

HOUSE SUBSTITUTE  
FOR  
HOUSE COMMITTEE SUBSTITUTE

FOR  
HOUSE BILL NO. 1150

1 AN ACT

2 To repeal sections 105.466, 105.473, 105.485,  
3 105.487, 105.492, 105.957, 105.961, 105.963,  
4 105.973, 130.011, 130.021, 130.036, 130.041,  
5 130.046, 130.049, 130.050, 130.054, and  
6 130.057, RSMo, and to enact in lieu thereof  
7 nineteen new sections relating to ethics,  
8 with penalty provisions.

9 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF MISSOURI,  
10 AS FOLLOWS:

11 Section A. Sections 105.466, 105.473, 105.485, 105.487,  
12 105.492, 105.957, 105.961, 105.963, 105.973, 130.011, 130.021,  
13 130.036, 130.041, 130.046, 130.049, 130.050, 130.054, and  
14 130.057, RSMo, are repealed and nineteen new sections enacted in  
15 lieu thereof, to be known as sections 105.466, 105.473, 105.485,  
16 105.487, 105.492, 105.957, 105.961, 105.963, 130.011, 130.021,  
17 130.036, 130.041, 130.042, 130.046, 130.049, 130.050, 130.054,  
18 130.057, and 130.062, to read as follows:

19 105.466. 1. No provision of sections 105.450 to 105.458,  
20 105.462 to [105.468] 105.467, and 105.472 to 105.482 shall be  
21 construed to prohibit any person from performing any ministerial  
22 act or any act required by order of a court or by law to be

1 performed.

2 2. No provision of sections 105.450 to 105.458, 105.462 to  
3 [105.468] 105.467, and 105.472 to 105.482 shall be construed to  
4 prohibit any person from communicating with the office of the  
5 attorney general or any prosecuting attorney or any attorney for  
6 any political subdivision concerning any prospective claim or  
7 complaint then under consideration not otherwise prohibited by  
8 law.

9 3. No provision of sections 105.450 to 105.458, 105.462 to  
10 [105.468] 105.467, and 105.472 to 105.482 shall be construed to  
11 prohibit any person, firm or corporation from receiving  
12 compensation for property taken by the state or any political  
13 subdivision thereof under the power of eminent domain in  
14 accordance with the provisions of the constitution and the laws  
15 of the state.

16 105.473. 1. Each lobbyist shall, not later than January  
17 fifth of each year, or five days after beginning any activities  
18 as a lobbyist, file standardized registration forms, verified by  
19 a written declaration that it is made under the penalties of  
20 perjury, along with a filing fee of ten dollars, with the  
21 commission. The forms shall include the lobbyist's name and  
22 business address, the name and address of all persons such  
23 lobbyist employs for lobbying purposes, the name and address of  
24 each lobbyist principal by whom such lobbyist is employed or in  
25 whose interest such lobbyist appears or works. The commission

1 shall maintain files on all lobbyists' filings, which shall be  
2 open to the public. Each lobbyist shall file an updating  
3 statement under oath within one week of any addition, deletion,  
4 or change in the lobbyist's employment or representation. The  
5 filing fee shall be deposited to the general revenue fund of the  
6 state. The lobbyist principal or a lobbyist employing another  
7 person for lobbying purposes may notify the commission that a  
8 judicial, executive or legislative lobbyist is no longer  
9 authorized to lobby for the principal or the lobbyist and should  
10 be removed from the commission's files.

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

19 3. (1) During any period of time in which a lobbyist  
20 continues to act as an executive lobbyist, judicial lobbyist or a  
21 legislative lobbyist, the lobbyist shall file with the commission  
22 on standardized forms prescribed by the commission monthly  
23 reports which shall be due at the close of business on the tenth  
24 day of the following month;

25 (2) Each report filed pursuant to this subsection shall

1 include a statement, verified by a written declaration that it is  
2 made under the penalties of perjury, setting forth the following:

3 (a) The total of all expenditures by the lobbyist or his or  
4 her lobbyist principals made on behalf of all public officials,  
5 their staffs and employees, and their spouses and dependent  
6 children, which expenditures shall be separated into at least the  
7 following categories by the executive branch, judicial branch and  
8 legislative branch of government: printing and publication  
9 expenses; media and other advertising expenses; travel;  
10 entertainment; honoraria; meals, food and beverages; and gifts;

11 (b) An itemized listing of the name of the recipient and  
12 the nature and amount of each expenditure by the lobbyist or his  
13 or her lobbyist principal, including a service or anything of  
14 value, for all expenditures made during any reporting period,  
15 paid or provided to or for a public official, such official's  
16 staff, employees, spouse or dependent children;

17 (c) The total of all expenditures made by a lobbyist or  
18 lobbyist principal for occasions and the identity of the group  
19 invited, the date and description of the occasion and the amount  
20 of the expenditure for each occasion when any of the following  
21 are invited in writing:

22 a. All members of the senate;

23 b. All members of the house of representatives;

24 c. All members of a joint committee of the general assembly  
25 or a standing committee of either the house of representatives or

1 senate; or

2 d. All members of a caucus of the general assembly if the  
3 caucus consists of at least ten members, a list of the members of  
4 the caucus has been previously filed with the ethics committee of  
5 the house or the senate, and such list has been approved by  
6 either of such ethics committees;

7 (d) Any expenditure made on behalf of a public official, or  
8 the public official's staff, employees, spouse or dependent  
9 children, if such expenditure is solicited by such public  
10 official, the public official's staff, employees, or spouse or  
11 dependent children, from the lobbyist or his or her lobbyist  
12 principals and the name of such person or persons, except any  
13 expenditures made to any not-for-profit corporation, charitable,  
14 fraternal or civic organization or other association formed to  
15 provide for good in the order of benevolence;

16 (e) A statement detailing any direct business relationship  
17 or association or partnership the lobbyist has with any public  
18 official.

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

23 4. No expenditure reported pursuant to this section shall  
24 include any amount expended by a lobbyist or lobbyist principal  
25 on himself or herself. All expenditures disclosed pursuant to

1 this section shall be valued on the report at the actual amount  
2 of the payment made, or the charge, expense, cost, or obligation,  
3 debt or bill incurred by the lobbyist or the person the lobbyist  
4 represents. Whenever a lobbyist principal employs more than one  
5 lobbyist, expenditures of the lobbyist principal shall not be  
6 reported by each lobbyist, but shall be reported by one of such  
7 lobbyists.

8 5. Any lobbyist principal shall provide in a timely fashion  
9 whatever information is reasonably requested by the lobbyist  
10 principal's lobbyist for use in filing the reports required by  
11 this section.

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

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

25 8. No lobbyist shall knowingly omit, conceal, or falsify in

1 any manner information required pursuant to this section.

2 9. The prosecuting attorney of Cole County shall be  
3 reimbursed only out of funds specifically appropriated by the  
4 general assembly for investigations and prosecutions for  
5 violations of this section.

6 10. Any public official or other person whose name appears  
7 in any lobbyist report filed pursuant to this section who  
8 contests the accuracy of the portion of the report applicable to  
9 such person may petition the commission for an audit of such  
10 report and shall state in writing in such petition the specific  
11 disagreement with the contents of such report. The commission  
12 shall investigate such allegations in the manner described in  
13 section 105.959. If the commission determines that the contents  
14 of such report are incorrect, incomplete or erroneous, it shall  
15 enter an order requiring filing of an amended or corrected  
16 report.

17 11. The commission shall provide a report listing the total  
18 spent by a lobbyist for the month and year to any member or  
19 member-elect of the general assembly, judge or judicial officer,  
20 or any other person holding an elective office of state  
21 government on or before the twentieth day of each month. For the  
22 purpose of providing accurate information to the public, the  
23 commission shall not publish information in either written or  
24 electronic form for ten working days after providing the report  
25 pursuant to this subsection. The commission shall not release

1 any portion of the lobbyist report if the accuracy of the report  
2 has been questioned pursuant to subsection 10 of this section  
3 unless it is conspicuously marked "Under Review".

4 [12. Each lobbyist or lobbyist principal by whom the  
5 lobbyist was employed, or in whose behalf the lobbyist acted,  
6 shall provide a general description of the proposed legislation  
7 or action by the executive branch or judicial branch which the  
8 lobbyist or lobbyist principal supported or opposed.

9 This information shall be supplied to the commission on March  
10 fifteenth and May thirtieth of each year.]

11 105.485. 1. Each financial interest statement required by  
12 sections 105.483 to 105.492 shall be on a form prescribed by the  
13 commission and shall be signed and verified by a written  
14 declaration that it is made under [penalties] the penalty of  
15 perjury; provided, however, the [form] statement shall not seek  
16 information which is not specifically required by sections  
17 105.483 to 105.492.

