

SECOND REGULAR SESSION

HOUSE BILL NO. 1434

95TH GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVES FLOOK (Sponsor), KANDER, JONES (117), BURNETT, DENISON, FISCHER (107), KRAUS, LOW, MOLENDORP, GRILL, NANCE, HARRIS, GATSCHENBERGER, HOLSMAN, MUNZLINGER, GRISAMORE, FUNDERBURK, ALLEN, THOMSON, ZIMMERMAN, LeVOTA, ROORDA, CARTER, HUMMEL, KIRKTON, McCLANAHAN, McNEIL, NORR, OXFORD, SCHUPP, STORCH, TALBOY, WEBB, WEBBER, ENGLUND AND ATKINS (Co-sponsors).

3287L.02I

D. ADAM CRUMBLISS, Chief Clerk

AN ACT

To repeal sections 105.470, 105.478, 105.483, 105.485, 105.955, 105.958, 130.021, 130.031, and 130.057, RSMo, and to enact in lieu thereof eleven new sections relating to ethics, with penalty provisions.

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

Section A. Sections 105.470, 105.478, 105.483, 105.485, 105.955, 105.958, 130.021, 2 130.031, and 130.057, RSMo, are repealed and eleven new sections enacted in lieu thereof, to 3 be known as sections 105.465, 105.470, 105.478, 105.483, 105.485, 105.955, 105.958, 130.021, 4 130.031, 130.057, and 575.021, to read as follows:

105.465. Any person who intentionally offers or accepts any item, service, or thing 2 of value, including a contribution as defined in section 130.011, to any elected or appointed 3 official or employee of the state or any political subdivision in direct exchange for voting 4 in favor of, voting against, or engaging in any legislative, executive, or judicial course of 5 action designed to benefit, delay, or hinder the passage or failure of any specific state 6 legislation, rule, or regulation, or any specific local legislation, order, ordinance, rule, or 7 regulation, shall be guilty of a class D felony.

105.470. As used in section 105.473, unless the context requires otherwise, the following 2 words and terms mean:

3 (1) **"De facto lobbyist", any natural person who works as a political consultant or 4 public relations consultant for any member of the legislative or executive branch of state**

EXPLANATION — Matter enclosed in bold-faced brackets [thus] in the above bill is not enacted and is intended to be omitted from the law. Matter in **bold-face** type in the above bill is proposed language.

5 **government and for any other entity doing business in this state that has retained or is**
6 **compensating such natural person for actions intended to influence or attempt to influence**
7 **any official act of any elected or appointed official or employee of the legislative or**
8 **executive branch of the state or any of its political subdivisions including counties, cities,**
9 **and public school districts;**

10 (2) "Elected local government official lobbyist", any natural person employed
11 specifically for the purpose of attempting to influence any action by a local government official
12 elected **or appointed** in a **political subdivision of the state including any** county, city, town,
13 [or] village, **or public school district** with an annual operating budget of over ten million
14 dollars;

15 [(2)] (3) "Executive lobbyist", any natural person who acts for the purpose of attempting
16 to influence any action by the executive branch of government or by any elected or appointed
17 official, employee, department, division, agency or board or commission thereof and in
18 connection with such activity, meets the requirements of any one or more of the following:

19 (a) Is acting in the ordinary course of employment on behalf of or for the benefit of such
20 person's employer; or

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

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

25 (d) Makes total expenditures of fifty dollars or more during the twelve-month period
26 beginning January first and ending December thirty-first for the benefit of one or more public
27 officials or one or more employees of the executive branch of state government in connection
28 with such activity. An "executive lobbyist" shall not include a member of the general assembly,
29 an elected state official, or any other person solely due to such person's participation in any of
30 the following activities:

31 a. Appearing or inquiring in regard to a complaint, citation, summons, adversary
32 proceeding, or contested case before a state board, commission, department, division or agency
33 of the executive branch of government or any elected or appointed officer or employee thereof;

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

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

40 d. Participating in public hearings or public proceedings on rules, grants, or other
41 matters;

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

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

46 g. Acting within the scope of employment by the general assembly, or acting within the
47 scope of employment by the executive branch of government when acting with respect to the
48 department, division, board, commission, agency or elected state officer by which such person
49 is employed, or with respect to any duty or authority imposed by law to perform any action in
50 conjunction with any other public official or state employee; or

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

53 [(3)](4) "Expenditure", any payment made or charge, expense, cost, debt or bill incurred;
54 any gift, honorarium or item of value bestowed including any food or beverage; any price, charge
55 or fee which is waived, forgiven, reduced or indefinitely delayed; any loan or debt which is
56 canceled, reduced or otherwise forgiven; the transfer of any item with a reasonably discernible
57 cost or fair market value from one person to another or provision of any service or granting of
58 any opportunity for which a charge is customarily made, without charge or for a reduced charge;
59 except that the term "expenditure" shall not include the following:

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

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

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

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

73 (e) Any item, service or thing of de minimis value offered to the general public, whether
74 or not the recipient is a public official or a staff member, employee, spouse or dependent child
75 of a public official, and only if the grant of the item, service or thing of de minimis value is not

76 motivated in any way by the recipient's status as a public official or staff member, employee,
77 spouse or dependent child of a public official;

