shall give actual notice to the subject of the
45 complaint of the proposed action as set out in this section. The subject of the
46 complaint may appeal the action of the Missouri ethics commission, other
47 than a referral for criminal prosecution, to the administrative hearing
48 commission. Such appeal shall stay the action of the Missouri ethics

1 commission. Such appeal shall be filed no later than fourteen days after the
2 subject of the commission's actions receives actual notice of the commission's
3 actions.

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

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

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

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

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

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

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

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

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

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

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

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

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

42 (3) To administer oaths and affirmations;

43 (4) Upon refusal by any person to comply with a request for information
44 relevant to an investigation, an investigator may issue a subpoena for any
45 person to appear and give testimony, or for a subpoena duces tecum to
46 produce documentary or other evidence which the investigator deems relevant
47 to a matter under the investigator's inquiry. The subpoenas and subpoenas
48 duces tecum may be enforced by applying to a judge of the circuit court of

1 Cole County or any county where the person or entity that has been
2 subpoenaed resides or may be found, for an order to show cause why the
3 subpoena or subpoena duces tecum should not be enforced. The order and a
4 copy of the application therefor shall be served in the same manner as a
5 summons in a civil action, and if, after hearing, the court determines that the
6 subpoena or subpoena duces tecum should be sustained and enforced, the
7 court shall enforce the subpoena or subpoena duces tecum in the same manner
8 as if it had been issued by the court in a civil action; and

9 (5) To request from the commission such investigative, clerical or other staff
10 assistance or advancement of other expenses which are necessary and
11 convenient for the proper completion of an investigation. Within the limits of
12 appropriations to the commission, the commission may provide such
13 assistance, whether by contract to obtain such assistance or from staff
14 employed by the commission, or may advance such expenses.

15 9. (1) Any retired judge may request in writing to have the judge's name
16 removed from the list of special investigators subject to appointment by the
17 commission or may request to disqualify himself or herself from any
18 investigation. Such request shall include the reasons for seeking removal;

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

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

26 11. The provisions of sections 105.957, 105.959 and 105.961 are in
27 addition to other provisions of law under which any remedy or right of appeal
28 or objection is provided for any person, or any procedure provided for inquiry
29 or investigation concerning any matter. The provisions of this section shall
30 not be construed to limit or affect any other remedy or right of appeal or
31 objection.

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

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

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

46 15. The special investigator and members and staff of the commission shall
47 maintain confidentiality with respect to all matters concerning a complaint
48 until and if a report is filed with the commission, with the exception of

1 communications with any person which are necessary to the investigation.
2 The report filed with the commission resulting from a complaint acted upon
3 under the provisions of this section shall not contain the name of the
4 complainant or other person providing information to the investigator, if so
5 requested in writing by the complainant or such other person. Any person
6 who violates the confidentiality requirements imposed by this section or
7 subsection 17 of section 105.955 required to be confidential is guilty of a class
8 A misdemeanor and shall be subject to removal from or termination of
9 employment by the commission.

10 16. Any judge of the court of appeals or circuit court who ceases to hold such
11 office by reason of the judge's retirement and who serves as a special
12 investigator pursuant to this section shall receive annual compensation, salary
13 or retirement for such services at the rates of compensation provided for
14 senior judges by subsections 1, 2 and 4 of section 476.682. Such retired
15 judges shall by the tenth day of each month following any month in which the
16 judge provided services pursuant to this section certify to the commission and
17 to the state courts administrator the amount of time engaged in such services
18 by hour or fraction thereof, the dates thereof, and the expenses incurred and
19 allowable pursuant to this section. The commission shall then issue a warrant
20 to the state treasurer for the payment of the salary and expenses to the extent,
21 and within limitations, provided for in this section. The state treasurer upon
22 receipt of such warrant shall pay the same out of any appropriations made for
23 this purpose on the last day of the month during which the warrant was
24 received by the state treasurer.]

25 [130.011. As used in this chapter, unless the context clearly indicates
26 otherwise, the following terms mean:

- 27 (1) "Appropriate officer" or "appropriate officers", the person or persons
28 designated in section 130.026 to receive certain required statements and
29 reports;
- 30 (2) "Ballot measure" or "measure", any proposal submitted or intended to be
31 submitted to qualified voters for their approval or rejection, including any
32 proposal submitted by initiative petition, referendum petition, or by the
33 general assembly or any local governmental body having authority to refer
34 proposals to the voter;
- 35 (3) "Campaign committee", a committee, other than a candidate committee,
36 which shall be formed by an individual or group of individuals to receive
37 contributions or make expenditures and whose sole purpose is to support or
38 oppose the qualification and passage of one or more particular ballot measures
39 in an election or the retention of judges under the nonpartisan court plan, such
40 committee shall be formed no later than thirty days prior to the election for
41 which the committee receives contributions or makes expenditures, and which
42 shall terminate the later of either thirty days after the general election or upon
43 the satisfaction of all committee debt after the general election, except that no
44 committee retiring debt shall engage in any other activities in support of a
45 measure for which the committee was formed;
- 46 (4) "Candidate", an individual who seeks nomination or election to public
47 office. The term "candidate" includes an elected officeholder who is the
48 subject of a recall election, an individual who seeks nomination by the

1 individual's political party for election to public office, an individual standing
2 for retention in an election to an office to which the individual was previously
3 appointed, an individual who seeks nomination or election whether or not the
4 specific elective public office to be sought has been finally determined by
5 such individual at the time the individual meets the conditions described in
6 paragraph (a) or (b) of this subdivision, and an individual who is a write-in
7 candidate as defined in subdivision (28) of this section. A candidate shall be
8 deemed to seek nomination or election when the person first:

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

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

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

23 (5) "Candidate committee", a committee which shall be formed by a
24 candidate to receive contributions or make expenditures in behalf of the
25 person's candidacy and which shall continue in existence for use by an elected
26 candidate or which shall terminate the later of either thirty days after the
27 general election for a candidate who was not elected or upon the satisfaction
28 of all committee debt after the election, except that no committee retiring debt
29 shall engage in any other activities in support of the candidate for which the
30 committee was formed. Any candidate for elective office shall have only one
31 candidate committee for the elective office sought, which is controlled
32 directly by the candidate for the purpose of making expenditures. A candidate
33 committee is presumed to be under the control and direction of the candidate
34 unless the candidate files an affidavit with the appropriate officer stating that
35 the committee is acting without control or direction on the candidate's part;

36 (6) "Cash", currency, coin, United States postage stamps, or any negotiable
37 instrument which can be transferred from one person to another person
38 without the signature or endorsement of the transferor;

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

42 (8) "Closing date", the date through which a statement or report is required to
43 be complete;

44 (9) "Committee", a person or any combination of persons, who accepts
45 contributions or makes expenditures for the primary or incidental purpose of
46 influencing or attempting to influence the action of voters for or against the
47 nomination or election to public office of one or more candidates or the
48 qualification, passage or defeat of any ballot measure or for the purpose of

1 paying a previously incurred campaign debt or obligation of a candidate or the
2 debts or obligations of a committee or for the purpose of contributing funds to
3 another committee:

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

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

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

12 c. A corporation, cooperative association, partnership, proprietorship, or joint
13 venture organized or operated for a primary or principal purpose other than
14 that of influencing or attempting to influence the action of voters for or
15 against the nomination or election to public office of one or more candidates
16 or the qualification, passage or defeat of any ballot measure, and it accepts no
17 contributions, and all expenditures it makes are from its own funds or property
18 obtained in the usual course of business or in any commercial or other
19 transaction and which are not contributions as defined by subdivision (11) of
20 this section;

21 d. A labor organization organized or operated for a primary or principal
22 purpose other than that of influencing or attempting to influence the action of
23 voters for or against the nomination or election to public office of one or more
24 candidates, or the qualification, passage, or defeat of any ballot measure, and
25 it accepts no contributions, and expenditures made by the organization are
26 from its own funds or property received from membership dues or
27 membership fees which were given or solicited for the purpose of supporting
28 the normal and usual activities and functions of the organization and which are
29 not contributions as defined by subdivision (11) of this section;

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

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

39 (b) The term "committee" includes, but is not limited to, each of the
40 following committees: campaign committee, candidate committee, political
41 action committee, exploratory committee, and political party committee;

42 (10) "Connected organization", any organization such as a corporation, a
43 labor organization, a membership organization, a cooperative, or trade or
44 professional association which expends funds or provides services or facilities
45 to establish, administer or maintain a committee or to solicit contributions to a
46 committee from its members, officers, directors, employees or security
47 holders. An organization shall be deemed to be the connected organization if
48 more than fifty percent of the persons making contributions to the committee

1 during the current calendar year are members, officers, directors, employees
2 or security holders of such organization or their spouses;

3 (11) "Contribution", a payment, gift, loan, advance, deposit, or donation of
4 money or anything of value for the purpose of supporting or opposing the
5 nomination or election of any candidate for public office or the qualification,
6 passage or defeat of any ballot measure, or for the support of any committee
7 supporting or opposing candidates or ballot measures or for paying debts or
8 obligations of any candidate or committee previously incurred for the above
9 purposes. A contribution of anything of value shall be deemed to have a
10 money value equivalent to the fair market value. "Contribution" includes, but
11 is not limited to:

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

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

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

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

22 (e) Any loan, guarantee of a loan, cancellation or forgiveness of a loan or debt
23 or other obligation by a third party, or payment of a loan or debt or other
24 obligation by a third party if the loan or debt or other obligation was
25 contracted, used, or intended, in whole or in part, for use in an election
26 campaign or used or intended for the payment of such debts or obligations of a
27 candidate or committee previously incurred, or which was made or received
28 by a committee;

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

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

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

43 (i) "Contribution" does not include:

44 a. Ordinary home hospitality or services provided without compensation by
45 individuals volunteering their time in support of or in opposition to a
46 candidate, committee or ballot measure, nor the necessary and ordinary
47 personal expenses of such volunteers incidental to the performance of
48 voluntary activities, so long as no compensation is directly or indirectly asked

1 or given;

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

5 c. Interest earned on deposit of committee funds;

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

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

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

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

23 (15) "Expenditure", a payment, advance, conveyance, deposit, donation or
24 contribution of money or anything of value for the purpose of supporting or
25 opposing the nomination or election of any candidate for public office or the
26 qualification or passage of any ballot measure or for the support of any
27 committee which in turn supports or opposes any candidate or ballot measure
28 or for the purpose of paying a previously incurred campaign debt or obligation
29 of a candidate or the debts or obligations of a committee; a payment, or an
30 agreement or promise to pay, money or anything of value, including a
31 candidate's own money or property, for the purchase of goods, services,
32 property, facilities or anything of value for the purpose of supporting or
33 opposing the nomination or election of any candidate for public office or the
34 qualification or passage of any ballot measure or for the support of any
35 committee which in turn supports or opposes any candidate or ballot measure
36 or for the purpose of paying a previously incurred campaign debt or obligation
37 of a candidate or the debts or obligations of a committee. An expenditure of
38 anything of value shall be deemed to have a money value equivalent to the fair
39 market value. "Expenditure" includes, but is not limited to:

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

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

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

47 (d) The direct or indirect payment by any person, other than a connected
48 organization for a committee, of the costs of establishing, administering or

1 maintaining a committee, including legal, accounting and computer services,
2 fund raising and solicitation of contributions for a committee; but

3 (e) "Expenditure" does not include:

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

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

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

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

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

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

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

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

41 (18) "In-kind contribution" or "in-kind expenditure", a contribution or
42 expenditure in a form other than money;

43 (19) "Labor organization", any organization of any kind, or any agency or
44 employee representation committee or plan, in which employees participate
45 and which exists for the purpose, in whole or in part, of dealing with
46 employers concerning grievances, labor disputes, wages, rates of pay, hours of
47 employment, or conditions of work;