18 2. Each person required to file a financial interest  
19 statement pursuant to [subdivisions (1) to (12) of] section  
20 105.483 shall file the following information for [himself, his]  
21 such person, the person's spouse and dependent children at any  
22 time during the period covered by the statement, whether  
23 singularly or collectively; provided, however, that said person,  
24 if [he] the person does not know and [his] the person's spouse  
25 will not divulge any information required to be reported by this

1 section concerning the financial interest of [his] the person's  
2 spouse, shall state on [his] the financial interest statement  
3 that [he] the person has disclosed that information known to  
4 [him] the person and that [his] the person's spouse has refused  
5 or failed to provide other information upon [his] the person's  
6 bona fide request, and such statement shall be deemed to satisfy  
7 the requirements of this section for such financial interest of  
8 [his] the person's spouse; and provided further if the spouse of  
9 any person required to file a financial interest statement is  
10 also required by section 105.483 to file a financial interest  
11 statement, the financial interest statement filed by each need  
12 not disclose the financial interest of the other, provided that  
13 each financial interest statement shall state that the spouse of  
14 the person has filed a separate financial interest statement and  
15 the name under which the statement was filed:

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

19 (2) The name and address of each sole proprietorship [which  
20 he] the person owned; the name, address and the general nature of  
21 the business conducted of each general partnership and joint  
22 venture in which [he] the person was a partner or participant;  
23 the name and address of each partner or coparticipant for each  
24 partnership or joint venture unless such names and addresses are  
25 filed by the partnership or joint venture with the secretary of

1 state; the name, address and general nature of the business  
2 conducted of any closely held corporation or limited partnership  
3 in which the person owned ten percent or more of any class of the  
4 outstanding stock or limited partners' units; and the name of any  
5 publicly traded corporation or limited partnership which is  
6 listed on a regulated stock exchange or automated quotation  
7 system in which the person owned two percent or more of any class  
8 of outstanding stock, limited partnership units or other equity  
9 interests;

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

20 (4) The location by county, the subclassification for  
21 property tax assessment purposes, the approximate size and a  
22 description of the major improvements and use for each parcel of  
23 real property in the state, other than the individual's personal  
24 residence, having a fair market value of ten thousand dollars or  
25 more in which such person held a vested interest including a

1 leasehold for a term of ten years or longer, and, if the property  
2 was transferred during the year covered by the statement, the  
3 name and address of the persons furnishing or receiving  
4 consideration for such transfer;

5 (5) The name and address of each entity in which such  
6 person owned stock, bonds or other equity interest with a value  
7 in excess of ten thousand dollars; except that, if the entity is  
8 a corporation listed on a regulated stock exchange, only the name  
9 of the corporation need be listed; and provided that any member  
10 of any board or commission of the state or any political  
11 subdivision who does not receive any compensation for [his] the  
12 member's services to the state or political subdivision other  
13 than reimbursement for [his] actual expenses or a per diem  
14 allowance as prescribed by law for each day of such service, need  
15 not report interests in publicly traded corporations or limited  
16 partnerships which are listed on a regulated stock exchange or  
17 automated quotation system pursuant to this subdivision; and  
18 provided further that the provisions of this subdivision shall  
19 not require reporting of any interest in any qualified plan or  
20 annuity pursuant to the Employees' Retirement Income Security  
21 Act;

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

24 (7) The name and address of each not-for-profit corporation  
25 and each association, organization, or union, whether

1 incorporated or not, except not-for-profit corporations formed to  
2 provide church services, fraternal organizations or service clubs  
3 from which the officer or employee draws no remuneration, in  
4 which such person was an officer, director, employee or trustee  
5 at any time during the year covered by the statement, and for  
6 each such organization, a general description of the nature and  
7 purpose of the organization;

8 (8) The name and address of each source from which such  
9 person received a gift or gifts, or honorarium or honoraria in  
10 excess of two hundred dollars in value per source during the year  
11 covered by the statement other than gifts from persons within the  
12 third degree of consanguinity or affinity of the person filing  
13 the financial interest statement. For the purposes of this  
14 section, a gift shall not be construed to mean political  
15 contributions otherwise required to be reported by law or  
16 hospitality such as food, beverages or admissions to social, art,  
17 or sporting events or the like, or informational material. For  
18 the purposes of this section, a gift shall include gifts to or by  
19 creditors of the individual for the purpose of canceling,  
20 reducing or otherwise forgiving the indebtedness of the  
21 individual to that creditor;

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

1 lodging expenses:

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

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

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

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

13 (e) Paid for purely personal purposes which are not related  
14 to the person's official duties by a third person who is not a  
15 lobbyist, a lobbyist principal or member, or officer or director  
16 of a member, of any association or entity which employs a  
17 lobbyist. The statement shall include the name and address of  
18 such person who paid the expenses, the date such expenses were  
19 incurred, the amount incurred, the location of the travel and  
20 lodging, and the nature of the services rendered or reason for  
21 the expenses;

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

25 (11) The name, position and relationship of any relative

1 within the first degree of consanguinity or affinity to any other  
2 person who:

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

6 (b) Is a lobbyist; or

7 (c) Is a fee agent of the department of revenue.

8 3. For the purposes of subdivisions (1), (2) and (3) of  
9 subsection 2 of this section, an individual shall be deemed to  
10 have received a salary from [his] the individual's employer or  
11 income from any source at the time when [he] the individual shall  
12 receive a negotiable instrument whether or not payable at a later  
13 date and at the time when under the practice of [his] the  
14 individual's employer or the terms of an agreement, [he] the  
15 individual has earned or is entitled to anything of actual value  
16 whether or not delivery of the value is deferred or right to it  
17 has vested. The term "income" as used in this section shall have  
18 the same meaning as provided in the Internal Revenue Code of  
19 1986, and amendments thereto, as the same may be or becomes  
20 effective, at any time or from time to time for the taxable year,  
21 provided that income shall not be considered received or earned  
22 for purposes of this section from a partnership or sole  
23 proprietorship until such income is converted from business to  
24 personal use.

25 4. Each official, officer or employee or candidate of any

1 political subdivision described in subdivision (11) of section  
2 105.483 shall be required to file a financial interest statement  
3 as required by subsection 2 of this section, unless the political  
4 subdivision biennially adopts an ordinance, order or resolution  
5 at an open meeting by September fifteenth of the preceding year,  
6 which establishes and makes public its own method of disclosing  
7 potential conflicts of interest and substantial interests and  
8 therefore excludes the political subdivision or district and its  
9 officers and employees from the requirements of subsection 2 of  
10 this section. A certified copy of the ordinance, order or  
11 resolution shall be sent to the commission within ten days of its  
12 adoption. The commission shall assist any political subdivision  
13 in developing forms to complete the requirements of this  
14 subsection. The ordinance, order or resolution shall contain, at  
15 a minimum, the following requirements with respect to disclosure  
16 of substantial interests:

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

20 (a) For such person, and all persons within the first  
21 degree of consanguinity or affinity of such person, the date and  
22 the identities of the parties to each transaction with a total  
23 value in excess of five hundred dollars, if any, that such person  
24 had with the political subdivision, other than compensation  
25 received as an employee or payment of any tax, fee or penalty due

1 to the political subdivision, and other than transfers for no  
2 consideration to the political subdivision;

3 (b) The date and the identities of the parties to each  
4 transaction known to the person with a total value in excess of  
5 five hundred dollars, if any, that any business entity in which  
6 such person had a substantial interest, had with the political  
7 subdivision, other than payment of any tax, fee or penalty due to  
8 the political subdivision or transactions involving payment for  
9 providing utility service to the political subdivision, and other  
10 than transfers for no consideration to the political subdivision;

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

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

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

23 105.487. The financial interest statements shall be filed  
24 at the following times, but no person is required to file more  
25 than one financial interest statement in any calendar year:

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

1 assembly, or any member of the governing body of a political  
2 subdivision may supplement such person's financial interest  
3 statement to report additional interests acquired after December  
4 thirty-first of the covered year until the date of filing of the  
5 financial interest statement. The appropriate election authority  
6 shall provide to the candidate at the time of filing for  
7 [election] office written notice of the candidate's obligation to  
8 file pursuant to sections 105.483 to 105.492 and the candidate  
9 shall sign a statement acknowledging receipt of such notice;

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

17 (3) Every other person required by sections 105.483 to  
18 105.492 to file a financial interest statement shall file the  
19 statement annually not later than the [first] thirty-first day of  
20 [May] March and the statement shall cover the calendar year  
21 ending the immediately preceding December thirty-first; provided  
22 that the governor, lieutenant governor, any member of the general  
23 assembly or any member of the governing body of a political  
24 subdivision may supplement such person's financial interest  
25 statement to report additional interests acquired after December

1 thirty-first of the covered year until the date of filing of the  
2 financial interest statement. If an individual becomes a  
3 candidate for office by nomination of a political caucus, the  
4 individual shall file a financial interest statement within ten  
5 days of the nomination. Such statement shall cover the time  
6 period described in subdivision (1) of this section;

7 (4) The deadline for filing any statement required by  
8 sections 105.483 to 105.492 shall be 5:00 p.m. of the last day  
9 designated for filing the statement. When the last day of filing  
10 falls on a Saturday or Sunday or on an official state holiday,  
11 the deadline for filing is extended to 5:00 p.m. on the next day  
12 which is not a Saturday or Sunday or official holiday. Any  
13 statement required within a specified time shall be deemed to be  
14 timely filed if it is postmarked not later than midnight of the  
15 day previous to the last day designated for filing the statement.

16 105.492. 1. Any person required in sections 105.483 to  
17 105.492 to file a financial interest statement who fails to file  
18 such statement by the times required in section 105.487 shall, if  
19 such person receives any compensation or other remuneration from  
20 public funds for the person's services, not be paid such  
21 compensation or receive such remuneration until the person has  
22 filed a financial interest statement as required by sections  
23 105.483 to 105.492. Any person required in sections 105.483 to  
24 105.492 to file a financial statement who fails to file such

1 statement by the time required in section 105.487 and continues  
2 to fail to file the required financial interest statement for  
3 thirty or more days after receiving notice from the commission  
4 shall be subject to suspension from office in the manner  
5 otherwise provided by law or the constitution. The attorney  
6 general or prosecuting or circuit attorney, at the request of the  
7 commission, may take appropriate legal action to enforce the  
8 provisions of this section.

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

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

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

1 the financial interest statement.

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

8 105.957. 1. The commission shall receive any complaints  
9 alleging violation of the provisions of:

10 (1) The requirements imposed on lobbyists by sections  
11 105.470 to 105.478;

12 (2) The financial interest disclosure requirements  
13 contained in sections 105.483 to 105.492;

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

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

19 (5) The conflict of interest laws contained in sections  
20 105.450 to [105.468] 105.467 and section 171.181, RSMo; and

21 (6) The provisions of the constitution or state statute or  
22 order, ordinance or resolution of any political subdivision  
23 relating to the official conduct of officials or employees of the  
24 state and political subdivisions.

