

SECOND REGULAR SESSION

# HOUSE BILL NO. 1756

## 96TH GENERAL ASSEMBLY

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INTRODUCED BY REPRESENTATIVES KANDER (Sponsor), CARTER, STILL, McMANUS, NEWMAN, QUINN, WALTON GRAY, BLACK, PACE, McCREERY, SWEARINGEN, LAMPE, CASEY, CONWAY (27) AND SCHUPP (Co-sponsors).

5875L.02I

D. ADAM CRUMBLISS, Chief Clerk

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### AN ACT

To repeal sections 105.450, 105.456, 105.473, 105.483, 105.485, 105.487, 105.955, 105.957, 105.959, 105.961, 105.963, 105.966, 130.011, 130.021, 130.026, 130.028, 130.031, 130.041, 130.044, 130.046, 130.057, 130.071, 226.033, and 610.010, RSMo, and sections 105.456, 105.463, 105.473, 105.485, 105.955, 105.957, 105.959, 105.961, 105.963, 105.966, 115.364, 130.011, 130.021, 130.026, 130.028, 130.031, 130.041, 130.044, 130.046, 130.057, 130.071, 226.033, and 575.021, as truly agreed to and finally passed by conference committee substitute no. 3 for house committee substitute no. 2 for senate bill no. 844, ninety-fifth general assembly, second regular session, and to enact in lieu thereof twenty-eight new sections relating to ethics, with penalty provisions and an emergency clause.

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

Section A. Sections 105.450, 105.456, 105.473, 105.483, 105.485, 105.487, 105.955, 2 105.957, 105.959, 105.961, 105.963, 105.966, 130.011, 130.021, 130.026, 130.028, 130.031, 3 130.041, 130.044, 130.046, 130.057, 130.071, 226.033, and 610.010, RSMo, and sections 4 105.456, 105.463, 105.473, 105.485, 105.955, 105.957, 105.959, 105.961, 105.963, 105.966, 5 115.364, 130.011, 130.021, 130.026, 130.028, 130.031, 130.041, 130.044, 130.046, 130.057, 6 130.071, 226.033, and 575.021, as truly agreed to and finally passed by conference committee 7 substitute no. 3 for house committee substitute no. 2 for senate bill no. 844, ninety-fifth general 8 assembly, second regular session, are repealed and twenty-eight new sections enacted in lieu 9 thereof, to be known as sections 105.450, 105.456, 105.463, 105.473, 105.483, 105.485,

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.

10 105.487, 105.955, 105.957, 105.959, 105.961, 105.963, 105.966, 115.364, 130.011, 130.021,  
11 130.026, 130.028, 130.031, 130.032, 130.041, 130.044, 130.046, 130.057, 130.071, 226.033,  
12 575.021, and 610.010, to read as follows:

105.450. As used in sections 105.450 to 105.496 and sections 105.955 to 105.963, unless  
2 the context clearly requires otherwise, the following terms mean:

3 (1) "Adversary proceeding", any proceeding in which a record of the proceedings may  
4 be kept and maintained as a public record at the request of either party by a court reporter, notary  
5 public or other person authorized to keep such record by law or by any rule or regulation of the  
6 agency conducting the hearing; or from which an appeal may be taken directly or indirectly, or  
7 any proceeding from the decision of which any party must be granted, on request, a hearing de  
8 novo; or any arbitration proceeding; or a proceeding of a personnel review board of a political  
9 subdivision; or an investigative proceeding initiated by an official, department, division, or  
10 agency which pertains to matters which, depending on the conclusion of the investigation, could  
11 lead to a judicial or administrative proceeding being initiated against the party by the official,  
12 department, division or agency;

13 (2) "Business entity", a corporation, association, firm, partnership, proprietorship, or  
14 business entity of any kind or character;

15 (3) "Business with which a person is associated":

16 (a) Any sole proprietorship owned by himself or herself, the person's spouse or any  
17 dependent child in the person's custody;

18 (b) Any partnership or joint venture in which the person or the person's spouse is a  
19 partner, other than as a limited partner of a limited partnership, and any corporation or limited  
20 partnership in which the person is an officer or director or of which either the person or the  
21 person's spouse or dependent child in the person's custody whether singularly or collectively  
22 owns in excess of ten percent of the outstanding shares of any class of stock or partnership units;  
23 or

24 (c) Any trust in which the person is a trustee or settlor or in which the person or the  
25 person's spouse or dependent child whether singularly or collectively is a beneficiary or holder  
26 of a reversionary interest of ten percent or more of the corpus of the trust;

27 (4) "Commission", the Missouri ethics commission established in section 105.955;

28 (5) "Confidential information", all information whether transmitted orally or in writing  
29 which is of such a nature that it is not, at that time, a matter of public record or public  
30 knowledge;

31 (6) "Decision-making public servant", an official, appointee or employee of the offices  
32 or entities delineated in paragraphs (a) through (h) of this subdivision who exercises supervisory  
33 authority over the negotiation of contracts, or has the legal authority to adopt or vote on the

34 adoption of rules and regulations with the force of law or exercises primary supervisory  
35 responsibility over purchasing decisions. The following officials or entities shall be responsible  
36 for designating a decision-making public servant:

37 (a) The governing body of the political subdivision with a general operating budget in  
38 excess of one million dollars;

39 (b) A department director;

40 (c) A judge vested with judicial power by article V of the Constitution of the state of  
41 Missouri;

42 (d) Any commission empowered by interstate compact;

43 (e) A statewide elected official;

44 (f) The speaker of the house of representatives;

45 (g) The president pro tem of the senate;

46 (h) The president or chancellor of a state institution of higher education;

47 (7) "Dependent child" or "dependent child in the person's custody", all children,  
48 stepchildren, foster children and wards under the age of eighteen residing in the person's  
49 household and who receive in excess of fifty percent of their support from the person;

50 (8) **"Paid political consultant", a person who is paid to provide political consulting**  
51 **services to promote the election of a certain candidate or the interest of an organization,**  
52 **including but not limited to, planning campaign strategies, coordinating campaign staff,**  
53 **organizing meetings and public events to publicize the candidate or cause, public opinion**  
54 **polling, providing research on issues or opposition background, coordinating, producing,**  
55 **or purchasing print or broadcast media, direct mail production, phone solicitation, fund**  
56 **raising, and any other political activities;**

57 (9) "Political subdivision" shall include any political subdivision of the state, and any  
58 special district or subdistrict;

59 [(9)] (10) "Public document", a state tax return or a document or other record maintained  
60 for public inspection without limitation on the right of access to it and a document filed in a  
61 juvenile court proceeding;

62 [(10)] (11) "Substantial interest", ownership by the individual, the individual's spouse,  
63 or the individual's dependent children, whether singularly or collectively, directly or indirectly,  
64 of ten percent or more of any business entity, or of an interest having a value of ten thousand  
65 dollars or more, or the receipt by an individual, the individual's spouse or the individual's  
66 dependent children, whether singularly or collectively, of a salary, gratuity, or other  
67 compensation or remuneration of five thousand dollars, or more, per year from any individual,  
68 partnership, organization, or association within any calendar year;

69            [(11)] (12) "Substantial personal or private interest in any measure, bill, order or  
70 ordinance", any interest in a measure, bill, order or ordinance which results from a substantial  
71 interest in a business entity.

          105.456. 1. No member of the general assembly or the governor, lieutenant governor,  
2 attorney general, secretary of state, state treasurer or state auditor shall:

3            (1) Perform any service for the state or any political subdivision of the state or any  
4 agency of the state or any political subdivision thereof or act in his or her official capacity or  
5 perform duties associated with his or her position for any person for any consideration other than  
6 the compensation provided for the performance of his or her official duties; [or]

7            (2) Sell, rent or lease any property to the state or political subdivision thereof or any  
8 agency of the state or any political subdivision thereof for consideration in excess of five hundred  
9 dollars per transaction or one thousand five hundred dollars per annum unless the transaction is  
10 made pursuant to an award on a contract let or sale made after public notice and in the case of  
11 property other than real property, competitive bidding, provided that the bid or offer accepted  
12 is the lowest received; [or]

13            (3) Attempt, for compensation other than the compensation provided for the performance  
14 of his or her official duties, to influence the decision of any agency of the state on any matter,  
15 except that this provision shall not be construed to prohibit such person from participating for  
16 compensation in any adversary proceeding or in the preparation or filing of any public document  
17 or conference thereon. The exception for a conference upon a public document shall not permit  
18 any member of the general assembly or the governor, lieutenant governor, attorney general,  
19 secretary of state, state treasurer or state auditor to receive any consideration for the purpose of  
20 attempting to influence the decision of any agency of the state on behalf of any person with  
21 regard to any application, bid or request for a state grant, loan, appropriation, contract, award,  
22 permit other than matters involving a driver's license, or job before any state agency,  
23 commission, or elected official. Notwithstanding Missouri supreme court rule 1.10 of rule 4 or  
24 any other court rule or law to the contrary, other members of a firm, professional corporation or  
25 partnership shall not be prohibited pursuant to this subdivision from representing a person or  
26 other entity solely because a member of the firm, professional corporation or partnership serves  
27 in the general assembly, provided that such official does not share directly in the compensation  
28 earned, so far as the same may reasonably be accounted, for such activity by the firm or by any  
29 other member of the firm. This subdivision shall not be construed to prohibit any inquiry for  
30 information or the representation of a person without consideration before a state agency or in  
31 a matter involving the state if no consideration is given, charged or promised in consequence  
32 thereof;

33           **(4) Solicit any registered lobbyist for any position with a hiring date beginning after**  
34 **such person is no longer an elected official, whether compensated or not, while such person**  
35 **holds office;**

36           **(5) Register or act as a lobbyist within the two-year period after such person is no**  
37 **longer an elected official.**

38           2. No sole proprietorship, partnership, joint venture, or corporation in which a member  
39 of the general assembly, governor, lieutenant governor, attorney general, secretary of state, state  
40 treasurer, state auditor or spouse of such official, is the sole proprietor, a partner having more  
41 than a ten percent partnership interest, or a coparticipant or owner of in excess of ten percent of  
42 the outstanding shares of any class of stock, shall:

43           (1) Perform any service for the state or any political subdivision thereof or any agency  
44 of the state or political subdivision for any consideration in excess of five hundred dollars per  
45 transaction or one thousand five hundred dollars per annum unless the transaction is made  
46 pursuant to an award on a contract let or sale made after public notice and competitive bidding,  
47 provided that the bid or offer accepted is the lowest received; or

48           (2) Sell, rent, or lease any property to the state or any political subdivision thereof or any  
49 agency of the state or political subdivision thereof for consideration in excess of five hundred  
50 dollars per transaction or one thousand five hundred dollars per annum unless the transaction is  
51 made pursuant to an award on a contract let or a sale made after public notice and in the case of  
52 property other than real property, competitive bidding, provided that the bid or offer accepted  
53 is the lowest and best received.