48 (20) "Loan", a transfer of money, property or anything of ascertainable

1 monetary value in exchange for an obligation, conditional or not, to repay in
2 whole or in part and which was contracted, used, or intended for use in an
3 election campaign, or which was made or received by a committee or which
4 was contracted, used, or intended to pay previously incurred campaign debts
5 or obligations of a candidate or the debts or obligations of a committee;
6 (21) "Person", an individual, group of individuals, corporation, partnership,
7 committee, proprietorship, joint venture, any department, agency, board,
8 institution or other entity of the state or any of its political subdivisions, union,
9 labor organization, trade or professional or business association, association,
10 political party or any executive committee thereof, or any other club or
11 organization however constituted or any officer or employee of such entity
12 acting in the person's official capacity;
13 (22) "Political action committee", a committee of continuing existence which
14 is not formed, controlled or directed by a candidate, and is a committee other
15 than a candidate committee, political party committee, campaign committee,
16 exploratory committee, or debt service committee, whose primary or
17 incidental purpose is to receive contributions or make expenditures to
18 influence or attempt to influence the action of voters whether or not a
19 particular candidate or candidates or a particular ballot measure or measures to
20 be supported or opposed has been determined at the time the committee is
21 required to file any statement or report pursuant to the provisions of this
22 chapter. Such a committee includes, but is not limited to, any committee
23 organized or sponsored by a business entity, a labor organization, a
24 professional association, a trade or business association, a club or other
25 organization and whose primary purpose is to solicit, accept and use
26 contributions from the members, employees or stockholders of such entity and
27 any individual or group of individuals who accept and use contributions to
28 influence or attempt to influence the action of voters. Such committee shall
29 be formed no later than sixty days prior to the election for which the
30 committee receives contributions or makes expenditures;
31 (23) "Political merchandise", goods such as bumper stickers, pins, hats, ties,
32 jewelry, literature, or other items sold or distributed at a fund-raising event or
33 to the general public for publicity or for the purpose of raising funds to be
34 used in supporting or opposing a candidate for nomination or election or in
35 supporting or opposing the qualification, passage or defeat of a ballot
36 measure;
37 (24) "Political party", a political party which has the right under law to have
38 the names of its candidates listed on the ballot in a general election;
39 (25) "Political party committee", a committee of a political party which
40 may be organized as a not-for-profit corporation under Missouri law and has
41 the primary or incidental purpose of receiving contributions and making
42 expenditures to influence or attempt to influence the action of voters on behalf
43 of the political party. Political party committees shall only take the following
44 forms:
45 (a) One congressional district committee per political party for each
46 congressional district in the state; and
47 (b) One state party committee per political party;
48 (26) "Public office" or "office", any state, judicial, county, municipal, school

1 or other district, ward, township, or other political subdivision office or any
 2 political party office which is filled by a vote of registered voters;
 3 (27) "Regular session", includes that period beginning on the first Wednesday
 4 after the first Monday in January and ending following the first Friday after
 5 the second Monday in May;
 6 (28) "Write-in candidate", an individual whose name is not printed on the
 7 ballot but who otherwise meets the definition of candidate in subdivision (4)
 8 of this section.]

9 130.011. As used in this chapter, unless the context clearly indicates otherwise, the following
 10 terms mean:

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

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

17 (3) "Candidate", an individual who seeks nomination or election to public office. The term
 18 "candidate" includes an elected officeholder who is the subject of a recall election, an individual who
 19 seeks nomination by the individual's political party for election to public office, an individual
 20 standing for retention in an election to an office to which the individual was previously appointed, an
 21 individual who seeks nomination or election whether or not the specific elective public office to be
 22 sought has been finally determined by such individual at the time the individual meets the conditions
 23 described in paragraph (a) or (b) of this subdivision, and an individual who is a write-in candidate as
 24 defined in [subdivision (28) of] this section. A candidate shall be deemed to seek nomination or
 25 election when the person first:

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

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

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

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

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

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

44 (7) "Committee", a person or any combination of persons, including organizations exempt
 45 from taxation under 26 U.S.C. Section 501(c)(4), as amended, who accepts contributions or makes
 46 expenditures for the primary or incidental purpose of influencing or attempting to influence the
 47 action of voters for or against the nomination or election to public office of one or more candidates
 48 or the qualification, passage or defeat of any ballot measure or for the purpose of paying a previously

1 incurred campaign debt or obligation of a candidate or the debts or obligations of a committee or for
2 the purpose of contributing funds to another committee:

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

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

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

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

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

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

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

31 (b) The term "committee" includes, but is not limited to, each of the following committees:
32 campaign committee, candidate committee, [continuing] political action committee, exploratory
33 committee, and political party committee;

34 (8) "Campaign committee", a committee, other than a candidate committee, which shall be
35 formed by an individual or group of individuals to receive contributions or make expenditures and
36 whose sole purpose is to support or oppose the qualification and passage of one or more particular
37 ballot measures in an election or the retention of judges under the nonpartisan court plan[, such
38 committee shall be formed no later than thirty days prior to the election for which the committee
39 receives contributions or makes expenditures, and which shall terminate the later of either thirty days
40 after the general election or upon the satisfaction of all committee debt after the general election,
41 except that no committee retiring debt shall engage in any other activities in support of a measure for
42 which the committee was formed];

43 (9) "Candidate committee", a committee which shall be formed by a candidate to receive
44 contributions or make expenditures [in] on behalf of the person's candidacy [and which shall
45 continue in existence for use by an elected candidate or which shall terminate the later of either thirty
46 days after the general election for a candidate who was not elected or upon the satisfaction of all
47 committee debt after the election, except that no committee retiring debt shall engage in any other
48 activities in support of the candidate for which the committee was formed]. Any candidate for

1 elective office shall have only one candidate committee for the elective office sought, which is
2 controlled directly by the candidate for the purpose of making expenditures. A candidate committee
3 is presumed to be under the control and direction of the candidate unless the candidate files an
4 affidavit with the appropriate officer stating that the committee is acting without control or direction
5 on the candidate's part;

6 (10) "[Continuing] Political action committee", a committee of continuing existence [which
7 is not formed, controlled or directed by a candidate, and is a committee] other than a candidate
8 committee [or], political party committee, campaign committee, exploratory committee, or debt
9 service committee, whose primary or incidental purpose is to receive contributions or make
10 expenditures to influence or attempt to influence the action of voters whether or not a particular
11 candidate or candidates or a particular ballot measure or measures to be supported or opposed has
12 been determined at the time the committee is required to file any statement or report pursuant to the
13 provisions of this chapter. ["Continuing committee"] Such a committee includes, but is not limited
14 to, any committee organized or sponsored by a business entity, a labor organization, a professional
15 association, a trade or business association, a club or other organization and whose primary purpose
16 is to solicit, accept and use contributions from the members, employees or stockholders of such
17 entity and any individual or group of individuals who accept and use contributions to influence or
18 attempt to influence the action of voters[. Such committee shall be formed no later than sixty days
19 prior to the election for which the committee receives contributions or makes expenditures];

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

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

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

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

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

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

43 (e) Any loan, guarantee of a loan, cancellation or forgiveness of a loan or debt or other
44 obligation by a third party, or payment of a loan or debt or other obligation by a third party if the
45 loan or debt or other obligation was contracted, used, or intended, in whole or in part, for use in an
46 election campaign or used or intended for the payment of such debts or obligations of a candidate or
47 committee previously incurred, or which was made or received by a committee;

48 (f) Funds received by a committee which are transferred to such committee from another

1 committee or other source, except funds received by a candidate committee as a transfer of funds
2 from another candidate committee controlled by the same candidate but such transfer shall be
3 included in the disclosure reports;

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

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

11 (i) "Contribution" does not include:

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

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

18 c. Interest earned on deposit of committee funds;

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

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

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

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

32 (16) "Expenditure", a payment, advance, conveyance, deposit, donation or contribution of
33 money or anything of value for the purpose of supporting or opposing the nomination or election of
34 any candidate for public office or the qualification or passage of any ballot measure or for the
35 support of any committee which in turn supports or opposes any candidate or ballot measure or for
36 the purpose of paying a previously incurred campaign debt or obligation of a candidate or the debts
37 or obligations of a committee; a payment, or an agreement or promise to pay, money or anything of
38 value, including a candidate's own money or property, for the purchase of goods, services, property,
39 facilities or anything of value for the purpose of supporting or opposing the nomination or election
40 of any candidate for public office or the qualification or passage of any ballot measure or for the
41 support of any committee which in turn supports or opposes any candidate or ballot measure or for
42 the purpose of paying a previously incurred campaign debt or obligation of a candidate or the debts
43 or obligations of a committee. An expenditure of anything of value shall be deemed to have a money
44 value equivalent to the fair market value. "Expenditure" includes, but is not limited to:

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

47 (b) The purchase of tickets, goods, services or political merchandise in connection with any
48 testimonial affair or fund-raising event of or for candidates or committees, or the purchase of

1 advertising in a brochure, booklet, program or pamphlet of a candidate or committee;

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

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

6 (e) "Expenditure" does not include:

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

10 b. The internal dissemination by any membership organization, proprietorship, labor
11 organization, corporation, association or other entity of information advocating the election or defeat
12 of a candidate or candidates or the passage or defeat of a ballot measure or measures to its directors,
13 officers, members, employees or security holders, provided that the cost incurred is reported
14 [pursuant to subsection 2 of section 130.051] as provided by law;

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

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

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

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

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

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

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

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

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

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

47 (22) "Person", an individual, group of individuals, corporation, partnership, committee,
48 proprietorship, joint venture, any department, agency, board, institution or other entity of the state or

1 any of its political subdivisions, union, labor organization, trade or professional or business
2 association, association, political party or any executive committee thereof, or any other club or
3 organization however constituted or any officer or employee of such entity acting in the person's
4 official capacity;

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

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

12 (25) "Political party committee", [a state, district, county, city, or area committee of a
13 political party, as defined in section 115.603, which may be organized as a not-for-profit corporation
14 under Missouri law, and which committee is of continuing existence, and has the primary or
15 incidental purpose of receiving contributions and making expenditures to influence or attempt to
16 influence the action of voters on behalf of the political party] a committee of a political party which
17 may be organized as a not-for-profit corporation under Missouri law and has the primary or
18 incidental purpose of receiving contributions and making expenditures to influence or attempt to
19 influence the action of voters on behalf of the political party. Political party committees shall only
20 take the form of one state party committee per political party;

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

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

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

28 [130.021. 1. Every committee shall have a treasurer who, except as provided
29 in subsection 10 of this section, shall be a resident of this state. A committee
30 may also have a deputy treasurer who, except as provided in subsection 10 of
31 this section, shall be a resident of this state and serve in the capacity of
32 committee treasurer in the event the committee treasurer is unable for any
33 reason to perform the treasurer's duties.

34 2. Every candidate for offices listed in subsection 1 of section 130.016 who
35 has not filed a statement of exemption pursuant to that subsection and every
36 candidate for offices listed in subsection 6 of section 130.016 who is not
37 excluded from filing a statement of organization and disclosure reports
38 pursuant to subsection 6 of section 130.016 shall form a candidate committee
39 and appoint a treasurer. Thereafter, all contributions on hand and all further
40 contributions received by such candidate and any of the candidate's own funds
41 to be used in support of the person's candidacy shall be deposited in a
42 candidate committee depository account established pursuant to the provisions
43 of subsection 4 of this section, and all expenditures shall be made through the
44 candidate, treasurer or deputy treasurer of the person's candidate committee.
45 Nothing in this chapter shall prevent a candidate from appointing himself or
46 herself as a committee of one and serving as the person's own treasurer,
47 maintaining the candidate's own records and filing all the reports and
48 statements required to be filed by the treasurer of a candidate committee.

1 3. A candidate who has more than one candidate committee supporting the
2 person's candidacy shall designate one of those candidate committees as the
3 committee responsible for consolidating the aggregate contributions to all
4 such committees under the candidate's control and direction as required by
5 section 130.041. No person shall form a new committee or serve as a deputy
6 treasurer of any committee as defined in section 130.011 until the person or
7 the treasurer of any committee previously formed by the person or where the
8 person served as treasurer or deputy treasurer has filed all required campaign
9 disclosure reports and statements of limited activity for all prior elections and
10 paid outstanding previously imposed fees assessed against that person by the
11 ethics commission.