25 2. Complaints filed with the commission shall be in writing

1 and filed only by a natural person. The complaint shall contain  
2 all facts known by the complainant that have given rise to the  
3 complaint and the complaint shall be sworn to, under penalty of  
4 perjury, by the complainant. No complaint shall be investigated  
5 unless the complaint alleges facts which, if true, fall within  
6 the jurisdiction of the commission.

7 3. No complaint shall be investigated which concerns  
8 alleged criminal conduct which allegedly occurred previous to the  
9 period of time allowed by law for criminal prosecution for such  
10 conduct. The commission may refuse to investigate any conduct  
11 which is the subject of civil or criminal litigation. The  
12 commission, its executive director or an investigator shall not  
13 investigate any complaint concerning conduct which is not  
14 criminal in nature which occurred more than two years prior to  
15 the date of the complaint. A complaint alleging misconduct on  
16 the part of a candidate for public office, other than those  
17 alleging failure to file the appropriate financial interest  
18 statements or campaign finance disclosure reports, shall not be  
19 accepted by the commission within sixty days prior to the primary  
20 election at which such candidate is running for office, and until  
21 after the general election.

22 4. Complaints which allege violations as described in this  
23 section which are filed with the commission shall be handled as  
24 provided by section 105.961.

25 5. Complaints claiming campaign finance disclosure

1 requirement violations shall be filed no later than thirty days  
2 after the campaign finance report is filed, unless the complaint  
3 can be substantiated only with a series of campaign finance  
4 disclosure reports, in which case the complaint shall be filed  
5 within thirty days of the filing of the last report in the series  
6 of reports claimed to violate the requirements. In addition to  
7 the contents required for each complaint pursuant to this chapter  
8 or chapter 130, RSMo, the copy of the complaint supplied to the  
9 person or entity named in the complaint shall include the name of  
10 the person filing the complaint.

11 6. Complaints found by the commission to be motivated by  
12 malice or reason contrary to the spirit of any law on which such  
13 complaint was based, filed without just cause, shall result in an  
14 assessment against the complainant for the reasonable costs  
15 incurred by the subject party of the complaint and any other  
16 person or entity named therein, in defending against the  
17 complaint, and the reasonable costs incurred by the commission in  
18 investigating the complaint.

19 7. Any complaint filed under this section shall be deemed a  
20 closed record under subdivision (14) of section 610.021, RSMo. No  
21 information relating to any complaint filed under this section  
22 shall be disclosed in any form to the public until the commission  
23 has completed the investigation of the complaint and has rendered  
24 its findings and conclusions on the complaint. Any person or  
25 entity who discloses any such information relating to a complaint

1 before the commission has rendered its findings and conclusions  
2 on the complaint shall be subject to a civil penalty not to  
3 exceed five thousand dollars, and upon conviction, shall be  
4 subject to a criminal penalty of a fine not to exceed five  
5 thousand dollars or a term of imprisonment not to exceed one  
6 year, or both. The commission shall provide a method requiring  
7 the complainant to acknowledge that the complainant understands  
8 that the complaint is a closed record and to acknowledge that the  
9 complainant understands the penalties for violating this section  
10 in substantially the following form:

11 "This complaint is a closed record and is protected from  
12 disclosure under the authority of section 610.021, RSMo. Any  
13 person or entity who discloses any information contained in this  
14 complaint shall be subject to a civil penalty not to exceed five  
15 thousand dollars and, upon conviction, shall be subject to a  
16 criminal penalty of a fine not to exceed five thousand dollars or  
17 a term of imprisonment not to exceed one year, or both the fine  
18 and imprisonment.".

19 105.961. 1. Upon receipt of a complaint as described by  
20 section 105.957, the commission shall assign the complaint to a  
21 special investigator, who may be a commission employee, who shall  
22 investigate and determine the merits of the complaint. Within  
23 ten days of such assignment, the special investigator shall  
24 review such complaint and disclose, in writing, to the commission  
25 any conflict of interest which the special investigator has or

1 might have with respect to the investigation and subject thereof.  
2 Within one hundred twenty days of receipt of the complaint from  
3 the commission, the special investigator shall submit the special  
4 investigator's report to the commission. The commission, after  
5 review of such report, shall determine:

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

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

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

16 2. When the commission concludes, based on the report from  
17 the special investigator, or based on an audit conducted pursuant  
18 to section 105.959, that there are reasonable grounds to believe  
19 that a violation of any criminal law has occurred, and if the  
20 commission believes that criminal prosecution would be  
21 appropriate upon a vote of four members of the commission, the  
22 commission shall refer the report to the Missouri office of  
23 prosecution services, prosecutors coordinators training council  
24 established in section 56.760, RSMo, which shall submit a panel  
25 of five attorneys for recommendation to the court having criminal

1 jurisdiction, for appointment of an attorney to serve as a  
2 special prosecutor; except that, the attorney general of Missouri  
3 or any assistant attorney general shall not act as such special  
4 prosecutor. The court shall then appoint from such panel a  
5 special prosecutor pursuant to section 56.110, RSMo, who shall  
6 have all the powers provided by section 56.130, RSMo. The court  
7 shall allow a reasonable and necessary attorney's fee for the  
8 services of the special prosecutor. Such fee shall be assessed  
9 as costs if a case is filed, or ordered by the court if no case  
10 is filed, and paid together with all other costs in the  
11 proceeding by the state, in accordance with rules and regulations  
12 promulgated by the state courts administrator, subject to funds  
13 appropriated to the office of administration for such purposes.  
14 If the commission does not have sufficient funds to pay a special  
15 prosecutor, the commission shall refer the case to the prosecutor  
16 or prosecutors having criminal jurisdiction. If the prosecutor  
17 having criminal jurisdiction is not able to prosecute the case  
18 due to a conflict of interest, the court may appoint a special  
19 prosecutor, paid from county funds, upon appropriation by the  
20 county or the attorney general to investigate and, if  
21 appropriate, prosecute the case. The special prosecutor or  
22 prosecutor shall commence an action based on the report by the  
23 filing of an information or seeking an indictment within sixty  
24 days of the date of such prosecutor's appointment, or shall file  
25 a written statement with the commission explaining why criminal

1 charges should not be sought. If the special prosecutor or  
2 prosecutor fails to take either action required by this  
3 subsection, upon request of the commission, a new special  
4 prosecutor, who may be the attorney general, shall be appointed.  
5 The report may also be referred to the appropriate disciplinary  
6 authority over the person who is the subject of the report.

7 3. When the commission concludes, based on the report from  
8 the special investigator or based on an audit conducted pursuant  
9 to section 105.959, that there are reasonable grounds to believe  
10 that a violation of any law has occurred which is not a violation  
11 of criminal law or that criminal prosecution is not appropriate,  
12 the commission shall conduct a hearing which shall be a closed  
13 meeting and not open to the public. The hearing shall be  
14 conducted pursuant to the procedures provided by sections 536.063  
15 to 536.090, RSMo, and shall be considered to be a contested case  
16 for purposes of such sections. The commission shall determine,  
17 in its discretion, whether or not that there is probable cause  
18 that a violation has occurred. If the commission determines, by  
19 a vote of at least four members of the commission, that probable  
20 cause exists that a violation has occurred, the commission may  
21 refer its findings and conclusions to the appropriate  
22 disciplinary authority over the person who is the subject of the  
23 report, as described in subsection 7 of this section. After the  
24 commission determines by a vote of at least four members of the  
25 commission that probable cause exists that a violation has

1 occurred, and the commission has referred the findings and  
2 conclusions to the appropriate disciplinary authority over the  
3 person subject of the report, the subject of the report may  
4 appeal the determination of the commission to the administrative  
5 hearing commission. Such appeal shall stay the action of the  
6 Missouri ethics commission. Such appeal shall be filed not later  
7 than the fourteenth day after the subject of the commission's  
8 action receives [actual] notice of the commission's action.

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

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

22 (2) Notify the person of the requirement to file, amend or  
23 correct any report, statement, or other document or information  
24 required by sections 105.473, 105.483 to 105.492, or chapter 130,  
25 RSMo, and that the commission may seek judicial enforcement of

1 its decision pursuant to subsection 5 of this section; and

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

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

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

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

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

15 (1) Cease and desist violation of any provision of sections  
16 105.450 to 105.496, or chapter 130, RSMo, or sections 105.955 to  
17 105.963;

18 (2) Pay any civil penalties required by sections 105.450 to  
19 105.496 or chapter 130, RSMo;

20 (3) File any reports, statements, or other documents or  
21 information required by sections 105.450 to 105.496, or chapter  
22 130, RSMo; or

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

1 The Missouri ethics commission shall give [actual] notice to the  
2 subject of the complaint of the proposed action as set out in  
3 this section. The subject of the complaint may appeal the action  
4 of the Missouri ethics commission, other than a referral for  
5 criminal prosecution, to the [administrative hearing commission]  
6 circuit court of Cole County. Such appeal shall stay the action  
7 of the Missouri ethics commission. Such appeal shall be filed no  
8 later than fourteen days after the subject of the commission's  
9 actions receives actual notice of the commission's actions.

10 6. In the proceeding in circuit court, the commission may  
11 seek restitution against any person who has obtained unjust  
12 enrichment as a result of violation of any provision of sections  
13 105.450 to 105.496, or chapter 130, RSMo, and may recover on  
14 behalf of the state or political subdivision with which the  
15 alleged violator is associated, damages in the amount of any  
16 unjust enrichment obtained and costs and attorney's fees as  
17 ordered by the court.