54           **3. No statewide elected official, member of the general assembly, or any person**  
55 **acting on behalf of such official or member shall expressly and explicitly make any offer**  
56 **or promise to confer any paid employment, where the individual is compensated above**  
57 **actual and necessary expenses, to any statewide elected official or member of the general**  
58 **assembly in exchange for the official's or member's official vote on any public matter. Any**  
59 **person making such offer or promise is guilty of the crime of bribery of a public servant**  
60 **under section 576.010.**

61           **4. Any statewide elected official or member of the general assembly who accepts or**  
62 **agrees to accept an offer described in subsection 3 of this section is guilty of the crime of**  
63 **acceding to corruption under section 576.020.**

64           **5. No member of the general assembly shall accept any tangible or intangible item,**  
65 **service, or thing of value from any lobbyist, as defined in section 105.470.**

66           **6. No individual holding office as a state representative or state senator shall accept**  
67 **or receive compensation of any kind as a paid political consultant for another individual**  
68 **holding the office of state representative, state senator, governor, lieutenant governor,**

69 **attorney general, secretary of state, state treasurer, or state auditor, or for any campaign**  
70 **committee, candidate committee, continuing committee, or political party committee as**  
71 **defined in chapter 130, nor shall any spouse, dependent child, or parent accept or receive**  
72 **compensation of any kind on behalf of any individual holding office as a state**  
73 **representative or state senator who acts as a paid political consultant.**

**105.463. Within thirty days of submission of the person's name to the governor and**  
2 **in order to be an eligible nominee for appointment to a board or commission requiring**  
3 **senate confirmation, a nominee shall file a financial interest statement in the manner**  
4 **provided by section 105.485 and shall request a list of all political contributions and the**  
5 **name of the candidate or committee as defined in chapter 130, to which those contributions**  
6 **were made within the four-year period prior to such appointment, made by the nominee,**  
7 **from the ethics commission. The information shall be delivered to the nominee by the**  
8 **ethics commission. The nominee shall deliver the information to the president pro tem of**  
9 **the senate prior to confirmation.**

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

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

20 3. (1) During any period of time in which a lobbyist continues to act as an executive  
21 lobbyist, judicial lobbyist, legislative lobbyist, or elected local government official lobbyist, the  
22 lobbyist shall file with the commission on standardized forms prescribed by the commission

23 monthly reports which shall be due at the close of business on the tenth day of the following  
24 month;

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

27 (a) The total of all expenditures by the lobbyist or his or her lobbyist principals made on  
28 behalf of all public officials, their staffs and employees, and their spouses and dependent  
29 children, which expenditures shall be separated into at least the following categories by the  
30 executive branch, judicial branch and legislative branch of government: printing and publication  
31 expenses; media and other advertising expenses; travel; the time, venue, and nature of any  
32 entertainment; honoraria; meals, food and beverages; and gifts;

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

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

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

46 a. All members of the senate, **which may or may not include senate staff and**  
47 **employees under the direct supervision of a state senator;**

48 b. All members of the house of representatives, **which may or may not include house**  
49 **staff and employees under the direct supervision of a state representative;**

50 c. All members of a joint committee of the general assembly or a standing committee of  
51 either the house of representatives or senate, **which may or may not include joint and standing**  
52 **committee staff; [or]**

53 d. All members of a caucus of the majority party of the house of representatives, minority  
54 party of the house of representatives, majority party of the senate, or minority party of the senate;

55 e. **All statewide officials, which may or may not include the staff and employees**  
56 **under the direct supervision of the statewide official;**

57 (e) Any expenditure made on behalf of a public official, an elected local government  
58 official or such official's staff, employees, spouse or dependent children, if such expenditure is

59 solicited by such official, the official's staff, employees, or spouse or dependent children, from  
60 the lobbyist or his or her lobbyist principals and the name of such person or persons, except any  
61 expenditures made to any not-for-profit corporation, charitable, fraternal or civic organization  
62 or other association formed to provide for good in the order of benevolence **and except for any**  
63 **expenditure reported under paragraph (d) of this subdivision;**

64 (f) A statement detailing any direct business relationship or association or partnership  
65 the lobbyist has with any public official or elected local government official. The reports  
66 required by this subdivision shall cover the time periods since the filing of the last report or since  
67 the lobbyist's employment or representation began, whichever is most recent.

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

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

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

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

91 8. [No] **Any** lobbyist [shall] **found to** knowingly omit, conceal, or falsify in any manner  
92 information required pursuant to this section **shall be guilty of a class A misdemeanor.**

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

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

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

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

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

          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 or section 115.611;

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, **state law**, or interstate compact or agreement  
13 and the members of each board of regents or curators and the chancellor or president of each  
14 state 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;

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, sections 67.650 to 67.658, or sections 70.840 to 70.859;

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 **(14) Any person who is identified as a public official or employee with access to**  
42 **confidential nonpublic information about a business enterprise by virtue of the person's**  
43 **office or employment.**

44 **2. This section shall apply to all persons listed in this section regardless of whether**  
45 **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 shall be on a form prescribed by the commission and shall be signed and verified by a written declaration that it is made under penalties of perjury; provided, however, the form shall not seek information which is not specifically required by sections 105.483 to 105.492.

2. **Each person required to file a financial interest statement under sections 105.483 to 105.492 shall attest:**

(1) **That at no time during the period covered by such person's statement did such person knowingly engage in a financial transaction to advance a personal pecuniary interest or a pecuniary interest for or on behalf of a member of such person's family within the third degree of consanguinity, using confidential business information only available to such person by virtue of such person's public office or employment; and**

(2) **That at no time during the period covered by such person's statement did such person knowingly provide or transmit confidential business information only available to such person by virtue of such person's public office or employment to any person intending to use such information for a nongovernmental purpose, unless the provision or transmission of such information is otherwise provided for or required by law.**

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

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

(2) The name and address of each sole proprietorship which [he] **such person** owned; the name, address and the general nature of the business conducted of each general partnership

37 and joint venture in which [he] **such person** was a partner or participant; the name and address  
38 of each partner or coparticipant for each partnership or joint venture unless such names and  
39 addresses are filed by the partnership or joint venture with the secretary of state; the name,  
40 address and general nature of the business conducted of any closely held corporation or limited  
41 partnership in which the person owned [ten percent or more] **any amount** of any class of the  
42 outstanding stock or limited partners' units; and the name of any publicly traded corporation or  
43 limited partnership which is listed on a regulated stock exchange or automated quotation system  
44 in which the person owned [two percent or more] **any amount** of any class of outstanding stock,  
45 limited partnership units or other equity interests;

46 (3) The name and address of any other source not reported pursuant to subdivisions (1)  
47 and (2) and subdivisions (4) to (9) of this subsection from which such person received [one  
48 thousand] **two hundred** dollars or more of income during the year covered by the statement,  
49 including, but not limited to, any income otherwise required to be reported on any tax return such  
50 person is required by law to file; [except that only the name of any publicly traded corporation  
51 or limited partnership which is listed on a regulated stock exchange or automated quotation  
52 system need be reported pursuant to this subdivision;]

53 (4) The location by county, the subclassification for property tax assessment purposes,  
54 the approximate size and a description of the major improvements and use for each parcel of real  
55 property in the state, other than the individual's personal residence, having a fair market value  
56 of [ten] **one** thousand dollars or more in which such person held a vested interest including a  
57 leasehold for a term of ten years or longer, and, if the property was transferred during the year  
58 covered by the statement, the name and address of the persons furnishing or receiving  
59 consideration for such transfer;

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

71 (6) The name and address of each corporation for which such person served in the  
72 capacity of a director, officer [or] , receiver **trustee, partner, proprietor, representative,**  
73 **employee, or consultant;**

74 (7) The name and address of each not-for-profit corporation and each association,  
75 organization, or union, whether incorporated or not, except not-for-profit corporations formed  
76 to provide church services, fraternal organizations or service clubs from which the officer or  
77 employee draws no remuneration, in which such person was an officer, director, employee [or]  
78 , trustee, **partner, proprietor, representative, or consultant** at any time during the year covered  
79 by the statement, and for each such organization, a general description of the nature and purpose  
80 of the organization;

81 (8) The name and address of each source from which such person received a gift or gifts,  
82 or honorarium or honoraria in excess of two hundred dollars in value per source during the year  
83 covered by the statement other than gifts from persons within the third degree of consanguinity  
84 or affinity of the person filing the financial interest statement, **and the source, date, and**  
85 **amount of payments made to charitable organizations in lieu of honoraria.** For the purposes  
86 of this section, a "gift" shall not be construed to mean political contributions otherwise required  
87 to be reported by law or hospitality such as food, beverages or admissions to social, art, or  
88 sporting events or the like, or informational material. For the purposes of this section, a "gift"  
89 shall include gifts to or by creditors of the individual for the purpose of canceling, reducing or  
90 otherwise forgiving the indebtedness of the individual to that creditor;

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

94 (a) Paid in the ordinary course of business for businesses described in subdivisions (1),  
95 (2), (5) and (6) of this subsection which are related to the duties of office of such official; or

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

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

99 (d) Expenses which are reported by the campaign committee or candidate committee of  
100 the person filing the statement pursuant to the provisions of chapter 130; or

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

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

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

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

113 (b) Is a lobbyist; or

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

115 (12) The name and address of each campaign committee, political **party** committee,  
116 candidate committee, or [continuing] **political action** committee for which such person or any  
117 corporation listed on such person's financial interest statement received payment; [and]

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

121 (14) **A brief description, the date, and category of value of any purchase, sale, or**  
122 **exchange during the preceding calendar year which exceeds one thousand dollars in real**  
123 **property, other than property used solely as a personal residence of the reporting**  
124 **individual or the individual's spouse, or in stocks, bonds, commodities futures, and other**  
125 **forms of securities. Reporting is not required under this subdivision of any transaction**  
126 **solely by and between the reporting individual, the individual's spouse, or dependent**  
127 **children;**