12 4. (1) Every committee shall have a single official fund depository within
13 this state which shall be a federally or state-chartered bank, a federally or
14 state-chartered savings and loan association, or a federally or state-chartered
15 credit union in which the committee shall open and thereafter maintain at least
16 one official depository account in its own name. An "official depository
17 account" shall be a checking account or some type of negotiable draft or
18 negotiable order of withdrawal account, and the official fund depository shall,
19 regarding an official depository account, be a type of financial institution
20 which provides a record of deposits, cancelled checks or other cancelled
21 instruments of withdrawal evidencing each transaction by maintaining copies
22 within this state of such instruments and other transactions. All contributions
23 which the committee receives in money, checks and other negotiable
24 instruments shall be deposited in a committee's official depository account.
25 Contributions shall not be accepted and expenditures shall not be made by a
26 committee except by or through an official depository account and the
27 committee treasurer, deputy treasurer or candidate. Contributions received by
28 a committee shall not be commingled with any funds of an agent of the
29 committee, a candidate or any other person, except that contributions from a
30 candidate of the candidate's own funds to the person's candidate committee
31 shall be deposited to an official depository account of the person's candidate
32 committee. No expenditure shall be made by a committee when the office of
33 committee treasurer is vacant except that when the office of a candidate
34 committee treasurer is vacant, the candidate shall be the treasurer until the
35 candidate appoints a new treasurer.

36 (2) A committee treasurer, deputy treasurer or candidate may withdraw funds
37 from a committee's official depository account and deposit such funds in one
38 or more savings accounts in the committee's name in any bank, savings and
39 loan association or credit union within this state, and may also withdraw funds
40 from an official depository account for investment in the committee's name in
41 any certificate of deposit, bond or security. Proceeds from interest or
42 dividends from a savings account or other investment or proceeds from
43 withdrawals from a savings account or from the sale of an investment shall not
44 be expended or reinvested, except in the case of renewals of certificates of
45 deposit, without first redepositing such proceeds in an official depository
46 account. Investments, other than savings accounts, held outside the
47 committee's official depository account at any time during a reporting period
48 shall be disclosed by description, amount, any identifying numbers and the

1 name and address of any institution or person in which or through which it is
2 held in an attachment to disclosure reports the committee is required to file.
3 Proceeds from an investment such as interest or dividends or proceeds from its
4 sale, shall be reported by date and amount. In the case of the sale of an
5 investment, the names and addresses of the persons involved in the transaction
6 shall also be stated. Funds held in savings accounts and investments,
7 including interest earned, shall be included in the report of money on hand as
8 required by section 130.041.

9 5. The treasurer or deputy treasurer acting on behalf of any person or
10 organization or group of persons which is a committee by virtue of the
11 definitions of committee in section 130.011 and any candidate who is not
12 excluded from forming a committee in accordance with the provisions of
13 section 130.016 shall file a statement of organization with the appropriate
14 officer within twenty days after the person or organization becomes a
15 committee but no later than the date for filing the first report required pursuant
16 to the provisions of section 130.046. The statement of organization shall
17 contain the following information:

18 (1) The name, mailing address and telephone number, if any, of the
19 committee filing the statement of organization. If the committee is deemed to
20 be affiliated with a connected organization as provided in subdivision (10) of
21 section 130.011, the name of the connected organization, or a legally
22 registered fictitious name which reasonably identifies the connected
23 organization, shall appear in the name of the committee. If the committee is a
24 candidate committee, the name of the candidate shall be a part of the
25 committee's name;

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

27 (3) The name, mailing address and telephone number of the committee
28 treasurer, and the name, mailing address and telephone number of its deputy
29 treasurer if the committee has named a deputy treasurer;

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

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

33 (6) The name and mailing address of its depository, and the name and account
34 number of each account the committee has in the depository. The account
35 number of each account shall be redacted prior to disclosing the statement to
36 the public;

37 (7) Identification of the major nature of the committee such as a candidate
38 committee, campaign committee, political action committee, political party
39 committee, incumbent committee, or any other committee according to the
40 definition of committee in section 130.011;

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

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

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

1 6. A committee may omit the information required in subdivisions (9) and
2 (10) of subsection 5 of this section if, on the date on which it is required to file
3 a statement of organization, the committee has not yet determined the
4 particular candidates or particular ballot measures it will support or oppose.

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

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

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

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

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

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

33 11. If a committee domiciled in this state receives a contribution of one
34 thousand five hundred dollars or more from any committee domiciled outside
35 of this state, the committee domiciled in this state shall file a disclosure report
36 with the commission. The report shall disclose the full name, mailing address,
37 telephone numbers and domicile of the contributing committee and the date
38 and amount of the contribution. The report shall be filed within forty-eight
39 hours of the receipt of such contribution if the contribution is received after
40 the last reporting date before the election.]

41 130.021. 1. Every committee shall have a treasurer who, except as provided in subsection 10
42 of this section, shall be a resident of this state and reside in the district or county in which the
43 committee sits. A committee may also have a deputy treasurer who, except as provided in subsection
44 10 of this section, shall be a resident of this state and reside in the district or county in which the
45 committee sits, to serve in the capacity of committee treasurer in the event the committee treasurer is
46 unable for any reason to perform the treasurer's duties. A person acting as a treasurer or deputy
47 treasurer for a committee shall not act as a treasurer or deputy treasurer for any other committee at
48 the same time.

1 2. Every candidate for offices listed in subsection 1 of section 130.016 who has not filed a
2 statement of exemption pursuant to that subsection and every candidate for offices listed in
3 subsection 6 of section 130.016 who is not excluded from filing a statement of organization and
4 disclosure reports pursuant to subsection 6 of section 130.016 shall form a candidate committee and
5 appoint a treasurer. Thereafter, all contributions on hand and all further contributions received by
6 such candidate and any of the candidate's own funds to be used in support of the person's candidacy
7 shall be deposited in a candidate committee depository account established pursuant to the provisions
8 of subsection 4 of this section, and all expenditures shall be made through the candidate, treasurer or
9 deputy treasurer of the person's candidate committee. Nothing in this chapter shall prevent a
10 candidate from appointing himself or herself as a committee of one and serving as the person's own
11 treasurer, maintaining the candidate's own records and filing all the reports and statements required
12 to be filed by the treasurer of a candidate committee.

13 3. [A candidate who has more than one candidate committee supporting the person's
14 candidacy shall designate one of those candidate committees as the committee responsible for
15 consolidating the aggregate contributions to all such committees under the candidate's control and
16 direction as required by section 130.041.] No person shall form a new committee or serve as a
17 treasurer or deputy treasurer of any committee until the person, or the treasurer of any committee
18 previously formed by the person, or where the person served as treasurer or deputy treasurer, has
19 filed all required campaign disclosure reports or statements of limited activity for all prior elections
20 and paid outstanding previously imposed fees assessed against that person by the ethics commission.
21 No candidate shall form, control, or direct a political action committee.

22 4. (1) Every committee shall have a single official fund depository within this state which
23 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 depository
26 account" shall be a checking account or some type of negotiable draft or negotiable order of
27 withdrawal account, and the official fund depository shall, regarding an official depository account,
28 be a type of financial institution which provides a record of deposits, cancelled checks or other
29 cancelled instruments of withdrawal evidencing each transaction by maintaining copies within this
30 state of such instruments and other transactions. All contributions which the committee receives in
31 money, checks and other negotiable instruments shall be deposited in a committee's official
32 depository account. Contributions shall not be accepted and expenditures shall not be made by a
33 committee except by or through an official depository account and the committee treasurer, deputy
34 treasurer or candidate. Contributions received by a committee shall not be commingled with any
35 funds of an agent of the committee, a candidate or any other person, except that contributions from a
36 candidate of the candidate's own funds to the person's candidate committee shall be deposited to an
37 official depository account of the person's candidate committee. No expenditure shall be made by a
38 committee when the office of committee treasurer is vacant except that when the office of a
39 candidate committee treasurer is vacant, the candidate shall be the treasurer until the candidate
40 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 in
43 the committee's name in any bank, savings and loan association or credit union within this state, and
44 may also withdraw funds from an official depository account for investment in the committee's name
45 in any certificate of deposit, bond or security. Proceeds from interest or dividends from a savings
46 account or other investment or proceeds from withdrawals from a savings account or from the sale of
47 an investment shall not be expended or reinvested, except in the case of renewals of certificates of
48 deposit, without first redepositing such proceeds in an official depository account. Investments,

1 other than savings accounts, held outside the committee's official depository account at any time
 2 during a reporting period shall be disclosed by description, amount, any identifying numbers and the
 3 name and address of any institution or person in which or through which it is held in an attachment
 4 to disclosure reports the committee is required to file. Proceeds from an investment such as interest
 5 or dividends or proceeds from its sale, shall be reported by date and amount. In the case of the sale
 6 of an investment, the names and addresses of the persons involved in the transaction shall also be
 7 stated. Funds held in savings accounts and investments, including interest earned, shall be included
 8 in the report of money on hand as required by section 130.041.

9 5. The treasurer or deputy treasurer acting on behalf of any person or organization or group
 10 of persons which is a committee by virtue of the definitions of committee in section 130.011 and any
 11 candidate who is not excluded from forming a committee in accordance with the provisions of
 12 section 130.016 shall file a statement of organization with the appropriate officer within twenty days
 13 after the person or organization becomes a committee but no later than [the date for filing the first
 14 report required pursuant to the provisions of section 130.046] thirty days prior to the election for
 15 which the committee receives contributions or makes expenditures, except that a political action
 16 committee shall file a statement of organization with the appropriate officer no later than sixty days
 17 prior to the election for which the committee receives contributions or makes expenditures. The
 18 statement of organization shall contain the following information:

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

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

26 (3) The name, mailing address and telephone number of the committee treasurer, and the
 27 name, mailing address and telephone number of its deputy treasurer if the committee has named a
 28 deputy treasurer;

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

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

32 (6) The name and mailing address of its depository, and the name and account number of
 33 each account the committee has in the depository. The account number of each account shall be
 34 redacted prior to disclosing the statement to the public;

35 (7) Identification of the major nature of the committee such as a candidate committee,
 36 campaign committee, [continuing] political action committee, political party committee, incumbent
 37 committee, or any other committee according to the definition of committee in section 130.011;

38 (8) [In the case of the candidate committee designated in subsection 3 of this section, the full
 39 name and address of each other candidate committee which is under the control and direction of the
 40 same candidate, together with the name, address and telephone number of the treasurer of each such
 41 other committee;

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

43 [(10)] (9) The ballot measure concerned, if any, and whether the committee is in favor of or
 44 opposed to such measure.

45 6. A committee may omit the information required in subdivisions (8) and (9) [and (10)] of
 46 subsection 5 of this section if, on the date on which it is required to file a statement of organization,
 47 the committee has not yet determined the particular candidates or particular ballot measures it will
 48 support or oppose. A committee shall file an amended statement of organization within twenty-four

1 hours of determining the particular candidates it will support or oppose, determining the particular
 2 ballot measures it will support or oppose, receiving a contribution, or incurring an expenditure.

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

9 8. A campaign committee shall terminate either thirty days after the general election or upon
 10 the satisfaction of all committee debt after the general election, whichever is later, except that no
 11 committee retiring debt shall engage in any other activities in support of a measure for which the
 12 committee was formed. A candidate committee shall continue in existence for use by an elected
 13 candidate or shall terminate on the later of either thirty days after the general election for a candidate
 14 who was not elected or upon the satisfaction of all committee debt after the election, except that no
 15 committee retiring debt shall engage in any activities in support of the candidate for which the
 16 committee was formed. Upon termination of a committee, a termination statement indicating
 17 dissolution shall be filed not later than ten days after the date of dissolution with the appropriate
 18 officer or officers with whom the committee's statement of organization was filed. The termination
 19 statement shall include: the distribution made of any remaining surplus funds and the disposition of
 20 any deficits; and the name, mailing address and telephone number of the individual responsible for
 21 preserving the committee's records and accounts as required in section 130.036.

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

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

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

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

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

40 12. Each [legislative and senatorial district] committee shall retain only one address [in the
 41 district it sits] for the purpose of receiving contributions and a post office box shall not qualify as an
 42 acceptable address for the purposes of this subsection. No committee except an exploratory
 43 committee for a particular candidate shall have the same address as any other committee.