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

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

24 (2) In the case of a person holding an elective office or  
25 an appointive office of the state, if the alleged violation is an

1 impeachable offense, the report shall be referred to the ethics  
2 committee of the house of representatives;

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

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

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

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

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

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

22 8. The special investigator having a complaint referred to  
23 the special investigator by the commission shall have the  
24 following powers:

25 (1) To request and shall be given access to information in

1 the possession of any person or agency which the special  
2 investigator deems necessary for the discharge of the special  
3 investigator's responsibilities;

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

7 (3) To administer oaths and affirmations;

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

25 (5) To request from the commission such investigative,

1 clerical or other staff assistance or advancement of other  
2 expenses which are necessary and convenient for the proper  
3 completion of an investigation. Within the limits of  
4 appropriations to the commission, the commission may provide such  
5 assistance, whether by contract to obtain such assistance or from  
6 staff employed by the commission, or may advance such expenses.

7 9. (1) Any retired judge may request in writing to have  
8 the judge's name removed from the list of special investigators  
9 subject to appointment by the commission or may request to  
10 disqualify himself or herself from any investigation. Such  
11 request shall include the reasons for seeking removal;

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

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

21 11. The provisions of sections 105.957, 105.959 and 105.961  
22 are in addition to other provisions of law under which any remedy  
23 or right of appeal or objection is provided for any person, or  
24 any procedure provided for inquiry or investigation concerning  
25 any matter. The provisions of this section shall not be

1 construed to limit or affect any other remedy or right of appeal  
2 or objection.

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

7 13. If, in the opinion of the commission, the complaining  
8 party was motivated by malice or reason contrary to the spirit of  
9 any law on which such complaint was based, in filing the  
10 complaint without just cause, [this] the complaining party shall  
11 be assessed the reasonable costs incurred by the subject party of  
12 the complaint and any other person or entity named therein, in  
13 defending against the complaint, and the reasonable costs  
14 incurred by the commission in investigating the complaint.  
15 Additionally, the commission's finding shall be reported to  
16 appropriate law enforcement authorities. Any person who  
17 knowingly files a complaint without just cause, or with malice,  
18 [is guilty of a class A misdemeanor] shall be subject to a  
19 criminal penalty of a fine not to exceed five thousand dollars or  
20 a term of imprisonment not to exceed one year, or both.

21 14. A respondent party who prevails in a formal judicial  
22 action brought by the commission shall be awarded those  
23 reasonable fees and expenses incurred by that party in the formal  
24 judicial action, unless the court finds that the position of the  
25 commission was substantially justified or that special

1 circumstances make such an award unjust.

2 15. The special investigator and members and staff of the  
3 commission shall maintain confidentiality with respect to all  
4 matters concerning a complaint until and if a report is filed  
5 with the commission, with the exception of communications with  
6 any person which are necessary to the investigation. The report  
7 filed with the commission resulting from a complaint acted upon  
8 under the provisions of this section shall not contain the name  
9 of the complainant or other person providing information to the  
10 investigator, if so requested in writing by the complainant or  
11 such other person. Any person who violates the confidentiality  
12 requirements imposed by this section or subsection 17 of section  
13 105.955 required to be confidential is guilty of a class A  
14 misdemeanor and shall be subject to removal from or termination  
15 of employment by the commission.

16 16. Any judge of the court of appeals or circuit court who  
17 ceases to hold such office by reason of the judge's retirement  
18 and who serves as a special investigator pursuant to this section  
19 shall receive annual compensation, salary or retirement for such  
20 services at the rates of compensation provided for senior judges  
21 by subsections 1, 2 and 4 of section 476.682, RSMo. Such retired  
22 judges shall by the tenth day of each month following any month  
23 in which the judge provided services pursuant to this section  
24 certify to the commission and to the state courts administrator  
25 the amount of time engaged in such services by hour or fraction

1       thereof, the dates thereof, and the expenses incurred and  
2       allowable pursuant to this section. The commission shall then  
3       issue a warrant to the state treasurer for the payment of the  
4       salary and expenses to the extent, and within limitations,  
5       provided for in this section. The state treasurer upon receipt  
6       of such warrant shall pay the same out of any appropriations made  
7       for this purpose on the last day of the month during which the  
8       warrant was received by the state treasurer.

9           105.963. 1. The executive director shall assess every  
10       candidate for state or local office failing to file with a filing  
11       officer other than a local election authority as provided by  
12       section 130.026, RSMo, a campaign disclosure report as required  
13       by chapter 130, RSMo, other than the report required pursuant to  
14       subdivision (1) of subsection 1 of section 130.046, RSMo, a late  
15       filing fee of ten dollars for each day after such report is due  
16       to the commission. The executive director shall mail a notice,  
17       by registered mail, to any candidate and candidate committee  
18       treasurer and deputy treasurer who fails to file such report  
19       informing such person of such failure and the fees provided by  
20       this section. If the candidate persists in such failure for a  
21       period in excess of thirty days beyond receipt of such notice,  
22       the amount of the late filing fee shall increase to one hundred  
23       dollars for each day that the report is not filed, provided that  
24       the total amount of such fees assessed pursuant to this  
25       subsection per report shall not exceed three thousand dollars.

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

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

23           3. The executive director shall assess every person  
24 required to file a financial interest statement pursuant to  
25 sections 105.483 to 105.492 failing to file such a financial

1 interest statement with the commission a late filing fee of ten  
2 dollars for each day after such statement is due to the  
3 commission. The executive director shall mail a notice, by  
4 certified mail, to any person who fails to file such statement  
5 informing the individual required to file of such failure and the  
6 fees provided by this section. If the person persists in such  
7 failure for a period in excess of thirty days beyond receipt of  
8 such notice, the amount of the late filing fee shall increase to  
9 one hundred dollars for each day thereafter that the statement is  
10 late, provided that the total amount of such fees assessed  
11 pursuant to this subsection per statement shall not exceed six  
12 thousand dollars.

13 4. Any person assessed a late filing fee may seek review of  
14 such assessment or the amount of late filing fees assessed, at  
15 the person's option, by filing a petition within fourteen days  
16 after receiving actual notice of assessment with the  
17 administrative hearing commission, or without exhausting the  
18 person's administrative remedies may seek review of such issues  
19 with the circuit court of Cole County.

20 5. The executive director of the Missouri ethics commission  
21 shall collect such late filing fees as are provided for in this  
22 section. Unpaid late filing fees shall be collected by action  
23 filed by the commission. The commission shall contract with the  
24 appropriate entity to collect such late filing fees after a  
25 thirty-day delinquency. If not collected within one hundred

1 twenty days, the Missouri ethics commission shall file a petition  
2 in Cole County circuit court to seek a judgment on said fees.  
3 All late filing fees collected pursuant to this section shall be  
4 transmitted to the state treasurer and deposited to the general  
5 revenue fund.

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

9 7. If any lobbyist fails to file a lobbyist report in a  
10 timely manner and that lobbyist is assessed a late fee, or if any  
11 individual who is required to file a personal financial  
12 disclosure statement fails to file such disclosure statement in a  
13 timely manner and is assessed a late fee, or if any candidate  
14 fails to file a campaign disclosure report in a timely manner and  
15 that candidate is assessed a late filing fee, the lobbyist,  
16 individual, or candidate[, candidate committee treasurer or  
17 assistant treasurer] may file an appeal of the assessment of the  
18 late filing fee with the commission. The commission may forgive  
19 the assessment of the late filing fee upon a showing of good  
20 cause. Such appeal shall be filed within ten days of the receipt  
21 of notice of the assessment of the late filing fee.

22 8. Any assessment of a late filing fee under this section,  
23 except a late fee assessed for failure to file the disclosure  
24 report required not later than the eighth day before an election,  
25 shall be deemed a closed record under subdivision (14) of section

1 610.021, RSMo. No information relating to such late filing fees  
2 shall be disclosed in any form to the public unless the late fee  
3 has been assessed and remains unpaid by the close of the next  
4 business day after assessment. Any person or entity who  
5 discloses any such information relating to any assessment of a  
6 late filing fee under this section before the ten-day period has  
7 expired shall be subject to a civil penalty not to exceed five  
8 thousand dollars, and upon conviction, shall be subject to a  
9 criminal penalty of a fine not to exceed five thousand dollars or  
10 a term of imprisonment not to exceed one year, or both.

11 130.011. As used in this chapter, unless the context  
12 clearly indicates otherwise, the following terms mean:

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

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

22 (3) "Candidate", an individual who seeks nomination or  
23 election to public office. The term "candidate" includes an  
24 elected officeholder who is the subject of a recall election, an  
25 individual who seeks nomination by the individual's political

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

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

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

1 activities, the individual shall file the statement disavowing  
2 the candidacy within one day; or

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

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

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

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

14 (7) "Committee", a person or any combination of persons,  
15 who accepts contributions or makes expenditures for the primary  
16 or incidental purpose of influencing or attempting to influence  
17 the action of voters for or against the nomination or election to  
18 public office of one or more candidates or the qualification,  
19 passage or defeat of any ballot measure or for the purpose of  
20 paying a previously incurred campaign debt or obligation of a  
21 candidate or the debts or obligations of a committee or for the  
22 purpose of contributing funds to another committee:

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

24 a. A person or combination of persons, if neither the  
25 aggregate of expenditures made nor the aggregate of contributions

1 received during a calendar year exceeds five hundred dollars and  
2 if no single contributor has contributed more than [two hundred  
3 fifty dollars] the amount set out in subdivision (3) of  
4 subsection 1 of section 130.032, as increased by subsection 2 of  
5 section 130.032, of such aggregate contributions;

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

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

20 d. A labor organization organized or operated for a primary  
21 or principal purpose other than that of influencing or attempting  
22 to influence the action of voters for or against the nomination  
23 or election to public office of one or more candidates, or the  
24 qualification, passage, or defeat of any ballot measure, and it  
25 accepts no contributions, and expenditures made by the