128 (15) **The identity and category of value of the total liabilities owed to any creditor**  
129 **other than a spouse, or a parent, brother, sister, or child of the reporting individual or of**  
130 **the individual's spouse which exceed ten thousand dollars at any time during the preceding**  
131 **calendar year, excluding any mortgage secured by real property that is a personal**  
132 **residence of the reporting individual or the individual's spouse, any loan secured by a**  
133 **personal motor vehicle, household furniture, or appliances, which loan does not exceed the**  
134 **purchase price of the item which secures it. With respect to revolving charge accounts,**  
135 **only those with an outstanding liability that exceeds ten thousand dollars as of the close of**  
136 **the preceding calendar year shall be reported under this subdivision;**

137 (16) **A description of the date, parties to, and terms of any agreement or**  
138 **arrangement with respect to future employment, a leave of absence during the period of**  
139 **the reporting individual's government service, continuation of payments by a former**  
140 **employer other than this state, and continuing participation in an employee welfare or**  
141 **benefit plan maintained by a former employer.**

142 [3.] 4. For the purposes of subdivisions (1), (2) and (3) of subsection 2 of this section,  
143 an individual shall be deemed to have received a salary from [his] **such person's** employer or  
144 income from any source at the time when [he] **such person** shall receive a negotiable instrument  
145 whether or not payable at a later date and at the time when under the practice of [his] **such**  
146 **person's** employer or the terms of an agreement [he] **such person** has earned or is entitled to  
147 anything of actual value whether or not delivery of the value is deferred or right to it has vested.  
148 The term income as used in this section shall have the same meaning as provided in the Internal  
149 Revenue Code of 1986, and amendments thereto, as the same may be or becomes effective, at  
150 any time or from time to time for the taxable year, provided that income shall not be considered  
151 received or earned for purposes of this section from a partnership or sole proprietorship until  
152 such income is converted from business to personal use.

153 [4.] 5. Each official, officer or employee or candidate of any political subdivision  
154 described in subdivision (11) of section 105.483 shall be required to file a financial interest  
155 statement as required by subsection 2 of this section, unless the political subdivision biennially  
156 adopts an ordinance, order or resolution at an open meeting by September fifteenth of the  
157 preceding year, which establishes and makes public its own method of disclosing potential  
158 conflicts of interest and substantial interests and therefore excludes the political subdivision or  
159 district and its officers and employees from the requirements of subsection 2 of this section. A  
160 certified copy of the ordinance, order or resolution shall be sent to the commission within ten  
161 days of its adoption. The commission shall assist any political subdivision in developing forms  
162 to complete the requirements of this subsection. The ordinance, order or resolution shall contain,  
163 at a minimum, the following requirements with respect to disclosure of substantial interests:

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

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

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

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

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

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

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

3 (1) Each candidate for elective office, except those candidates for county committee of  
4 a political party pursuant to section 115.609 or section 115.611, who is required to file a personal  
5 financial disclosure statement shall file a financial interest statement no later than fourteen days  
6 after the close of filing at which the candidate seeks nomination or election, and the statement  
7 shall be for the twelve months prior to the closing date, except that in the event an individual  
8 does not become a candidate until after the date of certification for candidates, the statement  
9 shall be filed within fourteen days of the individual's nomination by caucus. An individual  
10 required to file a financial interest statement because of the individual's candidacy for office prior  
11 to a primary election in accordance with this section is also required to amend such statement  
12 no later than the close of business on Monday prior to the general election to reflect any changes  
13 in financial interest during the interim. The appropriate election authority shall provide to the  
14 candidate at the time of filing for election written notice of the candidate's obligation to file  
15 pursuant to sections 105.483 to 105.492 and the candidate shall sign a statement acknowledging  
16 receipt of such notice;

17 (2) Each person appointed to office, except any person elected for county committee of  
18 a political party pursuant to section 115.617, and each official or employee described in section  
19 105.483 who is not otherwise covered in this subsection shall file the statement within thirty days  
20 of such appointment or employment;

21 (3) **After January first of each year, any department, agency, board, or commission**  
22 **within the executive, judicial, and legislative branches of state government, as well as all**  
23 **quasi-governmental bodies classified as a type III body under the Omnibus State**  
24 **Reorganization Act of 1974, that hires or employs a new public official or employee**  
25 **required under sections 105.483 to 105.492 to file a financial interest statement shall, within**  
26 **ten business days of such new employment, notify the Missouri Ethics Commission of such**  
27 **new public official or state employee on forms prescribed by the commission;**

28           **(4)** Every other person required by sections 105.483 to 105.492 to file a financial interest  
29 statement shall file the statement annually not later than the first day of May and the statement  
30 shall cover the calendar year ending the immediately preceding December thirty-first; provided  
31 that the governor, lieutenant governor, any member of the general assembly or any member of  
32 the governing body of a political subdivision may supplement such person's financial interest  
33 statement to report additional interests acquired after December thirty-first of the covered year  
34 until the date of filing of the financial interest statement;

35           **(5) On or before January first of each year, every department, agency, board, and**  
36 **commission within the executive, judicial, and legislative branches of state government, as**  
37 **well as all quasi-governmental bodies classified as a type III body under the Omnibus State**  
38 **Reorganization Act of 1974, shall identify every public official and employee in such**  
39 **department, agency, board, commission, or quasi-governmental body required by sections**  
40 **105.483 to 105.492 to file a financial interest statement and submit the names of such public**  
41 **officials and employees to the Missouri Ethics Commission on forms prescribed by the**  
42 **commission;**

43           ~~[(4)]~~ **(6)** The deadline for filing any statement required by sections 105.483 to 105.492  
44 shall be 5:00 p.m. of the last day designated for filing the statement. When the last day of filing  
45 falls on a Saturday or Sunday or on an official state holiday, the deadline for filing is extended  
46 to 5:00 p.m. on the next day which is not a Saturday or Sunday or official holiday. Any  
47 statement required within a specified time shall be deemed to be timely filed if it is postmarked  
48 not later than midnight of the day previous to the last day designated for filing the statement.

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] **political action** committee, as defined in chapter 130, to which  
23 those contributions were made within the four-year period prior to such appointment, made by  
24 the 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 shall be filed with the  
111 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 as provided  
128 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 conduct initial reviews and investigations regarding such complaints  
131 as provided herein; refer complaints to appropriate prosecuting authorities and appropriate  
132 disciplinary authorities along with recommendations for sanctions; and initiate judicial  
133 proceedings as allowed by sections 105.955 to 105.963;

134 (2) Review and **[audit] investigate** any reports and statements required by the campaign  
135 finance disclosure laws contained in chapter 130, 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) **Conduct investigations as provided in subsection 2 of section 105.959;**

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

145 ~~[(4)]~~ (5) Provide information and assistance to lobbyists, elected and appointed officials,  
146 and employees of the state and political subdivisions in carrying out the provisions of sections  
147 105.450 to 105.496 and chapter 130;

148 ~~[(5)]~~ (6) Make recommendations to the governor and general assembly or any state  
149 agency on the need for further legislation with respect to the ethical conduct of public officials  
150 and employees and to advise state and local government in the development of local government  
151 codes of ethics and methods of disclosing conflicts of interest as the commission may deem  
152 appropriate to promote high ethical standards among all elected and appointed officials or  
153 employees of the state or any political subdivision thereof and lobbyists;

154 ~~[(6)]~~ (7) Render advisory opinions as provided by this section;

155 ~~[(7)]~~ (8) Promulgate rules relating to the provisions of sections 105.955 to 105.963 and  
156 chapter 130. All rules and regulations issued by the commission shall be prospective only in  
157 operation;

158            [(8)] (9) Request and receive from the officials and entities identified in subdivision (6)  
159 of section 105.450 designations of decision-making public servants.

160            15. In connection with such powers provided by sections 105.955 to 105.963 and chapter  
161 130, the commission may:

162            (1) Subpoena witnesses and compel their attendance and testimony. Subpoenas shall be  
163 served and enforced in the same manner provided by section 536.077;

164            (2) Administer oaths and affirmations;

165            (3) Take evidence and require by subpoena duces tecum the production of books, papers,  
166 and other records relating to any matter being investigated or to the performance of the  
167 commission's duties or exercise of its powers. Subpoenas duces tecum shall be served and  
168 enforced in the same manner provided by section 536.077;

169            (4) Employ such personnel, including legal counsel, and contract for services including  
170 legal counsel, within the limits of its appropriation, as it deems necessary provided such legal  
171 counsel, either employed or contracted, represents the Missouri Ethics Commission before any  
172 state agency or before the courts at the request of the Missouri Ethics Commission. Nothing in  
173 this section shall limit the authority of the Missouri Ethics Commission as provided for in  
174 subsection 2 of section 105.961; and

175            (5) Obtain information from any department, division or agency of the state or any  
176 political subdivision reasonably calculated to lead to the discovery of evidence which will  
177 reasonably assist the commission in carrying out the duties prescribed in sections 105.955 to  
178 105.963 and chapter 130.

179            16. (1) Upon written request for an advisory opinion received by the commission, and  
180 if the commission determines that the person requesting the opinion would be directly affected  
181 by the application of law to the facts presented by the requesting person, the commission shall  
182 issue a written opinion advising the person who made the request, in response to the person's  
183 particular request, regarding any issue that the commission can receive a complaint on pursuant  
184 to section 105.957. The commission may decline to issue a written opinion by a vote of four  
185 members and shall provide to the requesting person the reason for the refusal in writing. The  
186 commission shall give an approximate time frame as to when the written opinion shall be issued.  
187 Such advisory opinions shall be issued no later than ninety days from the date of receipt by the  
188 commission. Such requests and advisory opinions, deleting the name and identity of the  
189 requesting person, shall be compiled and published by the commission on at least an annual  
190 basis. Advisory opinions issued by the commission shall be maintained and made available for  
191 public inspection and copying at the office of the commission during normal business hours.  
192 Any advisory opinion or portion of an advisory opinion rendered pursuant to this subsection shall  
193 be withdrawn by the commission if, after hearing thereon, the joint committee on administrative

194 rules finds that such advisory opinion is beyond or contrary to the statutory authority of the  
195 commission or is inconsistent with the legislative intent of any law enacted by the general  
196 assembly, and after the general assembly, by concurrent resolution, votes to adopt the findings  
197 and conclusions of the joint committee on administrative rules. Any such concurrent resolution  
198 adopted by the general assembly shall be published at length by the commission in its publication  
199 of advisory opinions of the commission next following the adoption of such resolution, and a  
200 copy of such concurrent resolution shall be maintained by the commission, along with the  
201 withdrawn advisory opinion, in its public file of advisory opinions. The commission shall also  
202 send a copy of such resolution to the person who originally requested the withdrawn advisory  
203 opinion. Any advisory opinion issued by the ethics commission shall act as legal direction to any  
204 person requesting such opinion and no person shall be liable for relying on the opinion and it  
205 shall act as a defense of justification against prosecution. An advisory opinion of the  
206 commission shall not be withdrawn unless:

- 207 (a) The authorizing statute is declared unconstitutional;
- 208 (b) The opinion goes beyond the power authorized by statute; or
- 209 (c) The authorizing statute is changed to invalidate the opinion.