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

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

88 [(4)] (5) "Judicial lobbyist", any natural person who acts for the purpose of attempting
89 to influence any purchasing decision by the judicial branch of government or by any elected or
90 appointed official or any employee thereof and in connection with such activity, meets the
91 requirements of any one or more of the following:

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

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

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

100 (d) Makes total expenditures of fifty dollars or more during the twelve-month period
101 beginning January first and ending December thirty-first for the benefit of one or more public
102 officials or one or more employees of the judicial branch of state government in connection with
103 attempting to influence such purchasing decisions by the judiciary. A "judicial lobbyist" shall
104 not include a member of the general assembly, an elected state official, or any other person solely
105 due to such person's participation in any of the following activities:

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

108 b. Participating in public hearings or public proceedings on rules, grants, or other
109 matters;

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

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

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

119 [(5)](6) "Legislative lobbyist", any natural person who acts for the purpose of attempting
120 to influence the taking, passage, amendment, delay or defeat of any official action on any bill,
121 resolution, amendment, nomination, appointment, report or any other action or any other matter
122 pending or proposed in a legislative committee in either house of the general assembly, or in any
123 matter which may be the subject of action by the general assembly and in connection with such
124 activity, meets the requirements of any one or more of the following:

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

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

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

133 (d) Makes total expenditures of fifty dollars or more during the twelve-month period
134 beginning January first and ending December thirty-first for the benefit of one or more public
135 officials or one or more employees of the legislative branch of state government in connection
136 with such activity. A "legislative lobbyist" shall include an attorney at law engaged in activities
137 on behalf of any person unless excluded by any of the following exceptions. A "legislative
138 lobbyist" shall not include any member of the general assembly, an elected state official, or any
139 other person solely due to such person's participation in any of the following activities:

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

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

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

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

147 [(6)] (7) "Lobbyist", any natural person defined as [an] **a de facto lobbyist**, executive
148 lobbyist, judicial lobbyist, elected local government official lobbyist, or a legislative lobbyist;

149 [(7)] (8) "Lobbyist principal", any person, business entity, governmental entity, religious
150 organization, nonprofit corporation or association who employs, contracts for pay or otherwise
151 compensates a lobbyist;

152 [(8)] (9) "Public official", any member or member-elect of the general assembly, judge
153 or judicial officer, or any other person holding an elective office of state government or any
154 agency head, department director or division director of state government or any member of any
155 state board or commission and any designated decision-making public servant designated by
156 persons described in this subdivision.

105.478. 1. Any person guilty of knowingly violating any of the provisions of sections
2 105.450 to 105.498 shall be punished as follows:

3 (1) For the first offense, such person is guilty of a class B misdemeanor;

4 (2) For the second and subsequent offenses, such person is guilty of a class D felony.

5 **2. Any person who engages in lobbyist activities as defined in section 105.470 and**
6 **who intentionally fails to register as a lobbyist is guilty of violating this subsection. Any**
7 **violation of this subsection shall be punishable as follows:**

8 (1) **For the first violation, the person shall be guilty of a class B misdemeanor;**

9 (2) **For the second and subsequent violations, the person shall be guilty of a class**
10 **D felony.**

105.483. 1. Each of the following persons shall be required to file a financial interest
2 statement:

3 (1) Associate circuit judges, circuit court judges, judges of the courts of appeals and of
4 the supreme court, and candidates for any such office;

5 (2) Persons holding an elective office of the state, whether by election or appointment,
6 and candidates for such elective office, except those running for or serving as county committee
7 members for a political party pursuant to section 115.609, RSMo, or section 115.611, RSMo;

8 (3) The principal administrative or deputy officers or assistants serving the governor,
9 lieutenant governor, secretary of state, state treasurer, state auditor and attorney general, which
10 officers shall be designated by the respective elected state official;

11 (4) The members of each board or commission and the chief executive officer of each
12 public entity created pursuant to the constitution or interstate compact or agreement and the
13 members of each board of regents or curators and the chancellor or president of each state
14 institution of higher education;

15 (5) The director and each assistant deputy director and the general counsel and the chief
16 purchasing officer of each department, division and agency of state government;

17 (6) Any official or employee of the state authorized by law to promulgate rules and
18 regulations or authorized by law to vote on the adoption of rules and regulations;

19 (7) Any member of a board or commission created by interstate compact or agreement,
20 including the executive director and any Missouri resident who is a member of the bi-state
21 development agency created pursuant to sections 70.370 to 70.440, RSMo;

22 (8) Any board member of a metropolitan sewer district authorized under section 30(a)
23 of article VI of the state constitution;

24 (9) Any member of a commission appointed or operating pursuant to sections 64.650 to
25 64.950, RSMo, sections 67.650 to 67.658, RSMo, or sections 70.840 to 70.859, RSMo;

26 (10) The members, the chief executive officer and the chief purchasing officer of each
27 board or commission which enters into or approves contracts for the expenditure of state funds;

28 (11) Each elected official, candidate for elective office, the chief administrative officer,
29 the chief purchasing officer and the general counsel, if employed full time, of each political
30 subdivision with an annual operating budget in excess of one million dollars, and each official
31 or employee of a political subdivision who is authorized by the governing body of the political
32 subdivision to promulgate rules and regulations with the force of law or to vote on the adoption
33 of rules and regulations with the force of law; unless the political subdivision adopts an
34 ordinance, order or resolution pursuant to subsection 4 of section 105.485;

35 (12) Any person who is designated as a decision-making public servant by any of the
36 officials or entities listed in subdivision (6) of section 105.450;