1 organization are from its own funds or property received from  
2 membership dues or membership fees which were given or solicited  
3 for the purpose of supporting the normal and usual activities and  
4 functions of the organization and which are not contributions as  
5 defined by subdivision (12) of this section;

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

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

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

20 (8) "Campaign committee", a committee, other than a  
21 candidate committee, which shall be formed by an individual or  
22 group of individuals to receive contributions or make  
23 expenditures and whose sole purpose is to support or oppose the  
24 qualification and passage of one or more particular ballot  
25 measures in an election or the retention of judges under the

1 nonpartisan court plan, such committee shall be formed no later  
2 than thirty days prior to the election for which the committee  
3 receives contributions or makes expenditures, and which shall  
4 terminate the later of either thirty days after the general  
5 election or upon the satisfaction of all committee debt after the  
6 general election, except that no committee retiring debt shall  
7 engage in any other activities in support of a measure for which  
8 the committee was formed;

9 (9) "Candidate committee", a committee which shall be  
10 formed by a candidate to receive contributions or make  
11 expenditures in behalf of the person's candidacy and which shall  
12 continue in existence for use by an elected candidate or which  
13 shall terminate the later of either thirty days after the general  
14 election for a candidate who was not elected or upon the  
15 satisfaction of all committee debt after the election, except  
16 that no committee retiring debt shall engage in any other  
17 activities in support of the candidate for which the committee  
18 was formed. Any candidate for elective office shall have only  
19 one candidate committee for the elective office sought, which is  
20 controlled directly by the candidate for the purpose of making  
21 expenditures. A candidate committee is presumed to be under the  
22 control and direction of the candidate unless the candidate files  
23 an affidavit with the appropriate officer stating that the  
24 committee is acting without control or direction on the  
25 candidate's part;

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

22           (11) "Connected organization", any organization such as a  
23 corporation, a labor organization, a membership organization, a  
24 cooperative, or trade or professional association which expends  
25 funds or provides services or facilities to establish, administer

1 or maintain a committee or to solicit contributions to a  
2 committee from its members, officers, directors, employees or  
3 security holders. An organization shall be deemed to be the  
4 connected organization if more than fifty percent of the persons  
5 making contributions to the committee during the current calendar  
6 year are members, officers, directors, employees or security  
7 holders of such organization or their spouses;

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

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

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

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

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

7 (e) Any loan, guarantee of a loan, cancellation or  
8 forgiveness of a loan or debt or other obligation by a third  
9 party, or payment of a loan or debt or other obligation by a  
10 third party if the loan or debt or other obligation was  
11 contracted, used, or intended, in whole or in part, for use in an  
12 election campaign or used or intended for the payment of such  
13 debts or obligations of a candidate or committee previously  
14 incurred, or which was made or received by a committee;

15 (f) Funds received by a committee which are transferred to  
16 such committee from another committee or other source, except  
17 funds received by a candidate committee as a transfer of funds  
18 from another candidate committee controlled by the same candidate  
19 but such transfer shall be included in the disclosure reports;

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

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

6           (i) "Contribution" does not include:

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

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

17           c. Interest earned on deposit of committee funds;

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

25           (13) "County", any one of the several counties of this

1 state or the city of St. Louis;

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

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

14 (16) "Expenditure", a payment, advance, conveyance,  
15 deposit, donation or contribution of money or anything of value  
16 for the purpose of supporting or opposing the nomination or  
17 election of any candidate for public office or the qualification  
18 or passage of any ballot measure or for the support of any  
19 committee which in turn supports or opposes any candidate or  
20 ballot measure or for the purpose of paying a previously incurred  
21 campaign debt or obligation of a candidate or the debts or  
22 obligations of a committee; a payment, or an agreement or promise  
23 to pay, money or anything of value, including a candidate's own  
24 money or property, for the purchase of goods, services, property,  
25 facilities or anything of value for the purpose of supporting or

1 opposing the nomination or election of any candidate for public  
2 office or the qualification or passage of any ballot measure or  
3 for the support of any committee which in turn supports or  
4 opposes any candidate or ballot measure or for the purpose of  
5 paying a previously incurred campaign debt or obligation of a  
6 candidate or the debts or obligations of a committee. An  
7 expenditure of anything of value shall be deemed to have a money  
8 value equivalent to the fair market value. "Expenditure"  
9 includes, but is not limited to:

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

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

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

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

24 (e) "Expenditure" does not include:

25 a. Any news story, commentary or editorial which is

1 broadcast or published by any broadcasting station, newspaper,  
2 magazine or other periodical without charge to the candidate or  
3 to any person supporting or opposing a candidate or ballot  
4 measure;

5 b. The internal dissemination by any membership  
6 organization, proprietorship, labor organization, corporation,  
7 association or other entity of information advocating the  
8 election or defeat of a candidate or candidates or the passage or  
9 defeat of a ballot measure or measures to its directors,  
10 officers, members, employees or security holders, provided that  
11 the cost incurred is reported pursuant to [subsection 2 of  
12 section 130.051] section 130.048;

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

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

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

1 members, officers, directors, employees or security holders of  
2 the connected organization;

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

7 (17) "Exploratory committees", a committee which shall be  
8 formed by an individual to receive contributions and make  
9 expenditures on behalf of this individual in determining whether  
10 or not the individual seeks elective office. Such committee  
11 shall terminate no later than December thirty-first of the year  
12 prior to the general election for the possible office;

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

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

21 (20) "Labor organization", any organization of any kind, or  
22 any agency or employee representation committee or plan, in which  
23 employees participate and which exists for the purpose, in whole  
24 or in part, of dealing with employers concerning grievances,  
25 labor disputes, wages, rates of pay, hours of employment, or

1 conditions of work;

2 (21) "Loan", a transfer of money, property or anything of  
3 ascertainable monetary value in exchange for an obligation,  
4 conditional or not, to repay in whole or in part and which was  
5 contracted, used, or intended for use in an election campaign, or  
6 which was made or received by a committee or which was  
7 contracted, used, or intended to pay previously incurred campaign  
8 debts or obligations of a candidate or the debts or obligations  
9 of a committee;

10 (22) "Person", an individual, group of individuals,  
11 corporation, partnership, committee, proprietorship, joint  
12 venture, any department, agency, board, institution or other  
13 entity of the state or any of its political subdivisions, union,  
14 labor organization, trade or professional or business  
15 association, association, political party or any executive  
16 committee thereof, or any other club or organization however  
17 constituted or any officer or employee of such entity acting in  
18 the person's official capacity;

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

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

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

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

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

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

22           130.021. 1. Every committee shall have a treasurer who,  
23 except as provided in subsection 10 of this section, shall be a  
24 resident of this state. A committee may also have a deputy  
25 treasurer who, except as provided in subsection 10 of this

1 section, shall be a resident of this state, to serve in the  
2 capacity of committee treasurer in the event the committee  
3 treasurer is unable for any reason to perform the treasurer's  
4 duties.

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

23 3. A candidate who has more than one candidate committee  
24 supporting the person's candidacy shall designate one of those  
25 candidate committees as the committee responsible for

1 consolidating the aggregate contributions to all such committees  
2 under the candidate's control and direction as required by  
3 section 130.041.

4 4. (1) Every committee shall have a single official fund  
5 depository within this state which shall be a federally or  
6 state-chartered bank, a federally or state-chartered savings and  
7 loan association, or a federally or state-chartered credit union  
8 in which the committee shall open and thereafter maintain at  
9 least one official depository account in its own name. An  
10 "official depository account" shall be a checking account or some  
11 type of negotiable draft or negotiable order of withdrawal  
12 account, and the official fund depository shall, regarding an  
13 official depository account, be a type of financial institution  
14 which provides a record of deposits, canceled checks or other  
15 canceled instruments of withdrawal evidencing each transaction by  
16 maintaining copies within this state of such instruments and  
17 other transactions. All contributions which the committee  
18 receives in money, checks and other negotiable instruments shall  
19 be deposited in a committee's official depository account.  
20 Contributions shall not be accepted and expenditures shall not be  
21 made by a committee except by or through an official depository  
22 account and the committee treasurer, deputy treasurer or  
23 candidate. Contributions received by a committee shall not be  
24 commingled with any funds of an agent of the committee, a  
25 candidate or any other person, except that contributions from a

1 candidate of the candidate's own funds to the person's candidate  
2 committee shall be deposited to an official depository account of  
3 the person's candidate committee. No expenditure shall be made  
4 by a committee when the office of committee treasurer is vacant  
5 except that when the office of a candidate committee treasurer is  
6 vacant, the candidate shall be the treasurer until the candidate  
7 appoints a new treasurer.

8 (2) A committee treasurer, deputy treasurer or candidate  
9 may withdraw funds from a committee's official depository account  
10 and deposit such funds in one or more savings accounts in the  
11 committee's name in any bank, savings and loan association or  
12 credit union within this state, and may also withdraw funds from  
13 an official depository account for investment in the committee's  
14 name in any certificate of deposit, bond or security. Proceeds  
15 from interest or dividends from a savings account or other  
16 investment or proceeds from withdrawals from a savings account or  
17 from the sale of an investment shall not be expended or  
18 reinvested, except in the case of renewals of certificates of  
19 deposit, without first redepositing such proceeds in an official  
20 depository account. Investments, other than savings accounts,  
21 held outside the committee's official depository account at any  
22 time during a reporting period shall be disclosed by description,  
23 amount, any identifying numbers and the name and address of any  
24 institution or person in which or through which it is held in an  
25 attachment to disclosure reports the committee is required to

1 file. Proceeds from an investment such as interest or dividends  
2 or proceeds from its sale, shall be reported by date and amount.  
3 In the case of the sale of an investment, the names and addresses  
4 of the persons involved in the transaction shall also be stated.  
5 Funds held in savings accounts and investments, including  
6 interest earned, shall be included in the report of money on hand  
7 as required by section 130.041.