44 [130.026. 1. For the purpose of this section, the term "election authority" or
 45 "local election authority" means the county clerk, except that in a city or
 46 county having a board of election commissioners the board of election
 47 commissioners shall be the election authority. For any political subdivision or
 48 other district which is situated within the jurisdiction of more than one

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

48 (2) If the committee makes or anticipates making expenditures other than

1 direct contributions which aggregate more than five hundred dollars to
 2 support or oppose one or more candidates or ballot measures in the same
 3 political subdivision or district for which the appropriate officer is an election
 4 authority other than the one for the county in which the committee is
 5 domiciled, the appropriate officers for that committee shall include such other
 6 election authority or authorities, except that committees covered by this
 7 subsection need not file statements required by section 130.021 and reports
 8 required by subsections 6, 7 and 8 of section 130.046 with any appropriate
 9 officer other than those set forth in subdivision (1) of this subsection.

10 6. The term "domicile" or "domiciled" means the address of the committee
 11 listed on the statement of organization required to be filed by that committee
 12 in accordance with the provisions of section 130.021.]
 13

14 130.026. 1. For the purpose of this section, the term "election authority" or "local election
 15 authority" means the county clerk, except that in a city or county having a board of election
 16 commissioners the board of election commissioners shall be the election authority. For any political
 17 subdivision or other district which is situated within the jurisdiction of more than one election
 18 authority, as defined herein, the election authority is the one in whose jurisdiction the candidate
 19 resides or, in the case of ballot measures, the one in whose jurisdiction the most populous portion of
 20 the political subdivision or district for which an election is held is situated, except that a county clerk
 21 or a county board of election commissioners shall be the election authority for all candidates for
 22 elective county offices other than county clerk and for any countywide ballot measures.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

8 (2) If the committee makes or anticipates making expenditures other than direct
 9 contributions which aggregate more than five hundred dollars to support or oppose one or more
 10 candidates or ballot measures in the same political subdivision or district for which the appropriate
 11 officer is an election authority other than the one for the county in which the committee is domiciled,
 12 the appropriate officers for that committee shall include such other election authority or authorities,
 13 except that committees covered by this subsection need not file statements required by section
 14 130.021 and reports required by subsections 6, 7 and 8 of section 130.046 with any appropriate
 15 officer other than those set forth in subdivision (1) of this subsection.

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

19 130.028. 1. Every person, labor organization, or corporation organized or existing by virtue
 20 of the laws of this state, or doing business in this state who shall:

21 (1) Discriminate or threaten to discriminate against any member in this state with respect to
 22 [his or her] the member's membership, or discharge or discriminate or threaten to discriminate
 23 against any employee in this state, with respect to [his or her] the employee's compensation, terms,
 24 conditions or privileges of employment by reason of [his] the employee's political beliefs or
 25 opinions; or

26 (2) Coerce or attempt to coerce, intimidate or bribe any member or employee to vote or
 27 refrain from voting for any candidate at any election in this state; or

28 (3) Coerce or attempt to coerce, intimidate or bribe any member or employee to vote or
 29 refrain from voting for any issue at any election in this state; or

30 (4) Make any member or employee as a condition of membership or employment, contribute
 31 to any candidate, political committee or separate political fund; or

32 (5) Discriminate or threaten to discriminate against any member or employee in this state for
 33 contributing or refusing to contribute to any candidate, political committee or separate political fund
 34 with respect to the privileges of membership or with respect to [his] such member's or employee's
 35 employment and the compensation, terms, conditions or privileges related thereto shall be guilty of a
 36 class E felony.

37 2. No employer, corporation, [continuing] political action committee, or labor organization
 38 shall receive or cause to be made contributions from its members or employees except on the
 39 advance voluntary permission of the members or employees. Violation of this section by the
 40 corporation, employer, [continuing] political action committee or labor organization shall be a class
 41 A misdemeanor.

42 3. An employer shall, upon written request by ten or more employees, provide its employees
 43 with the option of contributing to a [continuing] political action committee [as defined in section
 44 130.011] through payroll deduction, if the employer has a system of payroll deduction. No
 45 contribution to a [continuing] political action committee from an employee through payroll
 46 deduction shall be made other than to a [continuing] political action committee voluntarily chosen by
 47 the employee. Violation of this section shall be a class A misdemeanor.

48 4. Any person aggrieved by any act prohibited by this section shall, in addition to any other

1 remedy provided by law, be entitled to maintain within one year from the date of the prohibited act, a
 2 civil action in the courts of this state, and if successful, [he or she] such person shall be awarded civil
 3 damages of not less than one hundred dollars and not more than one thousand dollars, together with
 4 [his or her] such person's costs, including reasonable attorney's fees. Each violation shall be a
 5 separate cause of action.

6 130.028. 1. Every person, labor organization, or corporation organized or existing by virtue
 7 of the laws of this state, or doing business in this state who shall:

8 (1) Discriminate or threaten to discriminate against any member in this state with respect to
 9 [his] the member's membership, or discharge or discriminate or threaten to discriminate against any
 10 employee in this state, with respect to [his] the employee's compensation, terms, conditions or
 11 privileges of employment by reason of [his] the employee's political beliefs or opinions; or

12 (2) Coerce or attempt to coerce, intimidate or bribe any member or employee to vote or
 13 refrain from voting for any candidate at any election in this state; or

14 (3) Coerce or attempt to coerce, intimidate or bribe any member or employee to vote or
 15 refrain from voting for any issue at any election in this state; or

16 (4) Make any member or employee as a condition of membership or employment, contribute
 17 to any candidate, political committee or separate political fund; or

18 (5) Discriminate or threaten to discriminate against any member or employee in this state for
 19 contributing or refusing to contribute to any candidate, political committee or separate political fund
 20 with respect to the privileges of membership or with respect to [his] such member's or employee's
 21 employment and the compensation, terms, conditions or privileges related thereto shall be guilty of a
 22 misdemeanor, and upon conviction thereof be punished by a fine of not more than five thousand
 23 dollars and confinement for not more than six months, or both, provided, after January 1, 1979, the
 24 violation of this subsection shall be a class D felony.

25 2. No employer, corporation, [continuing] political action committee, or labor organization
 26 shall receive or cause to be made contributions from its members or employees except on the
 27 advance voluntary permission of the members or employees. Violation of this section by the
 28 corporation, employer, [continuing] political action committee or labor organization shall be a class
 29 A misdemeanor.

30 3. An employer shall, upon written request by ten or more employees, provide its employees
 31 with the option of contributing to a [continuing] political action committee [as defined in section
 32 130.011] through payroll deduction, if the employer has a system of payroll deduction. No
 33 contribution to a [continuing] political action committee from an employee through payroll
 34 deduction shall be made other than to a [continuing] political action committee voluntarily chosen by
 35 the employee. Violation of this section shall be a class A misdemeanor.

36 4. Any person aggrieved by any act prohibited by this section shall, in addition to any other
 37 remedy provided by law, be entitled to maintain within one year from the date of the prohibited act, a
 38 civil action in the courts of this state, and if successful, [he] such person shall be awarded civil
 39 damages of not less than one hundred dollars and not more than one thousand dollars, together with
 40 [his] such person's costs, including reasonable attorney's fees. Each violation shall be a separate
 41 cause of action.

42 130.031. 1. No contribution of cash in an amount of more than one hundred dollars shall be
 43 made by or accepted from any single contributor for any election by a [continuing] political action
 44 committee, a campaign committee, a political party committee, an exploratory committee or a
 45 candidate committee.

46 2. Except for expenditures from a petty cash fund which is established and maintained by
 47 withdrawals of funds from the committee's depository account and with records maintained pursuant
 48 to the record-keeping requirements of section 130.036 to account for expenditures made from petty

1 cash, each expenditure of more than fifty dollars, except an in-kind expenditure, shall be made by
2 check drawn on the committee's depository and signed by the committee treasurer, deputy treasurer
3 or candidate. A single expenditure from a petty cash fund shall not exceed fifty dollars, and the
4 aggregate of all expenditures from a petty cash fund during a calendar year shall not exceed the
5 lesser of five thousand dollars or ten percent of all expenditures made by the committee during that
6 calendar year. A check made payable to "cash" shall not be made except to replenish a petty cash
7 fund.

8 3. (1) No contribution shall be made or accepted and no expenditure shall be made or
9 incurred, directly or indirectly, in a fictitious name, in the name of another person, or by or through
10 another person in such a manner as to, or with the intent to, conceal the identity of the actual source
11 of the contribution or the actual recipient and purpose of the expenditure. [Any person who receives
12 contributions for a committee shall disclose to that committee's treasurer, deputy treasurer or
13 candidate the recipient's own name and address and the name and address of the actual source of
14 each contribution such person has received for that committee. Any person who makes expenditures
15 for a committee shall disclose to that committee's treasurer, deputy treasurer or candidate such
16 person's own name and address, the name and address of each person to whom an expenditure has
17 been made and the amount and purpose of the expenditures the person has made for that committee.]

18 (2) No contribution shall be made or accepted, and no expenditure shall be made or incurred,
19 with the intent to conceal the identity of the actual source of the contribution or the actual recipient
20 and purpose of the expenditure. There shall be a rebuttable presumption that a contribution is made
21 or accepted or an expenditure is made or incurred with the intent to conceal the identity of the actual
22 source of the contribution or the actual recipient and purpose of the expenditure when the source of a
23 contribution or the recipient and purpose of an expenditure is misreported to the ethics commission
24 through a repeated misspelling of such source or recipient or purpose.

25 (3) No contribution shall be made or accepted, and no expenditure shall be made or incurred,
26 with the intent to circumvent the limitations on contributions or expenditures imposed in this section
27 or section 130.032.

28 (a) There shall be a rebuttable presumption that a contribution is made or accepted with the
29 intent to circumvent the limitations on contributions imposed in this section or section 130.032 when
30 a committee receives a contribution from two or more committees that are primarily funded by a
31 single person, individual, or other committee.

32 (b) There shall be a rebuttable presumption that a contribution is made or accepted with the
33 intent to circumvent the limitations on contributions imposed in this section or section 130.032 when
34 a contribution is received from a committee that is primarily funded by a single person, individual,
35 or other committee that has already reached its contribution limit under any law relating to
36 contribution limitations on the receiving committee.

37 (c) For purposes of this subdivision, a committee shall be deemed to be primarily funded by
38 a single person, individual, or other committee when the committee receives more than fifty percent
39 of its annual funding from that single person, individual, or other committee.

40 (d) When a committee receives a contribution from two or more committees that are
41 primarily funded by a single person, individual, or other committee, or when a contribution is
42 received from a committee that is primarily funded by a single person, individual, or other
43 committee that has already reached its contribution limit under any law relating to contribution
44 limitations on the receiving committee, the ethics commission shall investigate, upon its own
45 initiative, following the procedure for investigation in section 105.959. Such investigation shall,
46 when directed by the ethics commission, be assisted by the office of the attorney general, the
47 elections division of the office of the secretary of state, or the prosecuting attorney of the county in
48 which the violation occurred. The ethics commission, office of the attorney general, elections

1 division of the office of the secretary of state, and any prosecuting attorney of any county or city not
2 within a county assisting an investigation under this paragraph may use electronic communication
3 devices for matters related to such investigation, including telephones and videoconferencing, when
4 subject to shortened time limits required for an investigation under this paragraph.

5 (4) Any person who receives contributions for a committee shall disclose to that committee's
6 treasurer, deputy treasurer, or candidate the recipient's own name and address and the name and
7 address of the actual source of each contribution such person has received for the committee. Any
8 person who makes expenditures for a committee shall disclose to that committee's treasurer, deputy
9 treasurer, or candidate such person's own name and address, the name and address of each person to
10 whom an expenditure has been made, and the amount and purpose of the expenditures such person
11 has made for that committee.