37 **(13) Any person who is employed by the state or by any elected or appointed official**
38 **of the state, or by any political subdivision of the state, including cities, towns, villages,**
39 **counties, and public school districts, and who receives any compensation for political**
40 **activities or consulting not directly associated with the person's official duties.**

41 **2. This section shall apply to all persons listed in this section regardless of whether**
42 **the person is compensated on a full-time, part-time, or contract basis.**

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

5 2. Each person required to file a financial interest statement pursuant to [subdivisions
6 (1) to (12) of] section 105.483 shall file the following information for himself, his spouse and
7 dependent children at any time during the period covered by the statement, whether singularly
8 or collectively; provided, however, that said person, if he does not know and his spouse will not
9 divulge any information required to be reported by this section concerning the financial interest
10 of his spouse, shall state on his financial interest statement that he has disclosed that information

11 known to him and that his spouse has refused or failed to provide other information upon his
12 bona fide request, and such statement shall be deemed to satisfy the requirements of this section
13 for such financial interest of his spouse; and provided further if the spouse of any person required
14 to file a financial interest statement is also required by section 105.483 to file a financial interest
15 statement, the financial interest statement filed by each need not disclose the financial interest
16 of the other, provided that each financial interest statement shall state that the spouse of the
17 person has filed a separate financial interest statement and the name under which the statement
18 was filed:

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

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

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

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

45 (5) The name and address of each entity in which such person owned stock, bonds or
46 other equity interest with a value in excess of ten thousand dollars; except that, if the entity is a

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

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

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

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

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

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

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

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

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

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

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

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

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

95 (b) Is a lobbyist; or

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

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

100 (13) For members of the general assembly or any statewide elected public official, their
101 spouses, and their dependent children, whether any state tax credits were claimed on the
102 member's, spouse's, or dependent child's most recent state income tax return.

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

113 4. Each official, officer or employee or candidate of any political subdivision described
114 in subdivision (11) of **subsection 1** of section 105.483 shall be required to file a financial interest
115 statement as required by subsection 2 of this section, unless the political subdivision biennially
116 adopts an ordinance, order or resolution at an open meeting by September fifteenth of the
117 preceding year, which establishes and makes public its own method of disclosing potential
118 conflicts of interest and substantial interests and therefore excludes the political subdivision or

119 district and its officers and employees from the requirements of subsection 2 of this section. A
120 certified copy of the ordinance, order or resolution shall be sent to the commission within ten
121 days of its adoption. The commission shall assist any political subdivision in developing forms
122 to complete the requirements of this subsection. The ordinance, order or resolution shall contain,
123 at a minimum, the following requirements with respect to disclosure of substantial interests:

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

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

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

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

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

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

105.955. 1. A bipartisan "Missouri Ethics Commission", composed of six members, is
2 hereby established. The commission shall be assigned to the office of administration with
3 supervision by the office of administration only for budgeting and reporting as provided by
4 subdivisions (4) and (5) of subsection 6 of section 1 of the Reorganization Act of 1974.
5 Supervision by the office of administration shall not extend to matters relating to policies,
6 regulative functions or appeals from decisions of the commission, and the commissioner of
7 administration, any employee of the office of administration, or the governor, either directly or
8 indirectly, shall not participate or interfere with the activities of the commission in any manner
9 not specifically provided by law and shall not in any manner interfere with the budget request

10 of or withhold any moneys appropriated to the commission by the general assembly. All
11 members of the commission shall be appointed by the governor with the advice and consent of
12 the senate from lists submitted pursuant to this section. Each congressional district committee
13 of the political parties having the two highest number of votes cast for their candidate for
14 governor at the last gubernatorial election shall submit two names of eligible nominees for
15 membership on the commission to the governor, and the governor shall select six members from
16 such nominees to serve on the commission.

17 2. Within thirty days of submission of the person's name to the governor as provided in
18 subsection 1 of this section, and in order to be an eligible nominee for appointment to the
19 commission, a person shall file a financial interest statement in the manner provided by section
20 105.485 and shall provide the governor, the president pro tempore of the senate, and the
21 commission with a list of all political contributions and the name of the candidate or committee,
22 political party, or continuing committee, as defined in chapter 130, RSMo, to which those
23 contributions were made within the four-year period prior to such appointment, made by the
24 nominee, the nominee's spouse, or any business entity in which the nominee has a substantial
25 interest. The information shall be maintained by the commission and available for public
26 inspection during the period of time during which the appointee is a member of the commission.
27 In order to be an eligible nominee for membership on the commission, a person shall be a citizen
28 and a resident of the state and shall have been a registered voter in the state for a period of at
29 least five years preceding the person's appointment.

30 3. The term of each member shall be for four years, except that of the members first
31 appointed, the governor shall select three members from even-numbered congressional districts
32 and three members from odd-numbered districts. Not more than three members of the
33 commission shall be members of the same political party, nor shall more than one member be
34 from any one United States congressional district. Not more than two members appointed from
35 the even-numbered congressional districts shall be members of the same political party, and no
36 more than two members from the odd-numbered congressional districts shall be members of the
37 same political party. Of the members first appointed, the terms of the members appointed from
38 the odd-numbered congressional districts shall expire on March 15, 1994, and the terms of the
39 members appointed from the even-numbered congressional districts shall expire on March 15,
40 1996. Thereafter all successor members of the commission shall be appointed for four-year
41 terms. Terms of successor members of the commission shall expire on March fifteenth of the
42 fourth year of their term. No member of the commission shall serve on the commission after the
43 expiration of the member's term. No person shall be appointed to more than one full four-year
44 term on the commission.