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

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

1 committee is a candidate committee, the name of the candidate  
2 shall be a part of the committee's name;

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

5 (3) The name, mailing address and telephone number of the  
6 committee treasurer, and the name, mailing address and telephone  
7 number of its deputy treasurer if the committee has named a  
8 deputy treasurer;

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

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

13 (6) The name and mailing address of its depository, and the  
14 name and account number of each account the committee has in the  
15 depository, except that when the report is required to be filed  
16 with an appropriate officer, as defined in section 130.021, other  
17 than the Missouri ethics commission, the account number of each  
18 account may be omitted;

19 (7) Identification of the major nature of the committee  
20 such as a candidate committee, campaign committee, continuing  
21 committee, political party committee, incumbent committee, or any  
22 other committee according to the definition of "committee" in  
23 section 130.011;

24 (8) In the case of the candidate committee designated in  
25 subsection 3 of this section, the full name and address of each

1 other candidate committee which is under the control and  
2 direction of the same candidate, together with the name, address  
3 and telephone number of the treasurer of each such other  
4 committee;

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

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

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

19 7. A committee which has filed a statement of organization  
20 and has not terminated shall not be required to file another  
21 statement of organization, except that when there is a change in  
22 any of the information previously reported as required by  
23 subdivisions (1) to (8) of subsection 5 of this section an  
24 amended statement of organization shall be filed within twenty  
25 days after the change occurs, but no later than the date of the

1 filing of the next report required to be filed by that committee  
2 by section 130.046.

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

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

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

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

24 (2) The aggregate of all contributions and expenditures  
25 made to support or oppose candidates and ballot measures in this

1 state exceeds one thousand five hundred dollars in the current  
2 calendar year.

3 11. If a committee domiciled in this state receives a  
4 contribution of one thousand five hundred dollars or more from  
5 any committee domiciled outside of this state, the committee  
6 domiciled in this state shall file a disclosure report with the  
7 commission. The report shall disclose the full name, mailing  
8 address, telephone numbers and domicile of the contributing  
9 committee and the date and amount of the contribution. The  
10 report shall be filed within forty-eight hours of the receipt of  
11 such contribution if the contribution is received after the last  
12 reporting date before the election.

13 130.036. 1. The candidate, treasurer or deputy treasurer  
14 of a committee shall maintain accurate records and accounts on a  
15 current basis. The records and accounts shall be maintained in  
16 accordance with accepted normal bookkeeping procedures and shall  
17 contain the bills, receipts, deposit records, canceled checks and  
18 other detailed information necessary to prepare and substantiate  
19 any statement or report required to be filed pursuant to this  
20 chapter. Every person who acts as an agent for a committee in  
21 receiving contributions, making expenditures or incurring  
22 indebtedness for the committee shall, on request of that  
23 committee's treasurer, deputy treasurer or candidate, but in any  
24 event within five days after any such action, render to the  
25 candidate, committee treasurer or deputy treasurer a detailed

1 account thereof, including names, addresses, dates, exact amounts  
2 and any other details required by the candidate, treasurer or  
3 deputy treasurer to comply with this chapter. Notwithstanding  
4 the provisions of subsection 4 of section 130.021 prohibiting  
5 commingling of funds, an individual, trade or professional  
6 association, business entity, or labor organization which acts as  
7 an agent for a committee in receiving contributions may deposit  
8 contributions received on behalf of the committee to the agent's  
9 account within a financial institution within this state, for  
10 purposes of facilitating transmittal of the contributions to the  
11 candidate, committee treasurer or deputy treasurer. Such  
12 contributions shall not be held in the agent's account for more  
13 than five days after the date the contribution was received by  
14 the agent, and shall not be transferred to the account of any  
15 other agent or person, other than the committee treasurer.

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

22 3. Notwithstanding the provisions of section 130.041 that  
23 only contributors of more than one hundred dollars shall be  
24 reported by name and address for all committees, the committee's  
25 records shall contain a listing of each contribution received by

1 the committee, including those accepted and those which are  
2 rejected and either returned to the donor or transmitted to the  
3 state treasurer. Each contribution, regardless of the amount,  
4 shall be recorded by date received, name and address of the  
5 contributor and the amount of the contribution, except that any  
6 contributions from unidentifiable persons which are received  
7 through fund-raising activities and events as permitted in  
8 subsection 6 of section 130.031 shall be recorded to show the  
9 dates and amounts of all such contributions received together  
10 with information contained in statements required by subsection 6  
11 of section 130.031. The procedure for recording contributions  
12 shall be of a type which enables the candidate, committee  
13 treasurer or deputy treasurer to maintain a continuing total of  
14 all contributions received from any one contributor.

15 4. Notwithstanding the provisions of section 130.041 that  
16 certain expenditures need not be identified in reports by name  
17 and address of the payee, the committee's records shall include a  
18 listing of each expenditure made and each contract, promise or  
19 agreement to make an expenditure, showing the date and amount of  
20 each transaction, the name and address of the person to whom the  
21 expenditure was made or promised, and the purpose of each  
22 expenditure made or promised.

23 5. In the case of a committee which makes expenditures for  
24 both the support or opposition of any candidate and the passage  
25 or defeat of a ballot measure, the committee treasurer shall

1 maintain records segregated according to each candidate or  
2 measure for which the expenditures were made.

3 6. Records shall indicate which transactions, either  
4 contributions received or expenditures made, were cash  
5 transactions or in-kind transactions.

6 7. Any candidate who, pursuant to section 130.016, is  
7 exempt from the requirements to form a committee shall maintain  
8 records of each contribution received or expenditure made in  
9 support of his candidacy. Any other person or combination of  
10 persons who, although not deemed to be a committee according to  
11 the definition of the term "committee" in section 130.011,  
12 accepts contributions or makes expenditures, other than direct  
13 contributions from the person's own funds, for the purpose of  
14 supporting or opposing the election or defeat of any candidate or  
15 for the purpose of supporting or opposing the qualifications,  
16 passage or defeat of any ballot measure shall maintain records of  
17 each contribution received or expenditure made. The records  
18 shall include name, address and amount pertaining to each  
19 contribution received or expenditure made and any bills,  
20 receipts, canceled checks or other documents relating to each  
21 transaction.

22 8. All records and accounts of receipts and expenditures  
23 shall be preserved for at least three years after the date of the  
24 election to which the records pertain. Records and accounts  
25 regarding supplemental disclosure reports or reports not required

1 pursuant to an election shall be preserved for at least three  
2 years after the date of the report to which the records pertain.  
3 Such records shall be available for inspection by the [campaign  
4 finance review board] Missouri ethics commission and its duly  
5 authorized representatives.

6 130.041. 1. Except as provided in subsection 5 of section  
7 130.016, the candidate, if applicable, treasurer or deputy  
8 treasurer of every committee which is required to file a  
9 statement of organization, shall file a legibly printed or typed  
10 disclosure report of receipts and expenditures. The reports  
11 shall be filed with the appropriate officer designated in section  
12 130.026 at the times and for the periods prescribed in section  
13 130.046; however, any candidate whose appropriate officers are  
14 the Missouri ethics commission and the candidate's election  
15 authority shall not be required to file reports with the election  
16 authority if the report has been filed electronically with the  
17 Missouri ethics commission and the candidate has filed a  
18 declaration with the election authority that electronic filing  
19 will be used exclusively unless notified otherwise. Except as  
20 provided in sections 130.049 and 130.050, each report shall set  
21 forth:

22 (1) The full name, as required in the statement of  
23 organization pursuant to subsection 5 of section 130.021, and  
24 mailing address of the committee filing the report and the full  
25 name, mailing address and telephone number of the committee's

1 treasurer and deputy treasurer if the committee has named a  
2 deputy treasurer;

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

5 (3) Receipts for the period, including:

6 (a) Total amount of all monetary contributions received  
7 which can be identified in the committee's records by name and  
8 address of each contributor. In addition, the candidate  
9 committee shall make a reasonable effort to obtain and report the  
10 employer, or occupation if self-employed or notation of  
11 retirement, of each person from whom the committee received one  
12 or more contributions which in the aggregate total in excess of  
13 one hundred dollars and shall make a reasonable effort to obtain  
14 and report a description of any contractual relationship over  
15 five hundred dollars between the contributor and the state if the  
16 candidate is seeking election to a state office or between the  
17 contributor and any political subdivision of the state if the  
18 candidate is seeking election to another political subdivision of  
19 the state;

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

21 (c) Total amount of all monetary contributions received  
22 through fund-raising events or activities from participants whose  
23 names and addresses were not obtained with such contributions,  
24 with an attached statement or copy of the statement describing  
25 each fund-raising event as required in subsection 6 of section

1 130.031;

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

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

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

16 (4) Expenditures for the period, including:

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

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

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

22 (d) The full name and mailing address of each person to  
23 whom an expenditure of money or any other thing of value in the  
24 amount of more than one hundred dollars has been made, contracted  
25 for or incurred, together with the date, amount and purpose of

1 each expenditure. Expenditures of one hundred dollars or less  
2 may be grouped and listed by categories of expenditure showing  
3 the total dollar amount of expenditures in each category, except  
4 that the report shall contain an itemized listing of each payment  
5 made to campaign workers by name, address, date, amount and  
6 purpose of each payment and the aggregate amount paid to each  
7 such worker;

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

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

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

16 (7) The amount of expenditures for or against a candidate  
17 or ballot measure during the period covered and the cumulative  
18 amount of expenditures for or against that candidate or ballot  
19 measure, with each candidate being listed by name, mailing  
20 address and office sought. For the purpose of disclosure  
21 reports, expenditures made in support of more than one candidate  
22 or ballot measure or both shall be apportioned reasonably among  
23 the candidates or ballot measure or both. In apportioning  
24 expenditures to each candidate or ballot measure, political party  
25 committees and continuing committees need not include

1 expenditures for maintaining a permanent office, such as  
2 expenditures for salaries of regular staff, office facilities and  
3 equipment or other expenditures not designed to support or oppose  
4 any particular candidates or ballot measures; however, all such  
5 expenditures shall be listed pursuant to subdivision (4) of this  
6 subsection;

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

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

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

1 so designated or restricted by that contributor and the date and  
2 amount of such contribution.