12 (5) Any violation of this subsection shall be punishable as follows:

13 (a) For the first violation, the ethics commission shall notify such person of such
14 contribution made or accepted or expenditure made or incurred in violation of this subsection within
15 five days of determining that a violation has occurred, and such person shall be subject to a civil
16 penalty of not less than five thousand dollars and shall return the contribution made or accepted or
17 recover the expenditure made or incurred in violation of this subsection within ten days of such
18 notification. If such contribution made or accepted in violation of this subsection is not returned or
19 expenditure made or incurred in violation of this subsection is not recovered within ten days, the
20 ethics commission may impose a fine in an amount not less than the amount of the contribution made
21 or accepted or the expenditure made or incurred in violation of this subsection, but such fine shall
22 not be more than three times the amount of the contribution made or accepted or expenditure made
23 or incurred in violation of this subsection;

24 (b) For the second violation, the person making or accepting the contribution or making or
25 incurring the expenditure in violation of this subsection shall be guilty of a class C misdemeanor, and
26 the ethics commission may also impose a fine in an amount not less than the amount of the
27 contribution made or accepted or the expenditure made or incurred in violation of this subsection,
28 but such fine shall not be more than three times the amount of the contribution made or accepted or
29 expenditure made or incurred in violation of this subsection;

30 (c) For the third and subsequent violations, the person making or accepting the contribution
31 or making or incurring the expenditure in violation of this subsection shall be guilty of a class D
32 felony until December 31, 2016, and a class E felony beginning January 1, 2017, and the ethics
33 commission may also impose a fine in an amount not less than the amount of the contribution made
34 or accepted or the expenditure made or incurred in violation of this subsection, but such fine shall
35 not be more than three times the amount of the contribution made or accepted or expenditure made
36 or incurred in violation of this subsection.

37 4. No anonymous contribution of more than twenty-five dollars shall be made by any person,
38 and no anonymous contribution of more than twenty-five dollars shall be accepted by any candidate
39 or committee. If any anonymous contribution of more than twenty-five dollars is received, it shall
40 be returned immediately to the contributor, if the contributor's identity can be ascertained, and if the
41 contributor's identity cannot be ascertained, the candidate, committee treasurer or deputy treasurer
42 shall immediately transmit that portion of the contribution which exceeds twenty-five dollars to the
43 state treasurer and it shall escheat to the state.

44 5. The maximum aggregate amount of anonymous contributions which shall be accepted in
45 any calendar year by any committee shall be the greater of five hundred dollars or one percent of the
46 aggregate amount of all contributions received by that committee in the same calendar year. If any
47 anonymous contribution is received which causes the aggregate total of anonymous contributions to
48 exceed the foregoing limitation, it shall be returned immediately to the contributor, if the

1 contributor's identity can be ascertained, and, if the contributor's identity cannot be ascertained, the
2 committee treasurer, deputy treasurer or candidate shall immediately transmit the anonymous
3 contribution to the state treasurer to escheat to the state.

4 6. Notwithstanding the provisions of subsection 5 of this section, contributions from
5 individuals whose names and addresses cannot be ascertained which are received from a fund-raising
6 activity or event, such as defined in section 130.011, shall not be deemed anonymous contributions,
7 provided the following conditions are met:

8 (1) There are twenty-five or more contributing participants in the activity or event;

9 (2) The candidate, committee treasurer, deputy treasurer or the person responsible for
10 conducting the activity or event makes an announcement that it is illegal for anyone to make or
11 receive a contribution in excess of one hundred dollars unless the contribution is accompanied by the
12 name and address of the contributor;

13 (3) The person responsible for conducting the activity or event does not knowingly accept
14 payment from any single person of more than one hundred dollars unless the name and address of the
15 person making such payment is obtained and recorded pursuant to the record-keeping requirements
16 of section 130.036;

17 (4) A statement describing the event shall be prepared by the candidate or the treasurer of the
18 committee for whom the funds were raised or by the person responsible for conducting the activity
19 or event and attached to the disclosure report of contributions and expenditures required by section
20 130.041. The following information to be listed in the statement is in addition to, not in lieu of, the
21 requirements elsewhere in this chapter relating to the recording and reporting of contributions and
22 expenditures:

23 (a) The name and mailing address of the person or persons responsible for conducting the
24 event or activity and the name and address of the candidate or committee for whom the funds were
25 raised;

26 (b) The date on which the event occurred;

27 (c) The name and address of the location where the event occurred and the approximate
28 number of participants in the event;

29 (d) A brief description of the type of event and the fund-raising methods used;

30 (e) The gross receipts from the event and a listing of the expenditures incident to the event;

31 (f) The total dollar amount of contributions received from the event from participants whose
32 names and addresses were not obtained with such contributions and an explanation of why it was not
33 possible to obtain the names and addresses of such participants;

34 (g) The total dollar amount of contributions received from contributing participants in the
35 event who are identified by name and address in the records required to be maintained pursuant to
36 section 130.036.

37 7. No candidate or committee in this state shall accept contributions from any out-of-state
38 committee unless the out-of-state committee from whom the contributions are received has filed a
39 statement of organization pursuant to section 130.021 or has filed the reports required by sections
40 130.049 and 130.050, whichever is applicable to that committee.

41 8. Any person publishing, circulating, or distributing any printed matter relative to any
42 candidate for public office or any ballot measure shall on the face of the printed matter identify in a
43 clear and conspicuous manner the person who paid for the printed matter with the words "Paid for
44 by" followed by the proper identification of the sponsor pursuant to this section. For the purposes of
45 this section, "printed matter" shall be defined to include any pamphlet, circular, handbill, sample
46 ballot, advertisement, including advertisements in any newspaper or other periodical, sign, including
47 signs for display on motor vehicles, or other imprinted or lettered material; but "printed matter" is
48 defined to exclude materials printed and purchased prior to May 20, 1982, if the candidate or

1 committee can document that delivery took place prior to May 20, 1982; any sign personally printed
2 and constructed by an individual without compensation from any other person and displayed at that
3 individual's place of residence or on that individual's personal motor vehicle; any items of personal
4 use given away or sold, such as campaign buttons, pins, pens, pencils, book matches, campaign
5 jewelry, or clothing, which is paid for by a candidate or committee which supports a candidate or
6 supports or opposes a ballot measure and which is obvious in its identification with a specific
7 candidate or committee and is reported as required by this chapter; and any news story, commentary,
8 or editorial printed by a regularly published newspaper or other periodical without charge to a
9 candidate, committee or any other person.

10 (1) In regard to any printed matter paid for by a candidate from the candidate's personal
11 funds, it shall be sufficient identification to print the first and last name by which the candidate is
12 known.

13 (2) In regard to any printed matter paid for by a committee, it shall be sufficient
14 identification to print the name of the committee as required to be registered by subsection 5 of
15 section 130.021 and the name and title of the committee treasurer who was serving when the printed
16 matter was paid for.

17 (3) In regard to any printed matter paid for by a corporation or other business entity, labor
18 organization, or any other organization not defined to be a committee by [subdivision (7) of] section
19 130.011 and not organized especially for influencing one or more elections, it shall be sufficient
20 identification to print the name of the entity, the name of the principal officer of the entity, by
21 whatever title known, and the mailing address of the entity, or if the entity has no mailing address,
22 the mailing address of the principal officer.

23 (4) In regard to any printed matter paid for by an individual or individuals, it shall be
24 sufficient identification to print the name of the individual or individuals and the respective mailing
25 address or addresses, except that if more than five individuals join in paying for printed matter it
26 shall be sufficient identification to print the words "For a list of other sponsors contact:" followed by
27 the name and address of one such individual responsible for causing the matter to be printed, and the
28 individual identified shall maintain a record of the names and amounts paid by other individuals and
29 shall make such record available for review upon the request of any person. No person shall accept
30 for publication or printing nor shall such work be completed until the printed matter is properly
31 identified as required by this subsection.

32 9. Any broadcast station transmitting any matter relative to any candidate for public office or
33 ballot measure as defined by this chapter shall identify the sponsor of such matter as required by
34 federal law.

35 10. The provisions of subsection 8 or 9 of this section shall not apply to candidates for
36 elective federal office, provided that persons causing matter to be printed or broadcast concerning
37 such candidacies shall comply with the requirements of federal law for identification of the sponsor
38 or sponsors.

39 11. It shall be a violation of this chapter for any person required to be identified as paying for
40 printed matter pursuant to subsection 8 of this section or paying for broadcast matter pursuant to
41 subsection 9 of this section to refuse to provide the information required or to purposely provide
42 false, misleading, or incomplete information.

43 12. It shall be a violation of this chapter for any committee to offer chances to win prizes or
44 money to persons to encourage such persons to endorse, send election material by mail, deliver
45 election material in person or contact persons at their homes; except that, the provisions of this
46 subsection shall not be construed to prohibit hiring and paying a campaign staff.

47 13. No gubernatorial appointee shall make any contribution to or expenditure for the
48 governor or the governor's candidate committee.

1 14. Beginning on January 1, 2016, all committees required to file campaign financial
2 disclosure reports with the Missouri ethics commission shall file any required disclosure report in an
3 electronic format as prescribed by the ethics commission.

4 15. No committee shall transfer any funds to another committee if the treasurer of the
5 committee receiving the funds, or any other person acting as an agent for such committee in
6 receiving contributions, making expenditures, or incurring indebtedness for such committee, is the
7 treasurer or acts as an agent in receiving contributions, making expenditures, or incurring
8 indebtedness for the committee transferring the funds.

9 16. The rate of interest charged on any unsecured loan made to any committee shall not
10 exceed ten percent per annum.

11 130.032. 1. In addition to the limitations imposed under section 130.031, the amount of
12 contributions made by or accepted from any person other than the candidate in any one election shall
13 not exceed the following:

14 (1) To elect an individual to the office of governor, lieutenant governor, secretary of state,
15 state treasurer, state auditor, or attorney general, two thousand six hundred dollars;

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

17 (3) To elect an individual to the office of state representative or to any other office, including
18 judicial office, five hundred dollars.

19 2. The amount of aggregate contributions made by any single contributor in a calendar year
20 to any political party committee shall not exceed thirty-two thousand four hundred dollars.

21 3. For purposes of this subsection, "base-year amount" shall be the contribution limits
22 prescribed in this section on January 1, 2016. Such limits shall be increased on the first day of
23 January in each odd-numbered year by multiplying the base-year amount by the cumulative
24 consumer price index, as defined in section 104.010 and rounded to the nearest twenty-five dollar
25 amount, for all years since January 1, 2016.

26 4. Every committee established under this chapter shall be subject to the limits prescribed in
27 subsection 1 of this section. The provisions of this subsection shall not limit the amount of
28 contributions that may be accumulated by a candidate committee and used for expenditures to further
29 the nomination or election of the candidate who controls such candidate committee.

30 5. Contributions from persons under fourteen years of age shall be considered made by the
31 parents or guardians of such person and shall be attributed toward any contribution limits prescribed
32 in this chapter. Where the contributor under fourteen years of age has two custodial parents or
33 guardians, fifty percent of the contribution shall be attributed to each parent or guardian, and where
34 such contributor has one custodial parent or guardian, all such contributions shall be attributed to the
35 custodial parent or guardian.

36 6. Contributions received and expenditures made before January 1, 2016, shall be reported as
37 a separate account and under the laws in effect at the time such contributions are received or
38 expenditures made. Contributions received and expenditures made after January 1, 2016, shall be
39 reported under the provisions of this chapter as a separate account from the other separate account
40 described in this subsection. The account reported under the prior law shall be retained as a separate
41 account and any remaining funds in such account may be used under this chapter.

42 7. Any committee that accepts or gives contributions other than those allowed shall be
43 subject to a surcharge of one thousand dollars plus an amount equal to the contribution per
44 nonallowable contribution, to be paid to the ethics commission and which shall be transferred to the
45 director of revenue, upon notification of such nonallowable contribution by the ethics commission,
46 and after the candidate has had ten business days after receipt of notice to return the contribution to
47 the contributor. For candidate committees, the candidate shall be personally liable, and for all other
48 committees, the committee treasurer or deputy treasurer owing a surcharge shall be personally liable

1 for the payment of the surcharge or may pay such surcharge only from campaign funds existing on
2 the date of the receipt of notice. Such surcharge shall constitute a debt to the state enforceable under,
3 but not limited to, the provisions of chapter 143.

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

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

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

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

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

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

48 7. Any candidate who, pursuant to section 130.016, is exempt from the requirements to form

1 a committee shall maintain records of each contribution received or expenditure made in support of
 2 his candidacy. Any other person or combination of persons who, although not deemed to be a
 3 committee according to the definition of the term "committee" in section 130.011, accepts
 4 contributions or makes expenditures, other than direct contributions from the person's own funds, for
 5 the purpose of supporting or opposing the election or defeat of any candidate or for the purpose of
 6 supporting or opposing the qualifications, passage or defeat of any ballot measure shall maintain
 7 records of each contribution received or expenditure made. The records shall include name, address
 8 and amount pertaining to each contribution received or expenditure made and any bills, receipts,
 9 cancelled checks or other documents relating to each transaction.