45 4. Vacancies or expired terms on the commission shall be filled in the same manner as
46 the original appointment was made, except as provided in this subsection. Within thirty days of
47 the vacancy or ninety days before the expiration of the term, the names of two eligible nominees
48 for membership on the commission shall be submitted to the governor by the congressional
49 district committees of the political party or parties of the vacating member or members, from the
50 even- or odd-numbered congressional districts, based on the residence of the vacating member
51 or members, other than from the congressional district committees from districts then represented
52 on the commission and from the same congressional district party committee or committees
53 which originally appointed the member or members whose positions are vacated. Appointments
54 to fill vacancies or expired terms shall be made within forty-five days after the deadline for
55 submission of names by the congressional district committees, and shall be subject to the same
56 qualifications for appointment and eligibility as is provided in subsections 2 and 3 of this section.
57 Appointments to fill vacancies for unexpired terms shall be for the remainder of the unexpired
58 term of the member whom the appointee succeeds, and such appointees shall be eligible for
59 appointment to one full four-year term. If the congressional district committee does not submit
60 the required two nominees within the thirty days or if the congressional district committee does
61 not submit the two nominees within an additional thirty days after receiving notice from the
62 governor to submit the nominees, then the governor may appoint a person or persons who shall
63 be subject to the same qualifications for appointment and eligibility as provided in subsections
64 2 and 3 of this section.

65 5. The governor, with the advice and consent of the senate, may remove any member
66 only for substantial neglect of duty, inability to discharge the powers and duties of office, gross
67 misconduct or conviction of a felony or a crime involving moral turpitude. Members of the
68 commission also may be removed from office by concurrent resolution of the general assembly
69 signed by the governor. If such resolution receives the vote of two-thirds or more of the
70 membership of both houses of the general assembly, the signature of the governor shall not be
71 necessary to effect removal. The office of any member of the commission who moves from the
72 congressional district from which the member was appointed shall be deemed vacated upon such
73 change of residence.

74 6. The commission shall elect biennially one of its members as the chairman. The
75 chairman may not succeed himself or herself after two years. No member of the commission
76 shall succeed as chairman any member of the same political party as himself or herself. At least
77 four members are necessary to constitute a quorum, and at least four affirmative votes shall be
78 required for any action or recommendation of the commission.

79 7. No member or employee of the commission, during the person's term of service, shall
80 hold or be a candidate for any other public office.

81 8. In the event that a retired judge is appointed as a member of the commission, the judge
82 shall not serve as a special investigator while serving as a member of the commission.

83 9. No member of the commission shall, during the member's term of service or within
84 one year thereafter:

85 (1) Be employed by the state or any political subdivision of the state;

86 (2) Be employed as a lobbyist;

87 (3) Serve on any other governmental board or commission;

88 (4) Be an officer of any political party or political organization;

89 (5) Permit the person's name to be used, or make contributions, in support of or in
90 opposition to any candidate or proposition;

91 (6) Participate in any way in any election campaign; except that a member or employee
92 of the commission shall retain the right to register and vote in any election, to express the
93 person's opinion privately on political subjects or candidates, to participate in the activities of
94 a civic, community, social, labor or professional organization and to be a member of a political
95 party.

96 10. Each member of the commission shall receive, as full compensation for the member's
97 services, the sum of one hundred dollars per day for each full day actually spent on work of the
98 commission, and the member's actual and necessary expenses incurred in the performance of the
99 member's official duties.

100 11. The commission shall appoint an executive director who shall serve subject to the
101 supervision of and at the pleasure of the commission, but in no event for more than six years.
102 The executive director shall be responsible for the administrative operations of the commission
103 and perform such other duties as may be delegated or assigned to the director by law or by rule
104 of the commission. The executive director shall employ staff and retain such contract services
105 as the director deems necessary, within the limits authorized by appropriations by the general
106 assembly.

107 12. Beginning on January 1, 1993, all lobbyist registration and expenditure reports filed
108 pursuant to section 105.473, financial interest statements filed pursuant to subdivision (1) of
109 section 105.489, and campaign finance disclosure reports filed other than with election
110 authorities or local election authorities as provided by section 130.026, RSMo, shall be filed with
111 the commission.

112 13. Within sixty days of the initial meeting of the first commission appointed, the
113 commission shall obtain from the clerk of the supreme court or the state courts administrator a
114 list of retired appellate and circuit court judges who did not leave the judiciary as a result of
115 being defeated in an election. The executive director shall determine those judges who indicate
116 their desire to serve as special investigators and to investigate any and all complaints referred to

117 them by the commission. The executive director shall maintain an updated list of those judges
118 qualified and available for appointment to serve as special investigators. Such list shall be
119 updated at least annually. The commission shall refer complaints to such special investigators
120 on that list on a rotating schedule which ensures a random assignment of each special
121 investigator. Each special investigator shall receive only one unrelated investigation at a time
122 and shall not be assigned to a second or subsequent investigation until all other eligible
123 investigators on the list have been assigned to an investigation. In the event that no special
124 investigator is qualified or available to conduct a particular investigation, the commission may
125 appoint a special investigator to conduct such particular investigation.