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

9 (1) In the case of a candidate committee, the period shall  
10 begin on the date on which the candidate became a candidate  
11 according to the definition of the term "candidate" in section  
12 130.011 and end at 11:59 p.m. on the day of the primary  
13 election, if the candidate has such an election or at 11:59 p.m.  
14 on the day of the general election. If the candidate has a  
15 general election held after a primary election, the next  
16 aggregating period shall begin at 12:00 midnight on the day after  
17 the primary election day and shall close at 11:59 p.m. on the day  
18 of the general election. Except that for contributions received  
19 during the thirty-day period immediately following a primary  
20 election, the candidate shall designate whether such contribution  
21 is received as a primary election contribution or a general  
22 election contribution;

23 (2) In the case of a campaign committee, the period shall  
24 begin on the date the committee received its first contribution  
25 and end on the closing date for the period for which the report

1 or statement is required;

2 (3) In the case of a political party committee or a  
3 continuing committee, the period shall begin on the first day of  
4 January of the year in which the report or statement is being  
5 filed and end on the closing date for the period for which the  
6 report or statement is required; except, if the report or  
7 statement is required to be filed prior to the first day of July  
8 in any given year, the period shall begin on the first day of  
9 July of the preceding year.

10 3. The disclosure report shall be signed and attested by  
11 the committee treasurer or deputy treasurer and by the candidate  
12 in case of a candidate committee.

13 4. The words "consulting or consulting services, fees, or  
14 expenses", or similar words, shall not be used to describe the  
15 purpose of a payment as required in this section. The reporting  
16 of any payment to such an independent contractor shall be on a  
17 form supplied by the appropriate officer, established by the  
18 ethics commission and shall include identification of the  
19 specific service or services provided including, but not limited  
20 to, public opinion polling, research on issues or opposition  
21 background, print or broadcast media production, print or  
22 broadcast media purchase, computer programming or data entry,  
23 direct mail production, postage, rent, utilities, phone  
24 solicitation, or fund raising, and the dollar amount prorated for  
25 each service.

1           130.042. Persons requesting to inspect or copy disclosure  
2 reports made and filed pursuant to this chapter or chapter 105,  
3 RSMo, shall provide photo identification with which to compare  
4 and verify their signatures prior to the disclosure reports being  
5 made available for inspection or copying.

6           130.046. 1. The disclosure reports required by section  
7 130.041 for all committees shall be filed at the following times  
8 and for the following periods:

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

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

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

1 Notwithstanding the provisions of this subsection, if any  
2 committee accepts contributions or makes expenditures in support  
3 of or in opposition to a ballot measure or a candidate, and the  
4 report required by this subsection for the most recent calendar  
5 quarter is filed prior to the fortieth day before the election on  
6 the measure or candidate, the committee shall file an additional  
7 disclosure report not later than the fortieth day before the  
8 election for the period closing on the forty-fifth day before the  
9 election.

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

15 (1) In addition to the disclosure reports required to be  
16 filed pursuant to subsection 1 of this section the treasurer of a  
17 committee, other than a continuing committee, supporting or  
18 opposing a petition effort to qualify a measure to appear on the  
19 ballot or to remove an incumbent from office shall file an  
20 initial disclosure report fifteen days after the committee begins  
21 the process of raising or spending money. After such initial  
22 report, the committee shall file quarterly disclosure reports as  
23 required by subdivision (3) of subsection 1 of this section until  
24 such time as the reports required by subdivisions (1) and (2) of  
25 subsection 1 of this section are to be filed. In addition the

1 committee shall file a second disclosure report no later than the  
2 fifteenth day after the deadline date for submitting such  
3 petition. The period covered in the initial report shall begin  
4 on the day the committee first accepted contributions or made  
5 expenditures to support or oppose the petition effort for  
6 qualification of the measure and shall close on the fifth day  
7 prior to the date of the report;

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

19 3. The candidate, if applicable, treasurer or deputy  
20 treasurer of a committee shall file disclosure reports pursuant  
21 to this section, except for any calendar quarter in which the  
22 contributions received by the committee or the expenditures or  
23 contributions made by the committee do not exceed five hundred  
24 dollars. The reporting dates and periods covered for such  
25 quarterly reports shall not be later than the fifteenth day of

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

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

25 (2) Not later than forty-eight hours after aggregate

1 expenditures of five hundred dollars or more are made after the  
2 twelfth day before the election; and

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

5 4. The reports required to be filed no later than the  
6 thirtieth day after an election and any subsequently required  
7 report shall be cumulative so as to reflect the total receipts  
8 and disbursements of the reporting committee for the entire  
9 election campaign in question. The period covered by each  
10 disclosure report shall begin on the day after the closing date  
11 of the most recent disclosure report filed and end on the closing  
12 date for the period covered. If the committee has not previously  
13 filed a disclosure report, the period covered begins on the date  
14 the committee was formed; except that in the case of a candidate  
15 committee, the period covered begins on the date the candidate  
16 became a candidate according to the definition of the term  
17 candidate in section 130.011.

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

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

24 (a) If there are less than fifty days between a primary  
25 election and the immediately succeeding general election, the

1 disclosure report required to be filed quarterly; provided that,  
2 any other report required to be filed prior to the primary  
3 election and all other reports required to be filed not later  
4 than the eighth day before the general election are filed no  
5 later than the final dates for filing such reports;

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

14 (2) No disclosure report needs to be filed for any  
15 reporting period if during that reporting period the committee  
16 has neither received contributions aggregating more than five  
17 hundred dollars nor made expenditure aggregating more than five  
18 hundred dollars and has not received contributions aggregating  
19 more than [three hundred dollars] the amount set out in  
20 subdivision (3) of subsection 1 of section 130.032, as increased  
21 by subsection 2 of section 130.032, from any single contributor  
22 and if the committee's treasurer files a statement with the  
23 appropriate officer that the committee has not exceeded the  
24 identified thresholds in the reporting period. Any contributions  
25 received or expenditures made which are not reported because this

1 statement is filed in lieu of a disclosure report shall be  
2 included in the next disclosure report filed by the committee.  
3 This statement shall not be filed in lieu of the report for two  
4 or more consecutive disclosure periods if either the  
5 contributions received or expenditures made in the aggregate  
6 during those reporting periods exceed five hundred dollars. This  
7 statement shall not be filed, in lieu of the report, later than  
8 the thirtieth day after an election if that report would show a  
9 deficit of more than one thousand dollars.

10 6. (1) If the disclosure report required to be filed by a  
11 committee not later than the thirtieth day after an election  
12 shows a deficit of unpaid loans and other outstanding obligations  
13 in excess of five thousand dollars, semiannual supplemental  
14 disclosure reports shall be filed with the appropriate officer  
15 for each succeeding semiannual period until the deficit is  
16 reported in a disclosure report as being reduced to five thousand  
17 dollars or less; except that, a supplemental semiannual report  
18 shall not be required for any semiannual period which includes  
19 the closing date for the reporting period covered in any regular  
20 disclosure report which the committee is required to file in  
21 connection with an election. The reporting dates and periods  
22 covered for semiannual reports shall be not later than the  
23 fifteenth day of January and July for periods closing on the  
24 thirty-first day of December and the thirtieth day of June;

25 (2) Committees required to file reports pursuant to

1 subsection 2 or 3 of this section which are not otherwise  
2 required to file disclosure reports for an election shall file  
3 semiannual reports as required by this subsection if their last  
4 required disclosure report shows a total of unpaid loans and  
5 other outstanding obligations in excess of five thousand dollars.

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

16 8. Disclosure reports shall be filed with the appropriate  
17 officer not later than 5:00 p.m. prevailing local time of the day  
18 designated for the filing of the report and a report postmarked  
19 not later than midnight of the day previous to the day designated  
20 for filing the report shall be deemed to have been filed in a  
21 timely manner. The appropriate officer may establish a policy  
22 whereby disclosure reports may be filed by facsimile  
23 transmission.

24 130.049. 1. An out-of-state committee which according to  
25 the provisions of subsection 10 of section 130.021 is not

1 required to file a statement of organization and is not required  
2 to file the full disclosure reports required by section 130.041  
3 shall file reports with the Missouri ethics commission according  
4 to [the provisions of such sections] this subsection if the  
5 committee makes contributions or expenditures in support of or in  
6 opposition to candidates or ballot measures in this state in any  
7 election covered by this chapter or makes contributions to any  
8 committee domiciled in this state. An initial report shall be  
9 filed no later than fourteen days prior to the date such  
10 out-of-state committee first makes a contribution or expenditure  
11 in this state, and thereafter reports shall be filed at the times  
12 and for the reporting periods prescribed in subsection 1 of  
13 section 130.046. [Such initial report shall state the name and  
14 address of the committee receiving such contributions or  
15 expenditures.] The contributions or expenditures shall be made  
16 no later than thirty days prior to the election. [The  
17 out-of-state committee thereafter shall file copies of the  
18 campaign disclosure report required to be filed in the domicile  
19 of the committee with the Missouri ethics commission as required  
20 by subsections 1 to 3 of section 130.046.] No candidate or  
21 committee may accept any contribution made by a committee  
22 domiciled outside this state unless the provisions of this  
23 section are met.