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

16 130.039. Any committee that holds or invests moneys shall only hold or invest such moneys
 17 in no- or low-risk investments, such as low-interest bearing accounts, and shall not invest any such
 18 moneys in moderate- to high-risk investments, such as the purchase of shares of stock in financial
 19 institutions or other entities.

20 [130.041. 1. Except as provided in subsection 5 of section 130.016, the
 21 candidate, if applicable, treasurer or deputy treasurer of every committee
 22 which is required to file a statement of organization, shall file a legibly printed
 23 or typed disclosure report of receipts and expenditures. The reports shall be
 24 filed with the appropriate officer designated in section 130.026 at the times
 25 and for the periods prescribed in section 130.046. Except as provided in
 26 sections 130.049 and 130.050, each report shall set forth:

27 (1) The full name, as required in the statement of organization pursuant to
 28 subsection 5 of section 130.021, and mailing address of the committee filing
 29 the report and the full name, mailing address and telephone number of the
 30 committee's treasurer and deputy treasurer if the committee has named a
 31 deputy treasurer;

32 (2) The amount of money, including cash on hand at the beginning of the
 33 reporting period;

34 (3) Receipts for the period, including:

35 (a) Total amount of all monetary contributions received which can be
 36 identified in the committee's records by name and address of each contributor.
 37 In addition, the candidate committee shall make a reasonable effort to obtain
 38 and report the employer, or occupation if self-employed or notation of
 39 retirement, of each person from whom the committee received one or more
 40 contributions which in the aggregate total in excess of one hundred dollars and
 41 shall make a reasonable effort to obtain and report a description of any
 42 contractual relationship over five hundred dollars between the contributor and
 43 the state if the candidate is seeking election to a state office or between the
 44 contributor and any political subdivision of the state if the candidate is seeking
 45 election to another political subdivision of the state;

46 (b) Total amount of all anonymous contributions accepted;

47 (c) Total amount of all monetary contributions received through fund-raising
 48 events or activities from participants whose names and addresses were not

1 obtained with such contributions, with an attached statement or copy of the
2 statement describing each fund-raising event as required in subsection 6 of
3 section 130.031;

4 (d) Total dollar value of all in-kind contributions received;

5 (e) A separate listing by name and address and employer, or occupation if
6 self-employed or notation of retirement, of each person from whom the
7 committee received contributions, in money or any other thing of value,
8 aggregating more than one hundred dollars, together with the date and amount
9 of each such contribution;

10 (f) A listing of each loan received by name and address of the lender and
11 date and amount of the loan. For each loan of more than one hundred dollars,
12 a separate statement shall be attached setting forth the name and address of the
13 lender and each person liable directly, indirectly or contingently, and the date,
14 amount and terms of the loan;

15 (4) Expenditures for the period, including:

16 (a) The total dollar amount of expenditures made by check drawn on the
17 committee's depository;

18 (b) The total dollar amount of expenditures made in cash;

19 (c) The total dollar value of all in-kind expenditures made;

20 (d) The full name and mailing address of each person to whom an
21 expenditure of money or any other thing of value in the amount of more than
22 one hundred dollars has been made, contracted for or incurred, together with
23 the date, amount and purpose of each expenditure. Expenditures of one
24 hundred dollars or less may be grouped and listed by categories of expenditure
25 showing the total dollar amount of expenditures in each category, except that
26 the report shall contain an itemized listing of each payment made to campaign
27 workers by name, address, date, amount and purpose of each payment and the
28 aggregate amount paid to each such worker;

29 (e) A list of each loan made, by name and mailing address of the person
30 receiving the loan, together with the amount, terms and date;

31 (5) The total amount of cash on hand as of the closing date of the reporting
32 period covered, including amounts in depository accounts and in petty cash
33 fund;

34 (6) The total amount of outstanding indebtedness as of the closing date of the
35 reporting period covered;

36 (7) The amount of expenditures for or against a candidate or ballot measure
37 during the period covered and the cumulative amount of expenditures for or
38 against that candidate or ballot measure, with each candidate being listed by
39 name, mailing address and office sought. For the purpose of disclosure
40 reports, expenditures made in support of more than one candidate or ballot
41 measure or both shall be apportioned reasonably among the candidates or
42 ballot measure or both. In apportioning expenditures to each candidate or
43 ballot measure, political party committees and political action committees
44 need not include expenditures for maintaining a permanent office, such as
45 expenditures for salaries of regular staff, office facilities and equipment or
46 other expenditures not designed to support or oppose any particular candidates
47 or ballot measures; however, all such expenditures shall be listed pursuant to
48 subdivision (4) of this subsection;

1 (8) A separate listing by full name and address of any committee including a
2 candidate committee controlled by the same candidate for which a transfer of
3 funds or a contribution in any amount has been made during the reporting
4 period, together with the date and amount of each such transfer or
5 contribution;

6 (9) A separate listing by full name and address of any committee, including a
7 candidate committee controlled by the same candidate from which a transfer
8 of funds or a contribution in any amount has been received during the
9 reporting period, together with the date and amount of each such transfer or
10 contribution;

11 (10) Each committee that receives a contribution which is restricted or
12 designated in whole or in part by the contributor for transfer to a particular
13 candidate, committee or other person shall include a statement of the name
14 and address of that contributor in the next disclosure report required to be
15 filed after receipt of such contribution, together with the date and amount of
16 any such contribution which was so restricted or designated by that
17 contributor, together with the name of the particular candidate or committee to
18 whom such contribution was so designated or restricted by that contributor
19 and the date and amount of such contribution.

20 2. For the purpose of this section and any other section in this chapter except
21 sections 130.049 and 130.050 which requires a listing of each contributor who
22 has contributed a specified amount, the aggregate amount shall be computed
23 by adding all contributions received from any one person during the following
24 periods:

25 (1) In the case of a candidate committee, the period shall begin on the date on
26 which the candidate became a candidate according to the definition of the
27 term "candidate" in section 130.011 and end at 11:59 p.m. on the day of the
28 primary election, if the candidate has such an election or at 11:59 p.m. on the
29 day of the general election. If the candidate has a general election held after a
30 primary election, the next aggregating period shall begin at 12:00 midnight on
31 the day after the primary election day and shall close at 11:59 p.m. on the day
32 of the general election. Except that for contributions received during the
33 thirty-day period immediately following a primary election, the candidate
34 shall designate whether such contribution is received as a primary election
35 contribution or a general election contribution;

36 (2) In the case of a campaign committee, the period shall begin on the date
37 the committee received its first contribution and end on the closing date for
38 the period for which the report or statement is required;

39 (3) In the case of a political party committee or a political action committee,
40 the period shall begin on the first day of January of the year in which the
41 report or statement is being filed and end on the closing date for the period for
42 which the report or statement is required; except, if the report or statement is
43 required to be filed prior to the first day of July in any given year, the period
44 shall begin on the first day of July of the preceding year.

45 3. The disclosure report shall be signed and attested by the committee
46 treasurer or deputy treasurer and by the candidate in case of a candidate
47 committee.

48 4. The words "consulting or consulting services, fees, or expenses", or similar

1 words, shall not be used to describe the purpose of a payment as required in
2 this section. The reporting of any payment to such an independent contractor
3 shall be on a form supplied by the appropriate officer, established by the ethics
4 commission and shall include identification of the specific service or services
5 provided including, but not limited to, public opinion polling, research on
6 issues or opposition background, print or broadcast media production, print or
7 broadcast media purchase, computer programming or data entry, direct mail
8 production, postage, rent, utilities, phone solicitation, or fund raising, and the
9 dollar amount prorated for each service.]

10 130.041. 1. Except as provided in subsection 5 of section 130.016, the candidate, if
11 applicable, treasurer or deputy treasurer of every committee which is required to file a statement of
12 organization, shall file a legibly printed or typed disclosure report of receipts and expenditures. The
13 reports shall be filed with the appropriate officer designated in section 130.026 at the times and for
14 the periods prescribed in section 130.046. Except as provided in sections 130.049 and 130.050, each
15 report shall set forth:

16 (1) The full name, as required in the statement of organization pursuant to subsection 5 of
17 section 130.021, and mailing address of the committee filing the report and the full name, mailing
18 address and telephone number of the committee's treasurer and deputy treasurer if the committee has
19 named a deputy treasurer;

20 (2) The amount of money, including cash on hand at the beginning of the reporting period;

21 (3) Receipts for the period, including:

22 (a) Total amount of all monetary contributions received which can be identified in the
23 committee's records by name and address of each contributor. In addition, the candidate committee
24 shall make a reasonable effort to obtain and report the employer, or occupation if self-employed or
25 notation of retirement, of each person from whom the committee received one or more contributions
26 which in the aggregate total in excess of one hundred dollars and shall make a reasonable effort to
27 obtain and report a description of any contractual relationship over five hundred dollars between the
28 contributor and the state if the candidate is seeking election to a state office or between the
29 contributor and any political subdivision of the state if the candidate is seeking election to another
30 political subdivision of the state;

31 (b) Total amount of all anonymous contributions accepted;

32 (c) Total amount of all monetary contributions received through fund-raising events or
33 activities from participants whose names and addresses were not obtained with such contributions,
34 with an attached statement or copy of the statement describing each fund-raising event as required in
35 subsection 6 of section 130.031;

36 (d) Total dollar value of and a detailed description of the nature of all in-kind contributions
37 received;

38 (e) A separate listing by name and address and employer, or occupation if self-employed or
39 notation of retirement, of each person from whom the committee received contributions, in money or
40 any other thing of value, aggregating more than one hundred dollars, together with the date and
41 amount of each such contribution;

42 (f) A listing of each loan received by name and address of the lender and date and amount of
43 the loan. For each loan of more than one hundred dollars, a separate statement shall be attached
44 setting forth the name and address of the lender and each person liable directly, indirectly or
45 contingently, and the date, amount and terms of the loan;

46 (4) Expenditures for the period, including:

47 (a) The total dollar amount of expenditures made by check drawn on the committee's
48 depository;

1 (b) The total dollar amount of expenditures made in cash;

2 (c) The total dollar value of and a detailed description of the nature of all in-kind
3 expenditures made;

4 (d) The full name and mailing address of each person to whom an expenditure of money or
5 any other thing of value in the amount of more than one hundred dollars has been made, contracted
6 for or incurred, together with the date, amount and purpose of each expenditure. Expenditures of
7 one hundred dollars or less may be grouped and listed by categories of expenditure showing the total
8 dollar amount of expenditures in each category, except that the report shall contain an itemized
9 listing of each payment made to campaign workers by name, address, date, amount and purpose of
10 each payment and the aggregate amount paid to each such worker;

11 (e) A list of each loan made, by name and mailing address of the person receiving the loan,
12 together with the amount, terms and date;

13 (5) The total amount of cash on hand as of the closing date of the reporting period covered,
14 including amounts in depository accounts and in petty cash fund;

15 (6) The total amount of outstanding indebtedness as of the closing date of the reporting
16 period covered;

17 (7) The amount of expenditures for or against a candidate or ballot measure during the
18 period covered and the cumulative amount of expenditures for or against that candidate or ballot
19 measure, with each candidate being listed by name, mailing address and office sought. For the
20 purpose of disclosure reports, expenditures made in support of more than one candidate or ballot
21 measure or both shall be apportioned reasonably among the candidates or ballot measure or both. In
22 apportioning expenditures to each candidate or ballot measure, political party committees and
23 [continuing] political action committees need not include expenditures for maintaining a permanent
24 office, such as expenditures for salaries of regular staff, office facilities and equipment or other
25 expenditures not designed to support or oppose any particular candidates or ballot measures;
26 however, all such expenditures shall be listed pursuant to subdivision (4) of this subsection;

27 (8) A separate listing by full name and address of any committee including a candidate
28 committee controlled by the same candidate for which a transfer of funds or a contribution in any
29 amount has been made during the reporting period, together with the date and amount of each such
30 transfer or contribution;

31 (9) A separate listing by full name and address of any committee, including a candidate
32 committee controlled by the same candidate from which a transfer of funds or a contribution in any
33 amount has been received during the reporting period, together with the date and amount of each
34 such transfer or contribution;

35 (10) Each committee that receives a contribution which is restricted or designated in whole
36 or in part by the contributor for transfer to a particular candidate, committee or other person shall
37 include a statement of the name and address of that contributor in the next disclosure report required
38 to be filed after receipt of such contribution, together with the date and amount of any such
39 contribution which was so restricted or designated by that contributor, together with the name of the
40 particular candidate or committee to whom such contribution was so designated or restricted by that
41 contributor and the date and amount of such contribution.