126 14. The commission shall have the following duties and responsibilities relevant to the
127 impartial and effective enforcement of sections 105.450 to 105.496 and chapter 130, RSMo, as
128 provided in sections 105.955 to 105.963:

129 (1) Receive and review complaints regarding alleged violation of sections 105.450 to
130 105.496 and chapter 130, RSMo, conduct initial reviews and investigations regarding such
131 complaints as provided herein; refer complaints to appropriate prosecuting authorities and
132 appropriate disciplinary authorities along with recommendations for sanctions; and initiate
133 judicial proceedings as allowed by sections 105.955 to 105.963;

134 (2) Review and audit any reports and statements required by the campaign finance
135 disclosure laws contained in chapter 130, RSMo, and financial interest disclosure laws or
136 lobbyist registration and reporting laws as provided by sections 105.470 to 105.492, for
137 timeliness, accuracy and completeness of content as provided in sections 105.955 to 105.963;

138 (3) Develop appropriate systems to file and maintain an index of all such reports and
139 statements to facilitate public access to such information, except as may be limited by
140 confidentiality requirements otherwise provided by law, including cross-checking of information
141 contained in such statements and reports. The commission may enter into contracts with the
142 appropriate filing officers to effectuate such system. Such filing officers shall cooperate as
143 necessary with the commission as reasonable and necessary to effectuate such purposes;

144 (4) Provide information and assistance to lobbyists, elected and appointed officials, and
145 employees of the state and political subdivisions in carrying out the provisions of sections
146 105.450 to 105.496 and chapter 130, RSMo;

147 (5) Make recommendations to the governor and general assembly or any state agency
148 on the need for further legislation with respect to the ethical conduct of public officials and
149 employees and to advise state and local government in the development of local government
150 codes of ethics and methods of disclosing conflicts of interest as the commission may deem
151 appropriate to promote high ethical standards among all elected and appointed officials or
152 employees of the state or any political subdivision thereof and lobbyists;

- 153 (6) Render advisory opinions as provided by this section;
- 154 (7) Promulgate rules relating to the provisions of sections 105.955 to 105.963 and
155 chapter 130, RSMo. All rules and regulations issued by the commission shall be prospective
156 only in operation;
- 157 (8) Request and receive from the officials and entities identified in subdivision (6) of
158 section 105.450 designations of decision-making public servants.
- 159 15. In connection with such powers provided by sections 105.955 to 105.963 and chapter
160 130, RSMo, the commission may:
- 161 (1) Subpoena witnesses and compel their attendance and testimony. Subpoenas shall be
162 served and enforced in the same manner provided by section 536.077, RSMo;
- 163 (2) Administer oaths and affirmations;
- 164 (3) Take evidence and require by subpoena duces tecum the production of books, papers,
165 and other records relating to any matter being investigated or to the performance of the
166 commission's duties or exercise of its powers. Subpoenas duces tecum shall be served and
167 enforced in the same manner provided by section 536.077, RSMo;
- 168 (4) Employ such personnel, including legal counsel, and contract for services including
169 legal counsel, within the limits of its appropriation, as it deems necessary provided such legal
170 counsel, either employed or contracted, represents the Missouri ethics commission before any
171 state agency or before the courts at the request of the Missouri ethics commission. Nothing in
172 this section shall limit the authority of the Missouri ethics commission as provided for in
173 subsection 2 of section 105.961; [and]
- 174 (5) Obtain information from any department, division or agency of the state or any
175 political subdivision reasonably calculated to lead to the discovery of evidence which will
176 reasonably assist the commission in carrying out the duties prescribed in sections 105.955 to
177 105.963 and chapter 130, [RSMo] ;
- 178 **(6) Refer any obstruction of an ethics investigation as defined in section 575.021**
179 **occurring in conjunction with any investigation by the commission to either or both the**
180 **attorney general or the county prosecutor of the county where the violations are alleged**
181 **to have occurred for prosecution in any appropriate circuit court of the state.**
- 182 16. (1) Upon written request for an advisory opinion received by the commission, and
183 if the commission determines that the person requesting the opinion would be directly affected
184 by the application of law to the facts presented by the requesting person, the commission shall
185 issue a written opinion advising the person who made the request, in response to the person's
186 particular request, regarding any issue that the commission can receive a complaint on pursuant
187 to section 105.957. The commission may decline to issue a written opinion by a vote of four
188 members and shall provide to the requesting person the reason for the refusal in writing. The

189 commission shall give an approximate time frame as to when the written opinion shall be issued.
190 Such advisory opinions shall be issued no later than ninety days from the date of receipt by the
191 commission. Such requests and advisory opinions, deleting the name and identity of the
192 requesting person, shall be compiled and published by the commission on at least an annual
193 basis. Advisory opinions issued by the commission shall be maintained and made available for
194 public inspection and copying at the office of the commission during normal business hours.
195 Any advisory opinion or portion of an advisory opinion rendered pursuant to this subsection shall
196 be withdrawn by the commission if, after hearing thereon, the joint committee on administrative
197 rules finds that such advisory opinion is beyond or contrary to the statutory authority of the
198 commission or is inconsistent with the legislative intent of any law enacted by the general
199 assembly, and after the general assembly, by concurrent resolution, votes to adopt the findings
200 and conclusions of the joint committee on administrative rules. Any such concurrent resolution
201 adopted by the general assembly shall be published at length by the commission in its publication
202 of advisory opinions of the commission next following the adoption of such resolution, and a
203 copy of such concurrent resolution shall be maintained by the commission, along with the
204 withdrawn advisory opinion, in its public file of advisory opinions. The commission shall also
205 send a copy of such resolution to the person who originally requested the withdrawn advisory
206 opinion. Any advisory opinion issued by the ethics commission shall act as legal direction to any
207 person requesting such opinion and no person shall be liable for relying on the opinion and it
208 shall act as a defense of justification against prosecution. An advisory opinion of the
209 commission shall not be withdrawn unless:

210 (a) The authorizing statute is declared unconstitutional;
211 (b) The opinion goes beyond the power authorized by statute; or
212 (c) The authorizing statute is changed to invalidate the opinion.
213 (2) Upon request, the attorney general shall give the attorney general's opinion, without
214 fee, to the commission, any elected official of the state or any political subdivision, any member
215 of the general assembly, or any director of any department, division or agency of the state, upon
216 any question of law regarding the effect or application of sections 105.450 to 105.496, or chapter
217 130, RSMo. Such opinion need be in writing only upon request of such official, member or
218 director, and in any event shall be rendered within sixty days [that] **after** such request is
219 delivered to the attorney general.

220 17. The state auditor and the state auditor's duly authorized employees who have taken
221 the oath of confidentiality required by section 29.070, RSMo, may audit the commission and in
222 connection therewith may inspect materials relating to the functions of the commission. Such
223 audit shall include a determination of whether appropriations were spent within the intent of the
224 general assembly, but shall not extend to review of any file or document pertaining to any

225 particular investigation, audit or review by the commission, an investigator or any staff or person
226 employed by the commission or under the supervision of the commission or an investigator. The
227 state auditor and any employee of the state auditor shall not disclose the identity of any person
228 who is or was the subject of an investigation by the commission and whose identity is not public
229 information as provided by law.

230 18. From time to time but no more frequently than annually the commission may request
231 the officials and entities described in subdivision (6) of section 105.450 to identify for the
232 commission in writing those persons associated with such office or entity which such office or
233 entity has designated as a decision-making public servant. Each office or entity delineated in
234 subdivision (6) of section 105.450 receiving such a request shall identify those so designated
235 within thirty days of the commission's request.

105.958. 1. The Missouri ethics commission shall notify each person whose name has
2 been submitted to the commission by the designating agency as a designated decision-making
3 public servant and who has been informed by the agency of such designation. The commission
4 shall send written notification by postcard at least ninety days before the required filing date of
5 a financial interest statement pursuant to subdivision (12) of **subsection 1 of** section 105.483.

6 2. If the designating agency fails to notify a person that their name has been submitted
7 to the commission by the designating agency as a designated decision-making public servant,
8 then the designating agency shall be responsible for any late filing fees assessed by the
9 commission.

130.021. 1. Every committee shall have a treasurer who, except as provided in
2 subsection 10 of this section, shall be a resident of this state and reside in the district or county
3 in which the committee sits. A committee may also have a deputy treasurer who, except as
4 provided in subsection 10 of this section, shall be a resident of this state and reside in the district
5 or county in which the committee sits, to serve in the capacity of committee treasurer in the event
6 the committee treasurer is unable for any reason to perform the treasurer's duties. **No person**
7 **shall serve as a treasurer or deputy treasurer for more than one committee at any time.**
8 **Any such person who serves as a treasurer or deputy treasurer for more than one**
9 **committee at any time shall, upon a determination by the Missouri ethics commission that**
10 **the person is a treasurer or deputy treasurer of more than one committee, vacate the**
11 **position of treasurer or deputy treasurer of all committees.**

12 2. Every candidate for offices listed in subsection 1 of section 130.016 who has not filed
13 a statement of exemption pursuant to that subsection and every candidate for offices listed in
14 subsection 6 of section 130.016 who is not excluded from filing a statement of organization and
15 disclosure reports pursuant to subsection 6 of section 130.016 shall form a candidate committee
16 and appoint a treasurer. Thereafter, all contributions on hand and all further contributions

17 received by such candidate and any of the candidate's own funds to be used in support of the
18 person's candidacy shall be deposited in a candidate committee depository account established
19 pursuant to the provisions of subsection 4 of this section, and all expenditures shall be made
20 through the candidate, treasurer or deputy treasurer of the person's candidate committee. Nothing
21 in this chapter shall prevent a candidate from appointing himself or herself as a committee of one
22 and serving as the person's own treasurer, maintaining the candidate's own records and filing all
23 the reports and statements required to be filed by the treasurer of a candidate committee.