210 (2) Upon request, the attorney general shall give the attorney general's opinion, without  
211 fee, to the commission, any elected official of the state or any political subdivision, any member  
212 of the general assembly, or any director of any department, division or agency of the state, upon  
213 any question of law regarding the effect or application of sections 105.450 to 105.496, or chapter  
214 130. Such opinion need be in writing only upon request of such official, member or director, and  
215 in any event shall be rendered within sixty days [that] **after** such request is delivered to the  
216 attorney general.

217 17. The state auditor and the state auditor's duly authorized employees who have taken  
218 the oath of confidentiality required by section 29.070 may audit the commission and in  
219 connection therewith may inspect materials relating to the functions of the commission. Such  
220 audit shall include a determination of whether appropriations were spent within the intent of the  
221 general assembly, but shall not extend to review of any file or document pertaining to any  
222 particular investigation, audit or review by the commission, an investigator or any staff or person  
223 employed by the commission or under the supervision of the commission or an investigator. The  
224 state auditor and any employee of the state auditor shall not disclose the identity of any person  
225 who is or was the subject of an investigation by the commission and whose identity is not public  
226 information as provided by law.

227 18. From time to time but no more frequently than annually the commission may request  
228 the officials and entities described in subdivision (6) of section 105.450 to identify for the  
229 commission in writing those persons associated with such office or entity which such office or

230 entity has designated as a decision-making public servant. Each office or entity delineated in  
231 subdivision (6) of section 105.450 receiving such a request shall identify those so designated  
232 within thirty days of the commission's request.

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

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

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

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

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

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

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

14 2. Complaints filed with the commission shall be in writing and filed only by a natural  
15 person. The complaint shall contain all facts known by the complainant that have given rise to  
16 the complaint and the complaint shall be sworn to, under penalty of perjury, by the complainant.  
17 No complaint shall be investigated unless the complaint alleges facts which, if true, fall within  
18 the jurisdiction of the commission. Within five days after receipt [of a complaint] by the  
19 commission **of a complaint which is properly signed and notarized, and which alleges facts**  
20 **which, if true, fall within the jurisdiction of the commission**, a copy of the complaint,  
21 including the name of the complainant, shall be delivered to the alleged violator.

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

32 4. If the commission finds that any complaint is frivolous in nature [or finds no probable  
33 cause to believe that there has been a violation], the commission shall dismiss the case. For

34 purposes of this subsection, "frivolous" shall mean a complaint clearly lacking any basis in fact  
35 or law. Any person who submits a frivolous complaint shall be liable for actual and  
36 compensatory damages to the alleged violator for holding the alleged violator before the public  
37 in a false light. If the commission finds that a complaint is frivolous [or that there is not probable  
38 cause to believe there has been a violation], the commission shall issue a public report to the  
39 complainant and the alleged violator stating with particularity its reasons for dismissal of the  
40 complaint. Upon such issuance, the complaint and all materials relating to the complaint shall  
41 be a public record as defined in chapter 610.

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

105.959. 1. The executive director of the commission, under the supervision of the  
2 commission, shall review reports and statements filed with the commission or other appropriate  
3 officers pursuant to sections 105.470, 105.483 to 105.492, and chapter 130 for completeness,  
4 accuracy and timeliness of filing of the reports or statements **and any records relating to the**  
5 **reports or statements**, and upon review, if there are reasonable grounds to believe that a  
6 violation has occurred, shall conduct an [audit] **investigation** of such reports [and] , statements,  
7 **and records and assign a special investigator following the provisions of subsection 1 of**  
8 **section 105.961.** [All investigations by the executive director of an alleged violation shall be  
9 strictly confidential with the exception of notification of the commission and the complainant  
10 or the person under investigation. All investigations by the executive director shall be limited  
11 to the information contained in the reports or statements. The commission shall notify the  
12 complainant or the person under investigation, by registered mail, within five days of the  
13 decision to conduct such investigation. Revealing any such confidential investigation  
14 information shall be cause for removal or dismissal of the executive director or a commission  
15 member or employee.]

16 2. (1) **If there are reasonable grounds to believe that a violation has occurred and**  
17 **after a majority of the commission votes to proceed, the executive director shall, without**  
18 **receipt of a complaint, conduct an independent investigation of any potential violations of**  
19 **the provisions of:**

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

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

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

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

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

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

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

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

39 [3. Upon a sworn written complaint of any natural person filed with the commission  
40 pursuant to section 105.957, the commission shall audit and investigate alleged violations.  
41 Within sixty days after receipt of a sworn written complaint alleging a violation, the executive  
42 director shall notify the complainant in writing of the action, if any, the executive director has  
43 taken and plans to take on the complaint. If an investigation conducted pursuant to this  
44 subsection fails to establish reasonable grounds to believe that a violation has occurred, the  
45 investigation shall be terminated and the complainant and the person who had been under  
46 investigation shall be notified of the reasons for the disposition of the complaint.]

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

49 5. [If, during an audit or investigation, the commission determines that a formal  
50 investigation is necessary, the commission shall assign the investigation to a special investigator  
51 in the manner provided by subsection 1 of section 105.961.] **The commission shall notify the**  
52 **person under investigation under this section, by registered mail, within five days of the**  
53 **decision to conduct such investigation and assign a special investigator following the**  
54 **provisions of subsection 1 of section 105.961.**

55 6. After completion of an [audit or] investigation, the executive director shall provide  
56 a detailed report of such [audit or] investigation to the commission. Upon determination that  
57 there are reasonable grounds to believe that a person has violated the requirements of sections  
58 105.470, 105.483 to 105.492, or chapter 130, by a vote of four members of the commission, the  
59 commission may refer the report with the recommendations of the commission to the appropriate  
60 prosecuting authority together with [a copy of the audit and] the details of the investigation by  
61 the commission as is provided in subsection 2 of section 105.961.

62           **7. All investigations by the executive director of an alleged violation shall be strictly**  
63 **confidential with the exception of notification of the commission and the complainant and**  
64 **the person under investigation. Revealing any such confidential investigation information**  
65 **shall be cause for removal or dismissal of the executive director or a commission member**  
66 **or employee.**

105.961. 1. Upon receipt of a complaint as described by section 105.957 **or upon**  
2 **notification by the commission of an investigation under subsection 5 of section 105.959,**  
3 the commission shall assign the complaint **or investigation** to a special investigator, who may  
4 be a commission employee, who shall investigate and determine the merits of the complaint **or**  
5 **investigation.** Within ten days of such assignment, the special investigator shall review such  
6 complaint and disclose, in writing, to the commission any conflict of interest which the special  
7 investigator has or might have with respect to the investigation and subject thereof. Within [one  
8 hundred twenty] **ninety** days of receipt of the complaint from the commission, the special  
9 investigator shall submit the special investigator's report to the commission. The commission,  
10 after review of such report, shall determine:

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

12           (2) That there are no reasonable grounds for belief that a violation exists and the  
13 complaint **or investigation** [should] **shall** be dismissed; or

14           (3) That additional time is necessary to complete the investigation, and the status and  
15 progress of the investigation to date. The commission, in its discretion, may allow the  
16 investigation to proceed for **no more than two** additional successive periods of [one hundred  
17 twenty] **ninety** days each, pending reports regarding the status and progress of the investigation  
18 at the end of each such period.

19           2. When the commission concludes, based on the report from the special investigator,  
20 or based on an [audit] **investigation** conducted pursuant to section 105.959, that there are  
21 reasonable grounds to believe that a violation of any criminal law has occurred, and if the  
22 commission believes that criminal prosecution would be appropriate upon a vote of four  
23 members of the commission, the commission shall refer the report to the Missouri office of  
24 prosecution services, prosecutors coordinators training council established in section 56.760  
25 which shall submit a panel of five attorneys for recommendation to the court having criminal  
26 jurisdiction, for appointment of an attorney to serve as a special prosecutor; except that, the  
27 attorney general of Missouri or any assistant attorney general shall not act as such special  
28 prosecutor. The court shall then appoint from such panel a special prosecutor pursuant to section  
29 56.110 who shall have all the powers provided by section 56.130. The court shall allow a  
30 reasonable and necessary attorney's fee for the services of the special prosecutor. Such fee shall  
31 be assessed as costs if a case is filed, or ordered by the court if no case is filed, and paid together

32 with all other costs in the proceeding by the state, in accordance with rules and regulations  
33 promulgated by the state courts administrator, subject to funds appropriated to the office of  
34 administration for such purposes. If the commission does not have sufficient funds to pay a  
35 special prosecutor, the commission shall refer the case to the prosecutor or prosecutors having  
36 criminal jurisdiction. If the prosecutor having criminal jurisdiction is not able to prosecute the  
37 case due to a conflict of interest, the court may appoint a special prosecutor, paid from county  
38 funds, upon appropriation by the county or the attorney general to investigate and, if appropriate,  
39 prosecute the case. The special prosecutor or prosecutor shall commence an action based on the  
40 report by the filing of an information or seeking an indictment within sixty days of the date of  
41 such prosecutor's appointment, or shall file a written statement with the commission explaining  
42 why criminal charges should not be sought. If the special prosecutor or prosecutor fails to take  
43 either action required by this subsection, upon request of the commission, a new special  
44 prosecutor, who may be the attorney general, shall be appointed. The report may also be referred  
45 to the appropriate disciplinary authority over the person who is the subject of the report.