42 2. For the purpose of this section and any other section in this chapter except sections
43 130.049 and 130.050 which requires a listing of each contributor who has contributed a specified
44 amount, the aggregate amount shall be computed by adding all contributions received from any one
45 person during the following periods:

46 (1) In the case of a candidate committee, the period shall begin on the date on which the
47 candidate became a candidate according to the definition of the term "candidate" in section 130.011
48 and end at 11:59 p.m. on the day of the primary election, if the candidate has such an election or at

1 11:59 p.m. on the day of the general election. If the candidate has a general election held after a
2 primary election, the next aggregating period shall begin at 12:00 midnight on the day after the
3 primary election day and shall close at 11:59 p.m. on the day of the general election. Except that for
4 contributions received during the thirty-day period immediately following a primary election, the
5 candidate shall designate whether such contribution is received as a primary election contribution or
6 a general election contribution;

7 (2) In the case of a campaign committee, the period shall begin on the date the committee
8 received its first contribution and end on the closing date for the period for which the report or
9 statement is required;

10 (3) In the case of a political party committee or a [continuing] political action committee, the
11 period shall begin on the first day of January of the year in which the report or statement is being
12 filed and end on the closing date for the period for which the report or statement is required; except,
13 if the report or statement is required to be filed prior to the first day of July in any given year, the
14 period shall begin on the first day of July of the preceding year.

15 3. All individuals and committees required to file disclosure reports under this section who
16 receive a contribution required to be reported under section 130.044 shall include that contribution
17 on the disclosure report for the period in which it was received and on the disclosure report for every
18 period thereafter in that election cycle or calendar year as otherwise required by law or on any
19 statement of limited activity filed under subdivision (2) of subsection 5 of section 130.046 in lieu of
20 a disclosure report. A contribution required to be reported under section 130.044 that is required to
21 be included on a statement of limited activity under this subsection shall not be included in the
22 aggregate limits under subdivision (2) of subsection 5 of section 130.046.

23 4. The disclosure report shall be signed and attested by the committee treasurer or deputy
24 treasurer and by the candidate in case of a candidate committee.

25 [4.] 5. The words "consulting or consulting services, fees, or expenses", or similar words,
26 shall not be used to describe the purpose of a payment as required in this section. The reporting of
27 any payment to such an independent contractor shall be on a form supplied by the appropriate
28 officer, established by the ethics commission and shall include identification of the specific service
29 or services provided including, but not limited to, public opinion polling, research on issues or
30 opposition background, print or broadcast media production, print or broadcast media purchase,
31 computer programming or data entry, direct mail production, postage, rent, utilities, phone
32 solicitation, or fund raising, and the dollar amount prorated for each service.

33 130.044. 1. All individuals and committees required to file disclosure reports under section
34 130.041 shall electronically report any contribution by any single contributor which exceeds [five]
35 two thousand dollars to the Missouri ethics commission within forty-eight hours of receiving the
36 contribution.

37 2. Any individual currently holding office as a state representative, state senator, or any
38 candidate for such office or such individual's campaign committee shall electronically report any
39 contribution exceeding five hundred dollars made by any contributor to his or her campaign
40 committee during the regular legislative session of the general assembly or any time when legislation
41 from the regular legislative session awaits gubernatorial action, within forty-eight hours of receiving
42 the contribution.

43 3. Any individual currently holding office as the governor, lieutenant governor, treasurer,
44 attorney general, secretary of state or auditor or any candidate for such office or such person's
45 campaign committee shall electronically report any contribution exceeding five hundred dollars
46 made by any contributor to his or her campaign committee during the regular legislative session or
47 any time when legislation from the regular legislative session awaits gubernatorial action, within
48 forty-eight hours of receiving the contribution.

1 4. Reports required under this section shall contain the same content required under section
2 130.041 and shall be filed in accordance with the standards established by the commission for
3 electronic filing and other rules the commission may deem necessary to promulgate for the effective
4 administration of this section.

5 5. Any rule or portion of a rule, as that term is defined in section 536.010, that is created
6 under the authority delegated in this section shall become effective only if it complies with and is
7 subject to all of the provisions of chapter 536 and, if applicable, section 536.028. This section and
8 chapter 536 are nonseverable and if any of the powers vested with the general assembly pursuant to
9 chapter 536 to review, to delay the effective date, or to disapprove and annul a rule are subsequently
10 held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after
11 August 28, 2008, shall be invalid and void.

12 [130.044. 1. All individuals and committees required to file disclosure
13 reports under section 130.041 shall electronically report any contribution by
14 any single contributor which exceeds five thousand dollars to the Missouri
15 ethics commission within forty-eight hours of receiving the contribution.
16 Such reports shall contain the same content required under section 130.041
17 and shall be filed in accordance with the standards established by the
18 commission for electronic filing and other rules the commission may deem
19 necessary to promulgate for the effective administration of this section.

20 2. Any rule or portion of a rule, as that term is defined in section 536.010,
21 that is created under the authority delegated in this section shall become
22 effective only if it complies with and is subject to all of the provisions of
23 chapter 536 and, if applicable, section 536.028. This section and chapter 536
24 are nonseverable and if any of the powers vested with the general assembly
25 pursuant to chapter 536 to review, to delay the effective date, or to disapprove
26 and annul a rule are subsequently held unconstitutional, then the grant of
27 rulemaking authority and any rule proposed or adopted after August 28, 2008,
28 shall be invalid and void.]

29 [130.046. 1. The disclosure reports required by section 130.041 for all
30 committees shall be filed at the following times and for the following periods:
31 (1) Not later than the eighth day before an election for the period closing on
32 the twelfth day before the election if the committee has made any contribution
33 or expenditure either in support or opposition to any candidate or ballot
34 measure;
35 (2) Not later than the thirtieth day after an election for a period closing on the
36 twenty-fifth day after the election, if the committee has made any contribution
37 or expenditure either in support of or opposition to any candidate or ballot
38 measure; except that, a successful candidate who takes office prior to the
39 twenty-fifth day after the election shall have complied with the report
40 requirement of this subdivision if a disclosure report is filed by such candidate
41 and any candidate committee under the candidate's control before such
42 candidate takes office, and such report shall be for the period closing on the
43 day before taking office; and
44 (3) Not later than the fifteenth day following the close of each calendar
45 quarter.

46 Notwithstanding the provisions of this subsection, if any committee accepts
47 contributions or makes expenditures in support of or in opposition to a ballot
48 measure or a candidate, and the report required by this subsection for the most

1 recent calendar quarter is filed prior to the fortieth day before the election on
2 the measure or candidate, the committee shall file an additional disclosure
3 report not later than the fortieth day before the election for the period closing
4 on the forty-fifth day before the election.

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

9 (1) In addition to the disclosure reports required to be filed pursuant to
10 subsection 1 of this section the treasurer of a committee, other than a political
11 action committee, supporting or opposing a petition effort to qualify a
12 measure to appear on the ballot or to remove an incumbent from office shall
13 file an initial disclosure report fifteen days after the committee begins the
14 process of raising or spending money. After such initial report, the committee
15 shall file quarterly disclosure reports as required by subdivision (3) of
16 subsection 1 of this section until such time as the reports required by
17 subdivisions (1) and (2) of subsection 1 of this section are to be filed. In
18 addition the committee shall file a second disclosure report no later than the
19 fifteenth day after the deadline date for submitting such petition. The period
20 covered in the initial report shall begin on the day the committee first accepted
21 contributions or made expenditures to support or oppose the petition effort for
22 qualification of the measure and shall close on the fifth day prior to the date of
23 the report;

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

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

1 cumulative from the date of the political action committee's organization.
2 Every candidate, treasurer or deputy treasurer shall file, at a minimum, the
3 campaign disclosure reports covering the quarter immediately preceding the
4 date of the election and those required by subdivisions (1) and (2) of
5 subsection 1 of this section. A political action committee shall submit
6 additional reports if it makes aggregate expenditures, other than contributions
7 to a committee, of five hundred dollars or more, within the reporting period at
8 the following times for the following periods:

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

11 (2) Not later than twenty-four hours after aggregate expenditures of two
12 hundred fifty dollars or more are made after the twelfth day before the
13 election; and

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

16 4. The reports required to be filed no later than the thirtieth day after an
17 election and any subsequently required report shall be cumulative so as to
18 reflect the total receipts and disbursements of the reporting committee for the
19 entire election campaign in question. The period covered by each disclosure
20 report shall begin on the day after the closing date of the most recent
21 disclosure report filed and end on the closing date for the period covered. If
22 the committee has not previously filed a disclosure report, the period covered
23 begins on the date the committee was formed; except that in the case of a
24 candidate committee, the period covered begins on the date the candidate
25 became a candidate according to the definition of the term candidate in section
26 130.011.

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

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

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

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

44 (2) No disclosure report needs to be filed for any reporting period if during
45 that reporting period the committee has neither received contributions
46 aggregating more than five hundred dollars nor made expenditure aggregating
47 more than five hundred dollars and has not received contributions aggregating
48 more than three hundred dollars from any single contributor and if the

1 committee's treasurer files a statement with the appropriate officer that the
2 committee has not exceeded the identified thresholds in the reporting period.
3 Any contributions received or expenditures made which are not reported
4 because this statement is filed in lieu of a disclosure report shall be included in
5 the next disclosure report filed by the committee. This statement shall not be
6 filed in lieu of the report for two or more consecutive disclosure periods if
7 either the contributions received or expenditures made in the aggregate during
8 those reporting periods exceed five hundred dollars. This statement shall not
9 be filed, in lieu of the report, later than the thirtieth day after an election if that
10 report would show a deficit of more than one thousand dollars.

11 6. (1) If the disclosure report required to be filed by a committee not later
12 than the thirtieth day after an election shows a deficit of unpaid loans and
13 other outstanding obligations in excess of five thousand dollars, semiannual
14 supplemental disclosure reports shall be filed with the appropriate officer for
15 each succeeding semiannual period until the deficit is reported in a disclosure
16 report as being reduced to five thousand dollars or less; except that, a
17 supplemental semiannual report shall not be required for any semiannual
18 period which includes the closing date for the reporting period covered in any
19 regular disclosure report which the committee is required to file in connection
20 with an election. The reporting dates and periods covered for semiannual
21 reports shall be not later than the fifteenth day of January and July for periods
22 closing on the thirty-first day of December and the thirtieth day of June.

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

28 7. In the case of a committee which disbands and is required to file a
29 termination statement pursuant to the provisions of section 130.021 with the
30 appropriate officer not later than the tenth day after the committee was
31 dissolved, the candidate, committee treasurer or deputy treasurer shall attach
32 to the termination statement a complete disclosure report for the period
33 closing on the date of dissolution. A committee shall not utilize the provisions
34 of subsection 8 of section 130.021 or the provisions of this subsection to
35 circumvent or otherwise avoid the reporting requirements of subsection 6 or 7
36 of this section.

37 8. Disclosure reports shall be filed with the appropriate officer not later than
38 5:00 p.m. prevailing local time of the day designated for the filing of the
39 report and a report postmarked not later than midnight of the day previous to
40 the day designated for filing the report shall be deemed to have been filed in a
41 timely manner. The appropriate officer may establish a policy whereby
42 disclosure reports may be filed by facsimile transmission.

43 9. Each candidate for the office of state representative, state senator, and for
44 statewide elected office shall file all disclosure reports described in section
45 130.041 electronically with the Missouri ethics commission. The Missouri
46 ethics commission shall promulgate rules establishing the standard for
47 electronic filings with the commission and shall propose such rules for the
48 importation of files to the reporting program.