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

25 (1) The full name, address, and domicile of the committee

1 making the report and the name, residential, and business  
2 addresses, domicile, and telephone numbers of the committee's  
3 treasurer;

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

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

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

23 (5) A statement as to whether the committee is required to  
24 file reports with the Federal Election Commission, and a listing  
25 of agencies in other states with which the committee files

1 reports, if any;

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

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

9 130.050. [1. An out-of-state committee which, according to  
10 the provisions of subsection 10 of section 130.021, is not  
11 required to file a statement of organization and is not required  
12 to file the full disclosure reports required by section 130.041  
13 shall file reports with the Missouri ethics commission according  
14 to the provisions of this subsection if the committee makes  
15 contributions or expenditures in support of or in opposition to  
16 candidates or ballot measures in this state in any election  
17 covered by this chapter or makes contributions to any committee  
18 domiciled in this state. An initial report shall be filed on or  
19 within fourteen days prior to the date such out-of-state  
20 committee first makes a contribution or expenditure in this  
21 state, and thereafter reports shall be filed at the times and for  
22 the reporting periods prescribed in subsection 1 of section  
23 130.046. Each report shall contain:

24 (1) The full name, address and domicile of the committee  
25 making the report and the name, residential and business

1 addresses, domicile and telephone numbers of the committee's  
2 treasurer;

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

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

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

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

25 (6) A separate listing showing contributions made in

1 support of or opposition to each candidate or ballot measure in  
2 this state, together with the date and amount of each  
3 contribution;

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

7 2. In the case of a political party committee's selection  
8 of an individual to be the party's nominee for public office in  
9 an election covered by this chapter, any individual who seeks  
10 such nomination and who is a candidate according to the  
11 definition of the term candidate in section 130.011 shall be  
12 required to comply with all requirements of this chapter; except  
13 that, for the purposes of this subsection, the reporting dates  
14 and reporting periods in section 130.046 shall not apply, and the  
15 first reporting date shall be no later than the fifteenth day  
16 after the date on which a nomination covered by this subsection  
17 was made and for the period beginning on the date the individual  
18 became a candidate, as the term candidate is defined in section  
19 130.011, and closing on the tenth day after the date the  
20 nomination was made, with subsequent reports being made as  
21 closely as practicable to the times required in section 130.046.

22 3.] The receipt of any late contribution or loan of more  
23 than two hundred fifty dollars by a candidate committee  
24 supporting a candidate for statewide office or by any other  
25 committee shall be reported to the appropriate officer no later

1 than forty-eight hours after receipt. For purposes of this  
2 subsection the term "late contribution or loan" means a  
3 contribution or loan received after the closing date of the last  
4 disclosure report required to be filed before an election but  
5 received prior to the date of the election itself. The  
6 disclosure report of a late contribution may be made by any  
7 written means of communication, setting forth the name and  
8 address of the contributor or lender and the amount of the  
9 contribution or loan and need not contain the signatures and  
10 certification required for a full disclosure report described in  
11 section 130.041. A late contribution or loan shall be included  
12 in subsequent disclosure reports without regard to any special  
13 reports filed pursuant to this subsection.

14 130.054. 1. Notwithstanding the provisions of subsection 3  
15 of section 105.957, RSMo, any natural person may file a complaint  
16 with the Missouri ethics commission alleging failure to timely or  
17 accurately file a personal financial disclosure statement, a  
18 campaign finance disclosure report or a violation of the  
19 provisions of this chapter by any candidate for elective office,  
20 within sixty days prior to the primary election at which such  
21 candidate is running for office, until after the general  
22 election. Any such complaint shall be in writing, shall state  
23 all facts known by the complainant which have given rise to the  
24 complaint, and shall be sworn to, under penalty of perjury, by  
25 the complainant.

1           2. Within the first business day after receipt of a  
2 complaint pursuant to this section, the executive director shall  
3 supply a copy of the complaint to the person or entity named in  
4 the complaint, deleting any material identifying the name of the  
5 complainant, unless the complaint claims a violation of campaign  
6 finance disclosure requirements, in which case the complainant's  
7 name shall not be deleted. The executive director shall notify  
8 the complainant and the person or entity named in the complaint  
9 of the date and time at which the commission shall audit and  
10 investigate the allegations contained in the complaint pursuant  
11 to subsection 3 of this section.

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

25           4. If, after audit and investigation of the complaint and

1 upon a vote of at least four members of the commission, the  
2 commission determines that there are reasonable grounds to  
3 believe that a violation of law has occurred within the  
4 jurisdiction of the commission, the commission shall proceed with  
5 such complaint as provided by sections 105.957 to 105.963, RSMo.  
6 If the commission does not determine that there are reasonable  
7 grounds to believe that such a violation of law has occurred, the  
8 complaint shall be dismissed. If a complaint is dismissed, the  
9 fact that such complaint was dismissed, with a statement of the  
10 nature of the complaint, shall be made public within twenty-four  
11 hours of the commission's action.

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

16 6. Complaints claiming campaign finance disclosure  
17 requirement violations shall be filed within thirty days of the  
18 filing of the report that is claimed to violate the requirements,  
19 unless the complaint can be substantiated only with a series of  
20 campaign finance disclosure reports, in which case the complaint  
21 shall be filed within thirty days of the filing of the last  
22 report in the series of reports claimed to violate the  
23 requirements. In addition to the contents required for each  
24 complaint pursuant to this chapter or chapter 105, RSMo, the copy  
25 of the complaint supplied to the person or entity named in the

1 complaint shall include the personal information of the person  
2 filing the complaint, including the person's name, address, and  
3 telephone number or numbers.

4 7. Complaints found by the commission to be motivated by  
5 malice or a reason contrary to the spirit of any law on which  
6 such complaint was based, filed without just cause, shall result  
7 in an assessment against the complainant for the reasonable costs  
8 incurred by the subject party of the complaint and any other  
9 person or entity named therein, in defending against the  
10 complaint, and the reasonable costs incurred by the commission in  
11 investigating the complaint.

12 130.057. 1. In order for candidates for election and  
13 public officials to more easily file reports required by law and  
14 to access information contained in such reports, and for the  
15 Missouri ethics commission to receive and store reports in an  
16 efficient and economical method, and for the general public and  
17 news media to access information contained in such reports, the  
18 commission shall establish and maintain an electronic reporting  
19 system pursuant to this section.

20 2. The ethics commission may establish for elections in  
21 1996 and shall establish for elections and all required reporting  
22 beginning in 1998 and maintain thereafter a state campaign  
23 finance and financial interest disclosure electronic reporting  
24 system pursuant to this section for all candidates required to  
25 file. The system may be used for the collection, filing and

1 dissemination of all reports, including monthly lobbying reports  
2 filed by law, and all reports filed with the commission pursuant  
3 to this chapter and chapter 105, RSMo. The system may be  
4 established and used for all reports required to be filed for the  
5 primary and general elections in 1996 and all elections  
6 thereafter, except that the system may require maintenance of a  
7 paper backup system for the primary and general elections in  
8 1996. The reports shall be maintained and secured in the  
9 electronic format by the commission.

10 3. When the commission determines that the electronic  
11 reporting system has been properly implemented, the commission  
12 shall certify to all candidates and committees required to file  
13 pursuant to this chapter that such electronic reporting system  
14 has been established and implemented. Beginning with the primary  
15 and general elections in 2000, or the next primary or general  
16 election in which the commission has made certification pursuant  
17 to this subsection, whichever is later, candidates and all other  
18 committees shall file reports by using either the electronic  
19 format prescribed by the commission or paper forms provided by  
20 the commission for that purpose. Continuing committees shall  
21 file reports by electronic format prescribed by the commission,  
22 except continuing committees, political party committees, or  
23 campaign committees which make contributions equal to or less  
24 than [fifteen] five thousand dollars in the applicable calendar  
25 year. Any continuing [committee which makes] committees,

1 political party committees, or campaign committees which make  
2 contributions in support of or opposition to any measure or  
3 candidate equal to or less than [fifteen] five thousand dollars  
4 in the applicable calendar year shall file reports on paper forms  
5 provided by the commission for that purpose or by electronic  
6 format prescribed by the commission, whichever reporting method  
7 the continuing committee chooses. The commission shall supply a  
8 computer program which shall be used for filing by modem or by a  
9 common magnetic media chosen by the commission. In the event  
10 that filings are performed electronically, the candidate shall  
11 file a signed original written copy within five working days;  
12 except that, if a means becomes available which will allow a  
13 verifiable electronic signature, the commission may also accept  
14 this in lieu of a written statement.

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

25 5. A copy of all reports filed in the state campaign

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

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

18 7. Annually, the commission shall provide, without cost, a  
19 system-wide dump of information contained in the commission's  
20 electronic database files to the general assembly. The  
21 information is to be copied onto a medium specified by the  
22 general assembly. Such information shall not contain records  
23 otherwise closed by law. It is the intent of the general  
24 assembly to provide open access to the commission's records. The  
25 commission shall make every reasonable effort to comply with

1 requests for information and shall take a liberal interpretation  
2 when considering such requests.

3 130.062. In the case of a political party committee's  
4 selection of an individual to be the party's nominee for public  
5 office in an election covered by this chapter, any individual who  
6 seeks such nomination and who is a candidate according to the  
7 definition of the term candidate in section 130.011 shall be  
8 required to comply with all requirements of this chapter; except  
9 that, for the purposes of this section, the reporting dates and  
10 reporting periods in section 130.046 shall not apply, and the  
11 first reporting date shall be no later than the fifteenth day  
12 after the date on which a nomination covered by this section was  
13 made and for the period beginning on the date the individual  
14 became a candidate, as the term candidate is defined in section  
15 130.011, and closing on the tenth day after the date the  
16 nomination was made, with subsequent reports being made as  
17 closely as practicable to the times required in section 130.046.

18 [105.973. 1. The ethics commission  
19 shall print and make available a summary of  
20 all laws over which the commission has  
21 enforcement powers pursuant to chapter 105  
22 and chapter 130, RSMo. The summary shall be  
23 in plain English and compiled to put  
24 individuals on notice of such laws.

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