46 3. When the commission concludes, based on the report from the special investigator or  
47 based on an [audit] **investigation** conducted pursuant to section 105.959, that there are  
48 reasonable grounds to believe that a violation of any law has occurred which is not a violation  
49 of criminal law or that criminal prosecution is not appropriate, the commission shall conduct a  
50 hearing which shall be a closed meeting and not open to the public. The hearing shall be  
51 conducted pursuant to the procedures provided by sections 536.063 to 536.090, and shall be  
52 considered to be a contested case for purposes of such sections. The commission shall  
53 determine, in its discretion, whether or not that there is probable cause that a violation has  
54 occurred. If the commission determines, by a vote of at least four members of the commission,  
55 that probable cause exists that a violation has occurred, the commission may refer its findings  
56 and conclusions to the appropriate disciplinary authority over the person who is the subject of  
57 the report, as described in subsection [7] **8** of this section. [After the commission determines by  
58 a vote of at least four members of the commission that probable cause exists that a violation has  
59 occurred, and the commission has referred the findings and conclusions to the appropriate  
60 disciplinary authority over the person subject of the report, the subject of the report may appeal  
61 the determination of the commission to the administrative hearing commission. Such appeal  
62 shall stay the action of the Missouri Ethics Commission. Such appeal shall be filed not later than  
63 the fourteenth day after the subject of the commission's action receives actual notice of the  
64 commission's action.]

65 4. If the appropriate disciplinary authority receiving a report from the commission  
66 pursuant to subsection 3 of this section fails to follow, within sixty days of the receipt of the  
67 report, the recommendations contained in the report, or if the commission determines, by a vote

68 of at least four members of the commission that some action other than referral for criminal  
69 prosecution or for action by the appropriate disciplinary authority would be appropriate, the  
70 commission shall take any one or more of the following actions:

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

74 (2) Notify the person of the requirement to file, amend or correct any report, statement,  
75 or other document or information required by sections 105.473, 105.483 to 105.492, or chapter  
76 130, and that the commission may seek judicial enforcement of its decision pursuant to  
77 subsection 5 of this section; and

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

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

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

83 (6) Through reconciliation agreements or [civil action] **action of the commission**, the  
84 power to seek fees for violations in an amount not greater than one thousand dollars or double  
85 the amount involved in the violation.

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

88 (1) Cease and desist violation of any provision of sections 105.450 to 105.496, or chapter  
89 130, or sections 105.955 to 105.963;

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

91 (3) File any reports, statements, or other documents or information required by sections  
92 105.450 to 105.496, or chapter 130; or

93 (4) Pay restitution for any unjust enrichment the violator obtained as a result of any  
94 violation of any criminal statute as described in subsection 6 of this section. [The Missouri  
95 Ethics Commission shall give actual notice to the subject of the complaint of the proposed action  
96 as set out in this section. The subject of the complaint may appeal the action of the Missouri  
97 Ethics Commission, other than a referral for criminal prosecution, to the administrative hearing  
98 commission. Such appeal shall stay the action of the Missouri Ethics Commission. Such appeal  
99 shall be filed no later than fourteen days after the subject of the commission's actions receives  
100 actual notice of the commission's actions.]

101 **6. After the commission determines by a vote of at least four members of the**  
102 **commission that a violation has occurred, other than a referral for criminal prosecution,**  
103 **and the commission has referred the findings and conclusions to the appropriate**

104 **disciplinary authority over the person who is the subject of the report, or has taken an**  
105 **action under subsection 4 of this section, the subject of the report may appeal the**  
106 **determination of the commission to the circuit court of Cole County. The court shall**  
107 **conduct a de novo review of the determination of the commission. Such appeal shall stay**  
108 **the action of the Missouri Ethics Commission. Such appeal shall be filed not later than the**  
109 **fourteenth day after the subject of the commission's action receives actual notice of the**  
110 **commission's action. If a petition for judicial review of a final order is not filed as**  
111 **provided in this section or when an order for fees under subsection 4 of this section**  
112 **becomes final following an appeal to the circuit court of Cole County, the commission may**  
113 **file a certified copy of the final order with the circuit court of Cole County. When any**  
114 **order for fees under subsection 4 of this section becomes final, the commission may file a**  
115 **certified copy of the final order with the circuit court of Cole County. The order so filed**  
116 **shall have the same effect as a judgment of the court and may be recorded, enforced, or**  
117 **satisfied in the same manner as a judgment of the court.**

118 [6.] 7. In the proceeding in **the circuit court of Cole County**, the commission may seek  
119 restitution against any person who has obtained unjust enrichment as a result of violation of any  
120 provision of sections 105.450 to 105.496, or chapter 130, and may recover on behalf of the state  
121 or political subdivision with which the alleged violator is associated, damages in the amount of  
122 any unjust enrichment obtained and costs and attorney's fees as ordered by the court.

123 [7.] 8. The appropriate disciplinary authority to whom a report shall be sent pursuant to  
124 subsection 2 or 3 of this section shall include, but not be limited to, the following:

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

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

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

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

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

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

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

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

144 [8.] 9. The special investigator having a complaint referred to the special investigator by  
145 the commission shall have the following powers:

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

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

151 (3) To administer oaths and affirmations;

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

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

168 [9.] 10. (1) Any retired judge may request in writing to have the judge's name removed  
169 from the list of special investigators subject to appointment by the commission or may request  
170 to disqualify himself or herself from any investigation. Such request shall include the reasons  
171 for seeking removal;

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

175 [10.] 11. Any person who is the subject of any investigation pursuant to this section shall  
176 be entitled to be represented by counsel at any proceeding before the special investigator or the  
177 commission.

178 [11.] 12. The provisions of sections 105.957, 105.959 and 105.961 are in addition to  
179 other provisions of law under which any remedy or right of appeal or objection is provided for  
180 any person, or any procedure provided for inquiry or investigation concerning any matter. The  
181 provisions of this section shall not be construed to limit or affect any other remedy or right of  
182 appeal or objection.

183 [12.] 13. No person shall be required to make or file a complaint to the commission as  
184 a prerequisite for exhausting the person's administrative remedies before pursuing any civil cause  
185 of action allowed by law.

186 [13.] 14. If, in the opinion of the commission, the complaining party was motivated by  
187 malice or reason contrary to the spirit of any law on which such complaint was based, in filing  
188 the complaint without just cause, this finding shall be reported to appropriate law enforcement  
189 authorities. Any person who knowingly files a complaint without just cause, or with malice, is  
190 guilty of a class A misdemeanor.

191 [14.] 15. A respondent party who prevails in a formal judicial action brought by the  
192 commission shall be awarded those reasonable fees and expenses incurred by that party in the  
193 formal judicial action, unless the court finds that the position of the commission was  
194 substantially justified or that special circumstances make such an award unjust.

195 [15.] 16. The special investigator and members and staff of the commission shall  
196 maintain confidentiality with respect to all matters concerning a complaint [until and if a report  
197 is filed with the commission], with the exception of communications with any person which are  
198 necessary to the investigation. [The report filed with the commission resulting from a complaint  
199 acted upon under the provisions of this section shall not contain the name of the complainant or  
200 other person providing information to the investigator, if so requested in writing by the  
201 complainant or such other person.] Any person who violates the confidentiality requirements  
202 imposed by this section or subsection 17 of section 105.955 required to be confidential is guilty  
203 of a class A misdemeanor and shall be subject to removal from or termination of employment  
204 by the commission.

205 [16.] 17. Any judge of the court of appeals or circuit court who ceases to hold such office  
206 by reason of the judge's retirement and who serves as a special investigator pursuant to this  
207 section shall receive annual compensation, salary or retirement for such services at the rates of  
208 compensation provided for senior judges by subsections 1, 2 and 4 of section 476.682. Such  
209 retired judges shall by the tenth day of each month following any month in which the judge  
210 provided services pursuant to this section certify to the commission and to the state courts

211 administrator the amount of time engaged in such services by hour or fraction thereof, the dates  
212 thereof, and the expenses incurred and allowable pursuant to this section. The commission shall  
213 then issue a warrant to the state treasurer for the payment of the salary and expenses to the extent,  
214 and within limitations, provided for in this section. The state treasurer upon receipt of such  
215 warrant shall pay the same out of any appropriations made for this purpose on the last day of the  
216 month during which the warrant was received by the state treasurer.

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

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

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

30 amount of such fees assessed pursuant to this subsection per report shall not exceed six thousand  
31 dollars.]

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

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

47 5. The executive director of the Missouri Ethics Commission shall collect such late filing  
48 fees as are provided for in this section. Unpaid late filing fees shall be collected by action filed  
49 by the commission. The commission shall contract with the appropriate entity to collect such  
50 late filing fees after a thirty-day delinquency. If not collected within one hundred twenty days,  
51 the Missouri Ethics Commission shall file a petition in Cole County circuit court to seek a  
52 judgment on said fees. **After obtaining a judgment for the unpaid late filing fees, the**  
53 **commission or any entity contracted by the commission may proceed to collect the**  
54 **judgment in any manner authorized by law, including but not limited to garnishment of**  
55 **and execution against the committee's official depository account as set forth in subsection**  
56 **4 of section 130.021 after a thirty-day delinquency.** All late filing fees collected pursuant to  
57 this section shall be transmitted to the state treasurer and deposited to the general revenue fund.

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

60 7. If any **lobbyist fails to file a lobbyist report in a timely manner and that lobbyist**  
61 **is assessed a late fee, or if any individual who is required to file a personal financial**  
62 **disclosure statement fails to file such disclosure statement in a timely manner and is**  
63 **assessed a late fee, or if any candidate or the treasurer of any committee fails to file a**  
64 **campaign disclosure report or a statement of limited activity in a timely manner and that**  
65 **candidate or treasurer of any committee who fails to file a disclosure statement in a timely**

66 **manner and** is assessed a late filing fee, the **lobbyist, individual,** candidate, [candidate  
67 committee treasurer or assistant treasurer] **or the treasurer of any committee** may file an appeal  
68 of the assessment of the late filing fee with the commission. The commission may forgive the  
69 assessment of the late filing fee upon a showing of good cause. Such appeal shall be filed within  
70 ten days of the receipt of notice of the assessment of the late filing fee.

105.966. 1. [Except as provided in subsection 2 of this section,] The ethics commission  
2 shall complete and make determinations pursuant to subsection 1 of section 105.961 on all  
3 complaint investigations[, except those complaint investigations assigned to a retired judge,]  
4 within ninety days of initiation.

5 2. [The commission may file a petition in the Cole County circuit court to request an  
6 additional ninety days for investigation upon proving by a preponderance of the evidence that  
7 additional time is needed. Upon filing the petition, the ninety-day period shall be tolled until the  
8 court determines whether additional time is needed.

9 3. The hearing shall be held in camera before the Cole County circuit court and all  
10 records of the proceedings shall be closed.

11 4. The provisions of this section shall apply to all ongoing complaint investigations on  
12 July 13, 1999.

13 5.] Any complaint investigation not completed and decided upon by the ethics  
14 commission within the time allowed by this section shall be deemed to not have been a violation.