1 10. Any rule or portion of a rule, as that term is defined in section 536.010,
2 that is created under the authority delegated in this section shall become
3 effective only if it complies with and is subject to all of the provisions of
4 chapter 536 and, if applicable, section 536.028. This section and chapter 536
5 are nonseverable and if any of the powers vested with the general assembly
6 pursuant to chapter 536 to review, to delay the effective date, or to disapprove
7 and annul a rule are subsequently held unconstitutional, then the grant of
8 rulemaking authority and any rule proposed or adopted after August 28, 2006,
9 shall be invalid and void.]

10 130.046. 1. The disclosure reports required by section 130.041 for all committees shall be
11 filed at the following times and for the following periods:

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

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

22 (3) Not later than the fifteenth day following the close of each calendar quarter.
23 Notwithstanding the provisions of this subsection, if any committee accepts contributions or makes
24 expenditures in support of or in opposition to a ballot measure or a candidate, and the report required
25 by this subsection for the most recent calendar quarter is filed prior to the fortieth day before the
26 election on the measure or candidate, the committee shall file an additional disclosure report not later
27 than the fortieth day before the election for the period closing on the forty-fifth day before the
28 election.

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

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

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

8 3. The candidate, if applicable, treasurer or deputy treasurer of a committee shall file
9 disclosure reports pursuant to this section, except for any calendar quarter in which the contributions
10 received by the committee or the expenditures or contributions made by the committee do not exceed
11 five hundred dollars. The reporting dates and periods covered for such quarterly reports shall not be
12 later than the fifteenth day of January, April, July and October for periods closing on the thirty-first
13 day of December, the thirty-first day of March, the thirtieth day of June and the thirtieth day of
14 September. No candidate, treasurer or deputy treasurer shall be required to file the quarterly
15 disclosure report required not later than the fifteenth day of any January immediately following a
16 November election, provided that such candidate, treasurer or deputy treasurer shall file the
17 information required on such quarterly report on the quarterly report to be filed not later than the
18 fifteenth day of April immediately following such November election. Each report by such
19 committee shall be cumulative from the date of the last report. In the case of the [continuing]
20 political action committee's first report, the report shall be cumulative from the date of the
21 [continuing] political action committee's organization. Every candidate, treasurer or deputy treasurer
22 shall file, at a minimum, the campaign disclosure reports covering the quarter immediately preceding
23 the date of the election and those required by subdivisions (1) and (2) of subsection 1 of this section.
24 A [continuing] political action committee shall submit additional reports if it makes [aggregate]
25 expenditures[, other than contributions to a committee, of five hundred dollars or more,] within the
26 reporting period at the following times for the following periods:

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

29 (2) Not later than twenty-four hours after aggregate expenditures of two hundred fifty dollars
30 or more are made after the twelfth day before the election; and

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

33 4. The reports required to be filed no later than the thirtieth day after an election and any
34 subsequently required report shall be cumulative so as to reflect the total receipts and disbursements
35 of the reporting committee for the entire election campaign in question. The period covered by each
36 disclosure report shall begin on the day after the closing date of the most recent disclosure report
37 filed and end on the closing date for the period covered. If the committee has not previously filed a
38 disclosure report, the period covered begins on the date the committee was formed; except that in the
39 case of a candidate committee, the period covered begins on the date the candidate became a
40 candidate according to the definition of the term candidate in [section 130.011] this chapter.

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

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

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

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

14 (2) No disclosure report needs to be filed for any reporting period if during that reporting
15 period the committee has neither received contributions aggregating more than five hundred dollars
16 nor made [expenditure] expenditures aggregating more than five hundred dollars and has not
17 received contributions aggregating more than three hundred dollars from any single contributor and
18 if the committee's treasurer files a statement with the appropriate officer that the committee has not
19 exceeded the identified thresholds in the reporting period. Any contributions received or
20 expenditures made which are not reported because this statement is filed in lieu of a disclosure report
21 shall be included in the next disclosure report filed by the committee. This statement shall not be
22 filed in lieu of the report for two or more consecutive disclosure periods if either the contributions
23 received or expenditures made in the aggregate during those reporting periods exceed five hundred
24 dollars. This statement shall not be filed, in lieu of the report, later than the thirtieth day after an
25 election if that report would show a deficit of more than one thousand dollars.

26 6. (1) If the disclosure report required to be filed by a committee not later than the thirtieth
27 day after an election shows a deficit of unpaid loans and other outstanding obligations in excess of
28 five thousand dollars, semiannual supplemental disclosure reports shall be filed with the appropriate
29 officer for each succeeding semiannual period until the deficit is reported in a disclosure report as
30 being reduced to five thousand dollars or less; except that, a supplemental semiannual report shall
31 not be required for any semiannual period which includes the closing date for the reporting period
32 covered in any regular disclosure report which the committee is required to file in connection with an
33 election. The reporting dates and periods covered for semiannual reports shall be not later than the
34 fifteenth day of January and July for periods closing on the thirty-first day of December and the
35 thirtieth day of June.

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

40 7. In the case of a committee which disbands and is required to file a termination statement
41 pursuant to the provisions of section 130.021 with the appropriate officer not later than the tenth day

1 after the committee was dissolved, the candidate, committee treasurer or deputy treasurer shall attach
2 to the termination statement a complete disclosure report for the period closing on the date of
3 dissolution. A committee shall not utilize the provisions of subsection 8 of section 130.021 or the
4 provisions of this subsection to circumvent or otherwise avoid the reporting requirements of
5 subsection 6 or 7 of this section.

6 8. Disclosure reports shall be filed with the appropriate officer not later than 5:00 p.m.
7 prevailing local time of the day designated for the filing of the report and a report postmarked not
8 later than midnight of the day [previous to the day] designated for filing the report shall be deemed
9 to have been filed in a timely manner. The appropriate officer may establish a policy whereby
10 disclosure reports may be filed by facsimile transmission.

11 9. Each candidate for the office of state representative, state senator, and for statewide
12 elected office shall file all disclosure reports described in section 130.041 electronically with the
13 Missouri ethics commission. The Missouri ethics commission shall promulgate rules establishing
14 the standard for electronic filings with the commission and shall propose such rules for the
15 importation of files to the reporting program.

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

23 [130.057. 1. In order for candidates for election and public officials to more
24 easily file reports required by law and to access information contained in such
25 reports, and for the Missouri ethics commission to receive and store reports in
26 an efficient and economical method, and for the general public and news
27 media to access information contained in such reports, the commission shall
28 establish and maintain an electronic reporting system pursuant to this section.

29 2. The ethics commission may establish for elections in 1996 and shall
30 establish for elections and all required reporting beginning in 1998 and
31 maintain thereafter a state campaign finance and financial interest disclosure
32 electronic reporting system pursuant to this section for all candidates required
33 to file. The system may be used for the collection, filing and dissemination of
34 all reports, including monthly lobbying reports filed by law, and all reports
35 filed with the commission pursuant to this chapter and chapter 105. The
36 system may be established and used for all reports required to be filed for the
37 primary and general elections in 1996 and all elections thereafter, except that
38 the system may require maintenance of a paper backup system for the primary
39 and general elections in 1996. The reports shall be maintained and secured in
40 the electronic format by the commission.

41 3. When the commission determines that the electronic reporting system has
42 been properly implemented, the commission shall certify to all candidates and
43 committees required to file pursuant to this chapter that such electronic
44 reporting system has been established and implemented. Beginning with the

1 primary and general elections in 2000, or the next primary or general election
2 in which the commission has made certification pursuant to this subsection,
3 whichever is later, candidates and all other committees shall file reports by
4 using either the electronic format prescribed by the commission or paper
5 forms provided by the commission for that purpose. Political action
6 committees shall file reports by electronic format prescribed by the
7 commission, except political action committees which make contributions
8 equal to or less than fifteen thousand dollars in the applicable calendar year.
9 Any political action committee which makes contributions in support of or
10 opposition to any measure or candidate equal to or less than fifteen thousand
11 dollars in the applicable calendar year shall file reports on paper forms
12 provided by the commission for that purpose or by electronic format
13 prescribed by the commission, whichever reporting method the political
14 action committee chooses. The commission shall supply a computer program
15 which shall be used for filing by modem or by a common magnetic media
16 chosen by the commission. In the event that filings are performed
17 electronically, the candidate shall file a signed original written copy within
18 five working days; except that, if a means becomes available which will allow
19 a verifiable electronic signature, the commission may also accept this in lieu
20 of a written statement.

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

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

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

43 7. Annually, the commission shall provide, without cost, a system-wide dump
44 of information contained in the commission's electronic database files to the
45 general assembly. The information is to be copied onto a medium specified
46 by the general assembly. Such information shall not contain records otherwise
47 closed by law. It is the intent of the general assembly to provide open access
48 to the commission's records. The commission shall make every reasonable

1 effort to comply with requests for information and shall take a liberal
2 interpretation when considering such requests.]

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

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

18 3. [When the commission determines that the electronic reporting system has been properly
19 implemented, the commission shall certify to all candidates and committees required to file pursuant
20 to this chapter that such electronic reporting system has been established and implemented.
21 Beginning with the primary and general elections in 2000, or the next primary or general election in
22 which the commission has made certification pursuant to this subsection, whichever is later,]
23 Candidates and all other committees shall file reports by using [either] the electronic format
24 prescribed by the commission [or paper forms provided by the commission for that purpose].
25 [Continuing committees shall file reports by electronic format prescribed by the commission, except
26 continuing committees which make contributions equal to or less than fifteen thousand dollars in the
27 applicable calendar year. Any continuing committee which makes contributions in support of or
28 opposition to any measure or candidate equal to or less than fifteen thousand dollars in the applicable
29 calendar year shall file reports on paper forms provided by the commission for that purpose or by
30 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 five
34 working days; except that, if a means becomes available which will allow a verifiable electronic
35 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 by
38 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 office,
40 or such candidate's committee receives or spends five thousand dollars or less for any reporting
41 period, the report for that reporting period shall not be required to be filed electronically.

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

7 [6.] 5. All records that are in electronic format, not otherwise closed by law, shall be
 8 available in electronic format to the public. The commission shall maintain and provide for public
 9 inspection, a listing of all reports with a complete description for each field contained on the report,
 10 that has been used to extract information from their database files. The commission shall develop a
 11 report or reports which contain every field in each database.

12 [7.] 6. Annually, the commission shall provide, without cost, a system-wide dump of
 13 information contained in the commission's electronic database files to the general assembly. The
 14 information is to be copied onto a medium specified by the general assembly. Such information
 15 shall not contain records otherwise closed by law. It is the intent of the general assembly to provide
 16 open access to the commission's records. The commission shall make every reasonable effort to
 17 comply with requests for information and shall take a liberal interpretation when considering such
 18 requests.

19 130.076. 1. In addition to or in lieu of any other penalty imposed in this chapter, the
 20 following violations shall be a felony as provided in subsection 2 of this section:

21 (1) The candidate knowingly made or accepted a contribution or knowingly makes or incurs
 22 any expenditure in violation of subdivision (3) of subsection 3 of section 130.031; and

23 (2) The violation occurred either:

24 (a) In an even-numbered year, from the first of April to the general election day; or

25 (b) In any year in which a special election is scheduled, from the opening of the period of
 26 candidate filing to the special election day.

27 2. Any person violating this section shall be guilty of a class D felony until December 31,
 28 2016, and a class E felony beginning January 1, 2017.

29 [226.033. Any commissioner appointed or reappointed after March 1, 2004,
 30 shall not:

31 (1) Host or manage a political fund-raiser or solicit funds for any candidate
 32 who is seeking a statewide or nationally elected office;

33 (2) Serve on the board or chair any political action committee, or political
 34 party committee.]

35 226.033. Any commissioner appointed or reappointed after March 1, 2004, shall not:

36 (1) Host or manage a political fund-raiser or solicit funds for any candidate who is seeking a
 37 statewide or nationally elected office;

38 (2) Serve on the board or chair any political action committee[,] or political party
 39 committee[, or continuing committee].

40 Section B. The provisions of this act shall become effective on January 1, 2016."; and
 41 Further amend said bill by amending the title, enacting clause, and intersectional references
 42 accordingly.