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

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

47 (2) A committee treasurer, deputy treasurer or candidate may withdraw funds from a
48 committee's official depository account and deposit such funds in one or more savings accounts
49 in the committee's name in any bank, savings and loan association or credit union within this
50 state, and may also withdraw funds from an official depository account for investment in the
51 committee's name in any certificate of deposit, bond or security. Proceeds from interest or
52 dividends from a savings account or other investment or proceeds from withdrawals from a

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

64 5. The treasurer or deputy treasurer acting on behalf of any person or organization or
65 group of persons which is a committee by virtue of the definitions of committee in section
66 130.011 and any candidate who is not excluded from forming a committee in accordance with
67 the provisions of section 130.016 shall file a statement of organization with the appropriate
68 officer within twenty days after the person or organization becomes a committee but no later than
69 the date for filing the first report required pursuant to the provisions of section 130.046. The
70 statement of organization shall contain the following information:

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

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

78 (3) The name, mailing address and telephone number of the committee treasurer, and the
79 name, mailing address and telephone number of its deputy treasurer if the committee has named
80 a deputy treasurer;

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

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

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

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

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

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

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

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

102 7. A committee which has filed a statement of organization and has not terminated shall
103 not be required to file another statement of organization, except that when there is a change in
104 any of the information previously reported as required by subdivisions (1) to (8) of subsection
105 5 of this section an amended statement of organization shall be filed within twenty days after the
106 change occurs, but no later than the date of the filing of the next report required to be filed by
107 that committee by section 130.046.

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

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

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

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

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

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

132 12. Each legislative and senatorial district committee shall retain only one address in the
133 district it sits for the purpose of receiving contributions.

 130.031. 1. No contribution of cash in an amount of more than one hundred dollars shall
2 be made by or accepted from any single contributor for any election by a continuing committee,
3 a campaign committee, a political party committee, an exploratory committee or a candidate
4 committee.

5 2. Except for expenditures from a petty cash fund which is established and maintained
6 by withdrawals of funds from the committee's depository account and with records maintained
7 pursuant to the record-keeping requirements of section 130.036 to account for expenditures made
8 from petty cash, each expenditure of more than fifty dollars, except an in-kind expenditure, shall
9 be made by check drawn on the committee's depository and signed by the committee treasurer,
10 deputy treasurer or candidate. A single expenditure from a petty cash fund shall not exceed fifty
11 dollars, and the aggregate of all expenditures from a petty cash fund during a calendar year shall
12 not exceed the lesser of five thousand dollars or ten percent of all expenditures made by the
13 committee during that calendar year. A check made payable to "cash" shall not be made except
14 to replenish a petty cash fund.

15 3. No contribution shall be made or accepted and no expenditure shall be made or
16 incurred, directly or indirectly, in a fictitious name, in the name of another person, or by or
17 through another person in such a manner as to conceal the identity of the actual source of the
18 contribution or the actual recipient and purpose of the expenditure. Any person who receives
19 contributions for a committee shall disclose to that committee's treasurer, deputy treasurer or
20 candidate the recipient's own name and address and the name and address of the actual source
21 of each contribution such person has received for that committee. Any person who makes
22 expenditures for a committee shall disclose to that committee's treasurer, deputy treasurer or
23 candidate such person's own name and address, the name and address of each person to whom

24 an expenditure has been made and the amount and purpose of the expenditures the person has
25 made for that committee.

26 4. No anonymous contribution of more than twenty-five dollars shall be made by any
27 person, and no anonymous contribution of more than twenty-five dollars shall be accepted by any
28 candidate or committee. If any anonymous contribution of more than twenty-five dollars is
29 received, it shall be returned immediately to the contributor, if the contributor's identity can be
30 ascertained, and if the contributor's identity cannot be ascertained, the candidate, committee
31 treasurer or deputy treasurer shall immediately transmit that portion of the contribution which
32 exceeds twenty-five dollars to the state treasurer and it shall escheat to the state.

33 5. The maximum aggregate amount of anonymous contributions which shall be accepted
34 in any calendar year by any committee shall be the greater of five hundred dollars or one percent
35 of the aggregate amount of all contributions received by that committee in the same calendar
36 year. If any anonymous contribution is received which causes the aggregate total of anonymous
37 contributions to exceed the foregoing limitation, it shall be returned immediately to the
38 contributor, if the contributor's identity can be ascertained, and, if the contributor's identity
39 cannot be ascertained, the committee treasurer, deputy treasurer or candidate shall immediately
40 transmit the anonymous contribution to the state treasurer to escheat to the state.

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

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

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

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

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

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

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

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

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

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

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

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

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

79 8. Any person publishing, circulating, or distributing any printed matter relative to any
80 candidate for public office or any ballot measure shall on the face of the printed matter identify
81 in a clear and conspicuous manner the person who paid for the printed matter with the words
82 "Paid for by" followed by the proper identification of the sponsor pursuant to this section. For
83 the purposes of this section, "printed matter" shall be defined to include any pamphlet, circular,
84 handbill, sample ballot, advertisement, including advertisements in any newspaper or other
85 periodical, sign, including signs for display on motor vehicles, or other imprinted or lettered
86 material; but "printed matter" is defined to exclude materials printed and purchased prior to May
87 20, 1982, if the candidate or committee can document that delivery took place prior to May 20,
88 1982; any sign personally printed and constructed by an individual without compensation from
89 any other person and displayed at that individual's place of residence or on that individual's
90 personal motor vehicle; any items of personal use given away or sold, such as campaign buttons,
91 pins, pens, pencils, book matches, campaign jewelry, or clothing, which is paid for by a
92 candidate or committee which supports a candidate or supports or opposes a ballot measure and
93 which is obvious in its identification with a specific candidate or committee and is reported as
94 required by this chapter; and any news story, commentary, or editorial printed by a regularly

95 published newspaper or other periodical without charge to a candidate, committee or any other
96 person.