**115.364. If a candidate has been previously disqualified as a candidate for an office  
2 on the primary election ballot, that individual shall not be selected by a party nominating  
3 committee as a candidate for nomination to the same office on the same primary election  
4 ballot or as a candidate for the same office on the corresponding general election ballot.  
5 If a candidate has been previously disqualified as a candidate for an office on the general  
6 election ballot, that individual shall not be selected by a party nominating committee as a  
7 candidate for the same office on the same general election ballot.**

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

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

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

9 (3) "Candidate", an individual who seeks nomination or election to public office. The  
10 term "candidate" includes an elected officeholder who is the subject of a recall election, an

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

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

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

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

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

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

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

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

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

44 a. A person or combination of persons, if neither the aggregate of expenditures made nor  
45 the aggregate of contributions received during a calendar year exceeds five hundred dollars and

46 if no single contributor has contributed more than two hundred fifty dollars of such aggregate  
47 contributions;

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

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

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

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

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

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

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

82 the general election, except that no committee retiring debt shall engage in any other activities  
83 in support of a measure for which the committee was formed;

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

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

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

117 [(12)] (11) "Contribution", a payment, gift, loan, advance, deposit, or donation of money  
118 or anything of value for the purpose of supporting or opposing the nomination or election of any  
119 candidate for public office or the qualification, passage or defeat of any ballot measure, or for  
120 the support of any committee supporting or opposing candidates or ballot measures or for paying  
121 debts or obligations of any candidate or committee previously incurred for the above purposes.  
122 A contribution of anything of value shall be deemed to have a money value equivalent to the fair  
123 market value. "Contribution" includes, but is not limited to:

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

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

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

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

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

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

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

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

149 (i) "Contribution" does not include:

150 a. Ordinary home hospitality or services provided without compensation by individuals  
151 volunteering their time in support of or in opposition to a candidate, committee or ballot  
152 measure, nor the necessary and ordinary personal expenses of such volunteers incidental to the

153 performance of voluntary activities, so long as no compensation is directly or indirectly asked  
154 or given;

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

158         c. Interest earned on deposit of committee funds;

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

164         [(13)] (12) "County", any one of the several counties of this state or the city of St. Louis;

165         [(14)] (13) "Disclosure report", an itemized report of receipts, expenditures and incurred  
166 indebtedness which is prepared on forms approved by the Missouri Ethics Commission and filed  
167 at the times and places prescribed;

168         [(15)] (14) "Election", any primary, general or special election held to nominate or elect  
169 an individual to public office, to retain or recall an elected officeholder or to submit a ballot  
170 measure to the voters, and any caucus or other meeting of a political party or a political party  
171 committee at which that party's candidate or candidates for public office are officially selected.  
172 A primary election and the succeeding general election shall be considered separate elections;

173         [(16)] (15) "Expenditure", a payment, advance, conveyance, deposit, donation or  
174 contribution of money or anything of value for the purpose of supporting or opposing the  
175 nomination or election of any candidate for public office or the qualification or passage of any  
176 ballot measure or for the support of any committee which in turn supports or opposes any  
177 candidate or ballot measure or for the purpose of paying a previously incurred campaign debt or  
178 obligation of a candidate or the debts or obligations of a committee; a payment, or an agreement  
179 or promise to pay, money or anything of value, including a candidate's own money or property,  
180 for the purchase of goods, services, property, facilities or anything of value for the purpose of  
181 supporting or opposing the nomination or election of any candidate for public office or the  
182 qualification or passage of any ballot measure or for the support of any committee which in turn  
183 supports or opposes any candidate or ballot measure or for the purpose of paying a previously  
184 incurred campaign debt or obligation of a candidate or the debts or obligations of a committee.  
185 An expenditure of anything of value shall be deemed to have a money value equivalent to the  
186 fair market value. "Expenditure" includes, but is not limited to:

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

- 189 (b) The purchase of tickets, goods, services or political merchandise in connection with  
190 any testimonial affair or fund-raising event of or for candidates or committees, or the purchase  
191 of advertising in a brochure, booklet, program or pamphlet of a candidate or committee;
- 192 (c) The transfer of funds by one committee to another committee;
- 193 (d) The direct or indirect payment by any person, other than a connected organization  
194 for a committee, of the costs of establishing, administering or maintaining a committee,  
195 including legal, accounting and computer services, fund raising and solicitation of contributions  
196 for a committee; but
- 197 (e) "Expenditure" does not include:
- 198 a. Any news story, commentary or editorial which is broadcast or published by any  
199 broadcasting station, newspaper, magazine or other periodical without charge to the candidate  
200 or to any person supporting or opposing a candidate or ballot measure;
- 201 b. The internal dissemination by any membership organization, proprietorship, labor  
202 organization, corporation, association or other entity of information advocating the election or  
203 defeat of a candidate or candidates or the passage or defeat of a ballot measure or measures to  
204 its directors, officers, members, employees or security holders, provided that the cost incurred  
205 is reported pursuant to subsection 2 of section 130.051;
- 206 c. Repayment of a loan, but such repayment shall be indicated in required reports;
- 207 d. The rendering of voluntary personal services by an individual of the sort commonly  
208 performed by volunteer campaign workers and the payment by such individual of the individual's  
209 necessary and ordinary personal expenses incidental to such volunteer activity, provided no  
210 compensation is, directly or indirectly, asked or given;
- 211 e. The costs incurred by any connected organization listed pursuant to subdivision (4)  
212 of subsection 5 of section 130.021 for establishing, administering or maintaining a committee,  
213 or for the solicitation of contributions to a committee which solicitation is solely directed or  
214 related to the members, officers, directors, employees or security holders of the connected  
215 organization;
- 216 f. The use of a candidate's own money or property for expense of the candidate's personal  
217 food, lodging, travel, and payment of any fee necessary to the filing for public office, if such  
218 expense is not reimbursed to the candidate from any source;
- 219 [(17)] **(16)** "Exploratory committees", a committee which shall be formed by an  
220 individual to receive contributions and make expenditures on behalf of this individual in  
221 determining whether or not the individual seeks elective office. Such committee shall terminate  
222 no later than December thirty-first of the year prior to the general election for the possible office;
- 223 [(18)] **(17)** "Fund-raising event", an event such as a dinner, luncheon, reception, coffee,  
224 testimonial, rally, auction or similar affair through which contributions are solicited or received

225 by such means as the purchase of tickets, payment of attendance fees, donations for prizes or  
226 through the purchase of goods, services or political merchandise;

227 [(19)] (18) "In-kind contribution" or "in-kind expenditure", a contribution or expenditure  
228 in a form other than money;

229 [(20)] (19) "Labor organization", any organization of any kind, or any agency or  
230 employee representation committee or plan, in which employees participate and which exists for  
231 the purpose, in whole or in part, of dealing with employers concerning grievances, labor disputes,  
232 wages, rates of pay, hours of employment, or conditions of work;

233 [(21)] (20) "Loan", a transfer of money, property or anything of ascertainable monetary  
234 value in exchange for an obligation, conditional or not, to repay in whole or in part and which  
235 was contracted, used, or intended for use in an election campaign, or which was made or  
236 received by a committee or which was contracted, used, or intended to pay previously incurred  
237 campaign debts or obligations of a candidate or the debts or obligations of a committee;

238 [(22)] (21) "Person", an individual, group of individuals, corporation, partnership,  
239 committee, proprietorship, joint venture, any department, agency, board, institution or other  
240 entity of the state or any of its political subdivisions, union, labor organization, trade or  
241 professional or business association, association, political party or any executive committee  
242 thereof, or any other club or organization however constituted or any officer or employee of such  
243 entity acting in the person's official capacity;

244 (22) "Political action committee", a committee of continuing existence which is not  
245 formed, controlled or directed by a candidate, and is a committee other than a candidate  
246 committee, political party committee, campaign committee, exploratory committee, or debt  
247 service committee, whose primary or incidental purpose is to receive contributions or make  
248 expenditures to influence or attempt to influence the action of voters whether or not a  
249 particular candidate or candidates or a particular ballot measure or measures to be  
250 supported or opposed has been determined at the time the committee is required to file any  
251 statement or report under the provisions of this chapter. Such a committee includes, but  
252 is not limited to, any committee organized or sponsored by a business entity, a labor  
253 organization, a professional association, a trade or business association, a club, or other  
254 organization and whose primary purpose is to solicit, accept, and use contributions from  
255 the members, employees, or stockholders of such entity and any individual or group of  
256 individuals who accept and use contributions to influence or attempt to influence the action  
257 of voters. Such committee shall be formed no later than sixty days prior to the election for  
258 which the committee receives contributions or makes expenditures;

259 (23) "Political merchandise", goods such as bumper stickers, pins, hats, ties, jewelry,  
260 literature, or other items sold or distributed at a fund-raising event or to the general public for

261 publicity or for the purpose of raising funds to be used in supporting or opposing a candidate for  
262 nomination or election or in supporting or opposing the qualification, passage or defeat of a  
263 ballot measure;

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

266 (25) "Political party committee", [a state, district, county, city, or area committee of a  
267 political party, as defined in section 115.603, which may be organized as a not-for-profit  
268 corporation under Missouri law, and which committee is of continuing existence, and has the  
269 primary or incidental purpose of receiving contributions and making expenditures to influence  
270 or attempt to influence the action of voters on behalf of the political party] **a committee of a  
271 political party which may be organized as a not-for-profit corporation under Missouri law  
272 and has the primary or incidental purpose of receiving contributions and making  
273 expenditures to influence or attempt to influence the action of voters on behalf of the  
274 political party. Political party committees shall only take the following forms:**

275 (a) **One congressional district committee per political party for each congressional  
276 district in the state; and**

277 (b) **One state party committee per political party;**

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

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

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

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  
6 event the committee treasurer is unable for any reason to perform the treasurer's duties.

7 2. Every candidate for offices listed in subsection 1 of section 130.016 who has not filed  
8 a statement of exemption pursuant to that subsection and every candidate for offices listed in  
9 subsection 6 of section 130.016 who is not excluded from filing a statement of organization and  
10 disclosure reports pursuant to subsection 6 of section 130.016 shall form a candidate committee  
11 and appoint a treasurer. Thereafter, all contributions on hand and all further contributions  
12 received by such candidate and any of the candidate's own funds to be used in support of the

13 person's candidacy shall be deposited in a candidate committee depository account established  
14 pursuant to the provisions of subsection 4 of this section, and all expenditures shall be made  
15 through the candidate, treasurer or deputy treasurer of the person's candidate committee. Nothing  
16 in this chapter shall prevent a candidate from appointing himself or herself as a committee of one  
17 and serving as the person's own treasurer, maintaining the candidate's own records and filing all  
18 the reports and statements required to be filed by the treasurer of a candidate committee.

19 3. A candidate who has more than one candidate committee supporting the person's  
20 candidacy shall designate one of those candidate committees as the committee responsible for  
21 consolidating the aggregate contributions to all such committees under the candidate's control  
22 and direction as required by section 130.041. **No person shall form a new committee or serve  
23 as a deputy treasurer of any committee as defined in section 130.011 until the person or the  
24 treasurer of any committee previously formed by the person or where the person served  
25 as treasurer or deputy treasurer has filed all required campaign disclosure reports and  
26 statements of limited activity for all prior elections and paid outstanding previously  
27 imposed fees assessed against that person by the ethics commission.**

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 names  
61 and addresses of the persons involved in the transaction shall also be stated. Funds held in  
62 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] **political action** committee, political party committee,  
89 incumbent committee, or any other committee according to the definition of committee in section  
90 130.011;

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

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

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

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

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

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

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

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

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

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

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

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

135 130.026. 1. For the purpose of this section, the term "election authority" or "local  
2 election authority" means the county clerk, except that in a city or county having a board of  
3 election commissioners the board of election commissioners shall be the election authority. For  
4 any political subdivision or other district which is situated within the jurisdiction of more than  
5 one election authority, as defined herein, the election authority is the one in whose jurisdiction  
6 the candidate resides or, in the case of ballot measures, the one in whose jurisdiction the most  
7 populous portion of the political subdivision or district for which an election is held is situated,  
8 except that a county clerk or a county board of election commissioners shall be the election  
9 authority for all candidates for elective county offices other than county clerk and for any  
10 countywide ballot measures.

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

13 (1) In the case of candidates for the offices of governor, lieutenant governor, secretary  
14 of state, state treasurer, state auditor, attorney general, judges of the supreme court and appellate  
15 court judges, the appropriate officer shall be the Missouri Ethics Commission;

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

20 (3) In the case of candidates for elective municipal offices in municipalities of more than  
21 one hundred thousand inhabitants and elective county offices in counties of more than one

22 hundred thousand inhabitants, the appropriate officers shall be the Missouri Ethics Commission  
23 and the election authority of the municipality or county in which the candidate seeks office;

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

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

27 (a) The Missouri Ethics Commission for a statewide measure;

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

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

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

36 (1) In the case of state party committees, the appropriate officer shall be the Missouri  
37 Ethics Commission;

38 (2) In the case of any district, county or city political party committee, the appropriate  
39 officer shall be the Missouri Ethics Commission and the election authority for that district,  
40 county or city.

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

43 (1) The Missouri Ethics Commission and the election authority for the county in which  
44 the committee is domiciled; and

45 (2) If the committee makes or anticipates making expenditures other than direct  
46 contributions which aggregate more than five hundred dollars to support or oppose one or more  
47 candidates or ballot measures in the same political subdivision or district for which the  
48 appropriate officer is an election authority other than the one for the county in which the  
49 committee is domiciled, the appropriate officers for that committee shall include such other  
50 election authority or authorities, except that committees covered by this subsection need not file  
51 statements required by section 130.021 and reports required by subsections 6, 7 and 8 of section  
52 130.046 with any appropriate officer other than those set forth in subdivision (1) of this  
53 subsection.

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

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

3 (1) Discriminate or threaten to discriminate against any member in this state with respect  
4 to his membership, or discharge or discriminate or threaten to discriminate against any employee  
5 in this state, with respect to his compensation, terms, conditions or privileges of employment by  
6 reason of his political beliefs or opinions; or

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

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

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

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

20 2. No employer, corporation, [continuing] **political action** committee, or labor  
21 organization shall receive or cause to be made contributions from its members or employees  
22 except on the advance voluntary permission of the members or employees. Violation of this  
23 section by the corporation, employer, [continuing] **political action** committee or labor  
24 organization shall be a class A misdemeanor.

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

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

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] **political**  
3 **action** committee, a campaign committee, a political party committee, an exploratory committee  
4 or a candidate 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. Political action committees may receive contributions from individuals; unions;**  
135 **federal political action committees; and corporations, associations, and partnerships.**  
136 **Political action committees shall be prohibited from receiving contributions from other**  
137 **political action committees, candidate committees, political party committees, campaign**  
138 **committees, exploratory committees, or debt service committees. However, candidate**  
139 **committees, political party committees, campaign committees, exploratory committees, and**  
140 **debt service committees shall be allowed to return contributions to a donor political action**  
141 **committee that is the origin of the contribution.**

142           **14. No person shall transfer anything of value to any committee with the intent to**  
143 **conceal, from the ethics commission, the identity of the actual source. Any violation of this**  
144 **subsection shall be punishable as follows:**

145           **(1) For the first violation, the ethics commission shall notify such person that the**  
146 **transfer to the committee is prohibited under this section within five days of determining**  
147 **that the transfer is prohibited, and that such person shall notify the committee to which the**  
148 **funds were transferred that the funds must be returned within ten days of such**  
149 **notification;**

150           **(2) For the second violation, the person transferring the funds shall be guilty of a**  
151 **class C misdemeanor;**

152           **(3) For the third and subsequent violations, the person transferring the funds shall**  
153 **be guilty of a class D felony.**

154           **15. Beginning on the effective date of this act, all committees required to file**  
155 **campaign financial disclosure reports with the Missouri Ethics Commission shall file any**  
156 **required disclosure report in an electronic format as prescribed by the ethics commission.**

157           **16. No committee shall transfer any funds to another committee if the treasurer of**  
158 **the committee receiving the funds is the treasurer for the committee transferring the funds.**

159           **17. No committee shall receive any contribution from any organization exempt**  
160 **from taxation under 26 U.S.C. Section 501(c)(4), as amended, unless such organization has**  
161 **disclosed to the ethics commission the name and address of each person donating to such**  
162 **organization. In lieu of disclosing such donors to the ethics commission, the organization**  
163 **may provide a list of all donors to the general public on the organization's website.**

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

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

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

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

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

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

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

18           **2. For purposes of this subsection, "base year amount" shall be the contribution**  
19 **limits prescribed in this section on January 1, 2013. Such limits shall be increased on the**  
20 **first day of January in each even-numbered year by multiplying the base year amount by**  
21 **the cumulative consumer price index, as defined in section 104.010 and rounded to the**  
22 **nearest twenty-five-dollar amount, for all years since January 1, 2013.**

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

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

35           **5. Contributions received and expenditures made before January 1, 2013, shall be**  
36 **reported as a separate account and under the laws in effect at the time such contributions**  
37 **are received or expenditures made. Contributions received and expenditures made after**  
38 **January 1, 2013, shall be reported under the provisions of this chapter as a separate**  
39 **account from the other separate account described in this subsection. The account**  
40 **reported under the prior law shall be retained as a separate account and any remaining**  
41 **funds in such account may be used under this chapter.**

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

50 **existing on the date of the receipt of notice. Such surcharge shall constitute a debt to the**  
51 **state enforceable under, but not limited to, the provisions of chapter 143.**

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

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

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

13 (3) Receipts for the period, including:

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

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

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

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

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

33 (f) A listing of each loan received by name and address of the lender and date and  
34 amount of the loan. For each loan of more than one hundred dollars, a separate statement shall

35 be attached setting forth the name and address of the lender and each person liable directly,  
36 indirectly or contingently, and the date, amount and terms of the loan;

37 (4) Expenditures for the period, including:

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

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

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

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

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

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

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

56 (7) The amount of expenditures for or against a candidate or ballot measure during the  
57 period covered and the cumulative amount of expenditures for or against that candidate or ballot  
58 measure, with each candidate being listed by name, mailing address and office sought. For the  
59 purpose of disclosure reports, expenditures made in support of more than one candidate or ballot  
60 measure or both shall be apportioned reasonably among the candidates or ballot measure or both.  
61 In apportioning expenditures to each candidate or ballot measure, political party committees and  
62 [continuing] **political action** committees need not include expenditures for maintaining a  
63 permanent office, such as expenditures for salaries of regular staff, office facilities and  
64 equipment or other expenditures not designed to support or oppose any particular candidates or  
65 ballot measures; however, all such expenditures shall be listed pursuant to subdivision (4) of this  
66 subsection;

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

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

75 (10) Each committee that receives a contribution which is restricted or designated in  
76 whole or in part by the contributor for transfer to a particular candidate, committee or other  
77 person shall include a statement of the name and address of that contributor in the next disclosure  
78 report required to be filed after receipt of such contribution, together with the date and amount  
79 of any such contribution which was so restricted or designated by that contributor, together with  
80 the name of the particular candidate or committee to whom such contribution was so designated  
81 or restricted by that contributor and the date and amount of such contribution.

82 2. For the purpose of this section and any other section in this chapter except sections  
83 130.049 and 130.050 which requires a listing of each contributor who has contributed a specified  
84 amount, the aggregate amount shall be computed by adding all contributions received from any  
85 one person during the following periods:

86 (1) In the case of a candidate committee, the period shall begin on the date on which the  
87 candidate became a candidate according to the definition of the term "candidate" in section  
88 130.011 and end at 11:59 p.m. on the day of the primary election, if the candidate has such an  
89 election or at 11:59 p.m. on the day of the general election. If the candidate has a general  
90 election held after a primary election, the next aggregating period shall begin at 12:00 midnight  
91 on the day after the primary election day and shall close at 11:59 p.m. on the day of the general  
92 election. Except that for contributions received during the thirty-day period immediately  
93 following a primary election, the candidate shall designate whether such contribution is received  
94 as a primary election contribution or a general election contribution;

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

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

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

105 4. The words "consulting or consulting services, fees, or expenses", or similar words,  
106 shall not be used to describe the purpose of a payment as required in this section. The reporting

107 of any payment to such an independent contractor shall be on a form supplied by the appropriate  
108 officer, established by the ethics commission and shall include identification of the specific  
109 service or services provided including, but not limited to, public opinion polling, research on  
110 issues or opposition background, print or broadcast media production, print or broadcast media  
111 purchase, computer programming or data entry, direct mail production, postage, rent, utilities,  
112 phone solicitation, or fund raising, and the dollar amount prorated for each service.