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

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

104 (3) In regard to any printed matter paid for by a corporation or other business entity,
105 labor organization, or any other organization not defined to be a committee by subdivision (7)
106 of section 130.011 and not organized especially for influencing one or more elections, it shall
107 be sufficient identification to print the name of the entity, the name of the principal officer of the
108 entity, by whatever title known, and the mailing address of the entity, or if the entity has no
109 mailing address, the mailing address of the principal officer.

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

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

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

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

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

134 **13. (1) Except as provided in subdivision (2) of this subsection, no committee shall**
135 **transfer any funds received by the committee to any other committee. Any violation of this**
136 **subdivision shall be punishable as follows:**

137 **(a) For the first violation, the ethics committee shall notify such person that the**
138 **transfer to the committee is prohibited under this section within five days of determining**
139 **that the transfer is prohibited, and that such person shall notify the committee to which the**
140 **funds were transferred that the funds must be returned within ten days of such**
141 **notification;**

142 **(b) For the second violation, the person transferring the funds shall be guilty of a**
143 **class C misdemeanor;**

144 **(c) For the third and subsequent violations, the person transferring the funds shall**
145 **be guilty of a class D felony.**

146 **(2) The prohibition in this subsection shall not apply to any transfer of funds from**
147 **a committee to a candidate committee, unless the funds were transferred to the candidate**
148 **committee with the intent to conceal the identity of the actual source of the funds.**

149 **(3) Any person who transfers or attempts to transfer funds from a committee to any**
150 **other committee with the intent to conceal the identity of the actual source of the funds**
151 **shall be guilty of a class D felony.**

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

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

14 backup system for the primary and general elections in 1996]. The reports shall be maintained
15 and secured in the electronic format by the commission.

16 3. When the commission determines that the electronic reporting system has been
17 properly implemented, the commission shall certify to all candidates and committees required
18 to file pursuant to this chapter that such electronic reporting system has been established and
19 implemented. **Except as provided in subsection 8 of this section**, beginning with the primary
20 and general elections in 2000, or the next primary or general election in which the commission
21 has made certification pursuant to this subsection, whichever is later, candidates and all other
22 committees shall file reports by using either the electronic format prescribed by the commission
23 or paper forms provided by the commission for that purpose. Continuing committees shall file
24 reports by electronic format prescribed by the commission[, except continuing committees which
25 make contributions equal to or less than fifteen thousand dollars in the applicable calendar year.
26 Any continuing committee which makes contributions in support of or opposition to any measure
27 or candidate equal to or less than fifteen thousand dollars in the applicable calendar year shall
28 file reports on paper forms provided by the commission for that purpose or by electronic format
29 prescribed by the commission, whichever reporting method the continuing committee chooses].
30 The commission shall supply a computer program which shall be used for filing by modem or
31 by a common magnetic media chosen by the commission. In the event that filings are performed
32 electronically, the candidate shall file a signed original written copy within five working days;
33 except that, if a means becomes available which will allow a verifiable electronic signature, the
34 commission may also accept this in lieu of a written statement.

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

42 5. A copy of all reports filed in the state campaign finance electronic reporting system
43 shall be placed on a public electronic access system so that the general public may have open
44 access to the reports filed pursuant to this section. The access system shall be organized and
45 maintained in such a manner to allow an individual to obtain information concerning all
46 contributions made to or on behalf of, and all expenditures made on behalf of, any public official
47 described in subsection 2 of this section **or any committee required to file disclosure reports**
48 **electronically under subsection 8 of this section** in formats that will include both written and
49 electronically readable formats.

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

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

63 **8. Beginning August 28, 2010, all committees shall file any required disclosure**
64 **report in an electronic format as prescribed by the commission.**

575.021. 1. A person commits the crime of obstruction of an ethics investigation if
2 **such person, for the purpose of obstructing or preventing an ethics investigation,**
3 **knowingly commits any of the following acts:**

4 **(1) Confers or agrees to confer anything of pecuniary benefit to any person in**
5 **direct exchange for that person's concealing or withholding any information concerning**
6 **any violation of sections 105.450 to 105.496 and chapter 130;**

7 **(2) Accepting or agreeing to accept anything of pecuniary benefit in direct exchange**
8 **for concealing or withholding any information concerning any violation of sections 105.450**
9 **to 105.496 or chapter 130;**

10 **(3) Utters or submits a false statement that the person does not believe to be true**
11 **to any member or employee of the Missouri ethics commission or to any official**
12 **investigating any violation of sections 105.450 to 105.496 or chapter 130; or**

13 **(4) Submits any writing or other documentation that is inaccurate and that the**
14 **person does not believe to be true to any member or employee of the Missouri ethics**
15 **commission or to any official investigating any violation of sections 105.450 to 105.496 or**
16 **chapter 130.**

17 **2. It is a defense to a prosecution under subdivisions (3) and (4) of subsection 1 of**
18 **this section that the person retracted the false statement, writing, or other documentation,**
19 **but this defense shall not apply if the retraction was made after:**

20 **(1) The falsity of the statement, writing, or other documentation was exposed; or**

21 **(2) Any member or employee of the Missouri ethics commission or any official**
22 **investigating any violation of sections 105.450 to 105.496 or chapter 130 took substantial**
23 **action in reliance on the statement, writing, or other documentation.**

24 **3. The defendant shall have the burden of injecting the issue of retraction under**
25 **this section.**

26 **4. Obstruction of an ethics investigation under this section is a class D felony.**

✓