130.044. 1. All individuals and committees required to file disclosure reports under  
2 section 130.041 shall electronically report any contribution by any single contributor which  
3 exceeds five thousand dollars to the Missouri Ethics Commission within forty-eight hours of  
4 receiving the contribution. [Such]

5 **2. Any individual currently holding office as a state representative, state senator,**  
6 **or any candidate for such office or such individual's campaign committee shall**  
7 **electronically report any contribution exceeding five hundred dollars made by any**  
8 **contributor to such individual's campaign committee during the regular legislative session**  
9 **of the general assembly, within forty-eight hours of receiving the contribution.**

10 **3. Any individual currently holding office as the governor, lieutenant governor,**  
11 **treasurer, attorney general, secretary of state or auditor or any candidate for such office**  
12 **or such individual's campaign committee shall electronically report any contribution**  
13 **exceeding five hundred dollars made by any contributor to such individual's campaign**  
14 **committee during the regular legislative session or any time when legislation from the**  
15 **regular legislative session awaits gubernatorial action, within forty-eight hours of receiving**  
16 **the contribution.**

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

21 [2.] **5.** Any rule or portion of a rule, as that term is defined in section 536.010, that is  
22 created under the authority delegated in this section shall become effective only if it complies  
23 with and is subject to all of the provisions of chapter 536, and, if applicable, section 536.028.  
24 This section and chapter 536 are nonseverable and if any of the powers vested with the general  
25 assembly pursuant to chapter 536 to review, to delay the effective date, or to disapprove and  
26 annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and  
27 any rule proposed or adopted after August 28, 2008, shall be invalid and void.

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

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

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

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

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

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

35 (2) If the measure has qualified to be on the ballot in an election and if a committee  
36 subject to the requirements of subdivision (1) of this subsection is also required to file a  
37 preelection disclosure report for such election any time within thirty days after the date on which  
38 disclosure reports are required to be filed in accordance with subdivision (1) of this subsection,

39 the treasurer of such committee shall not be required to file the report required by subdivision  
40 (1) of this subsection, but shall include in the committee's preelection report all information  
41 which would otherwise have been required by subdivision (1) of this subsection.

42         3. The candidate, if applicable, treasurer or deputy treasurer of a committee shall file  
43 disclosure reports pursuant to this section, except for any calendar quarter in which the  
44 contributions received by the committee or the expenditures or contributions made by the  
45 committee do not exceed five hundred dollars. The reporting dates and periods covered for such  
46 quarterly reports shall not be later than the fifteenth day of January, April, July and October for  
47 periods closing on the thirty-first day of December, the thirty-first day of March, the thirtieth day  
48 of June and the thirtieth day of September. No candidate, treasurer or deputy treasurer shall be  
49 required to file the quarterly disclosure report required not later than the fifteenth day of any  
50 January immediately following a November election, provided that such candidate, treasurer or  
51 deputy treasurer shall file the information required on such quarterly report on the quarterly  
52 report to be filed not later than the fifteenth day of April immediately following such November  
53 election. Each report by such committee shall be cumulative from the date of the last report. In  
54 the case of the [continuing] **political action** committee's first report, the report shall be  
55 cumulative from the date of the [continuing] **political action** committee's organization. Every  
56 candidate, treasurer or deputy treasurer shall file, at a minimum, the campaign disclosure reports  
57 covering the quarter immediately preceding the date of the election and those required by  
58 subdivisions (1) and (2) of subsection 1 of this section. A [continuing] **political action**  
59 committee shall submit additional reports if it makes aggregate expenditures, other than  
60 contributions to a committee, of five hundred dollars or more, within the reporting period at the  
61 following times for the following periods:

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

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

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

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

75 begins on the date the candidate became a candidate according to the definition of the term  
76 candidate in section 130.011.

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

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

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

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

91 (2) No disclosure report needs to be filed for any reporting period if during that reporting  
92 period the committee has neither received contributions aggregating more than five hundred  
93 dollars nor made expenditure aggregating more than five hundred dollars and has not received  
94 contributions aggregating more than three hundred dollars from any single contributor and if the  
95 committee's treasurer files a statement with the appropriate officer that the committee has not  
96 exceeded the identified thresholds in the reporting period. Any contributions received or  
97 expenditures made which are not reported because this statement is filed in lieu of a disclosure  
98 report shall be included in the next disclosure report filed by the committee. This statement shall  
99 not be filed in lieu of the report for two or more consecutive disclosure periods if either the  
100 contributions received or expenditures made in the aggregate during those reporting periods  
101 exceed five hundred dollars. This statement shall not be filed, in lieu of the report, later than the  
102 thirtieth day after an election if that report would show a deficit of more than one thousand  
103 dollars.

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

111 required to file in connection with an election. The reporting dates and periods covered for  
112 semiannual reports shall be not later than the fifteenth day of January and July for periods closing  
113 on the thirty-first day of December and the thirtieth day of June.

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

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

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

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

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

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. The system may be established  
12 and used for all reports required to be filed for the primary and general elections in 1996 and all  
13 elections thereafter, except that the system may require maintenance of a paper backup system  
14 for the primary and general elections in 1996. The reports shall be maintained and secured in  
15 the electronic format by the commission.

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

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

41 reporting period, the report for that reporting period shall not be required to be filed  
42 electronically.

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

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

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

130.071. 1. If a successful candidate, or the treasurer of his candidate committee, **or the**  
2 **successful candidate who also has served as a treasurer or deputy treasurer of any**  
3 **committee defined by section 130.011** fails to file the [disclosure] reports which are required  
4 by this chapter, the candidate shall not take office until such reports are filed **and all fees**  
5 **assessed by the commission are paid.**

6         2. In addition to any other penalties provided by law, no person may file for any office  
7 in a subsequent election until he or the treasurer of his existing candidate **or any** committee  
8 **defined by section 130.011 in which he is a treasurer or deputy treasurer** has filed all  
9 required campaign disclosure reports for all prior elections **and paid all fees assessed by the**  
10 **commission.**

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

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

4         (2) Serve on the board or chair any political action committee, **or** political party  
5 committee[, or continuing committee].

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

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

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

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

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

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

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

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

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

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

610.010. As used in this chapter, unless the context otherwise indicates, the following terms mean:

**(1) "Closed meeting", "closed record", or "closed vote", any meeting, record or vote closed to the public;**

**(2) "Copying", if requested by a member of the public, copies provided as detailed in section 610.026, if duplication equipment is available;**

**(3) "Public business", all matters which relate in any way to the performance of the public governmental body's functions or the conduct of its business;**

**(4) "Public governmental body", any legislative, administrative or governmental entity created by the constitution or statutes of this state, by order or ordinance of any political**

11 subdivision or district, judicial entities when operating in an administrative capacity, or by  
12 executive order, including:

13 (a) Any body, agency, board, bureau, council, commission, committee, board of regents  
14 or board of curators or any other governing body of any institution of higher education, including  
15 a community college, which is supported in whole or in part from state funds, including but not  
16 limited to the administrative entity known as "The Curators of the University of Missouri" as  
17 established by section 172.020;

18 (b) Any advisory committee or commission appointed by the governor by executive  
19 order;

20 (c) Any department or division of the state, of any political subdivision of the state, of  
21 any county or of any municipal government, school district or special purpose district including  
22 but not limited to sewer districts, water districts, and other subdistricts of any political  
23 subdivision;

24 (d) Any other legislative or administrative governmental deliberative body under the  
25 direction of three or more elected or appointed members having rulemaking or quasi-judicial  
26 power;

27 (e) Any committee appointed by or at the direction of any of the entities and which is  
28 authorized to report to any of the above-named entities, any advisory committee appointed by  
29 or at the direction of any of the named entities for the specific purpose of recommending, directly  
30 to the public governmental body's governing board or its chief administrative officer, policy or  
31 policy revisions or expenditures of public funds including, but not limited to, entities created to  
32 advise bi-state taxing districts regarding the expenditure of public funds, or any policy advisory  
33 body, policy advisory committee or policy advisory group appointed by a president, chancellor  
34 or chief executive officer of any college or university system or individual institution at the  
35 direction of the governing body of such institution which is supported in whole or in part with  
36 state funds for the specific purpose of recommending directly to the public governmental body's  
37 governing board or the president, chancellor or chief executive officer policy, policy revisions  
38 or expenditures of public funds provided, however, the staff of the college or university  
39 president, chancellor or chief executive officer shall not constitute such a policy advisory  
40 committee. The custodian of the records of any public governmental body shall maintain a list  
41 of the policy advisory committees described in this subdivision;

42 (f) Any quasi-public governmental body. The term "quasi-public governmental body"  
43 means any person, corporation or partnership organized or authorized to do business in this state  
44 pursuant to the provisions of chapter 352, 353, or 355, or unincorporated association which  
45 either:

46 a. Has as its primary purpose to enter into contracts with public governmental bodies,  
47 or to engage primarily in activities carried out pursuant to an agreement or agreements with  
48 public governmental bodies; or

49 b. Performs a public function as evidenced by a statutorily based capacity to confer or  
50 otherwise advance, through approval, recommendation or other means, the allocation or issuance  
51 of tax credits, tax abatement, public debt, tax-exempt debt, rights of eminent domain, or the  
52 contracting of leaseback agreements on structures whose annualized payments commit public  
53 tax revenues; or any association that directly accepts the appropriation of money from a public  
54 governmental body, but only to the extent that a meeting, record, or vote relates to such  
55 appropriation; and

56 (g) Any bi-state development agency established pursuant to section 70.370;

57 **(h) Any public official, statewide elected official, or employee of the state and its**  
58 **agencies when such persons are operating in their official capacities;**

59 (5) "Public meeting", any meeting of a public governmental body subject to sections  
60 610.010 to 610.030 at which any public business is discussed, decided, or public policy  
61 formulated, whether such meeting is conducted in person or by means of communication  
62 equipment, including, but not limited to, conference call, video conference, Internet chat, or  
63 Internet message board. The term "public meeting" shall not include an informal gathering of  
64 members of a public governmental body for ministerial or social purposes when there is no intent  
65 to avoid the purposes of this chapter, but the term shall include a public vote of all or a majority  
66 of the members of a public governmental body, by electronic communication or any other means,  
67 conducted in lieu of holding a public meeting with the members of the public governmental body  
68 gathered at one location in order to conduct public business;

69 (6) "Public record", any record, whether written or electronically stored, retained by or  
70 of any public governmental body including any report, survey, memorandum, or other document  
71 or study prepared for the public governmental body by a consultant or other professional service  
72 paid for in whole or in part by public funds, including records created or maintained by private  
73 contractors under an agreement with a public governmental body or on behalf of a public  
74 governmental body; provided, however, that personally identifiable student records maintained  
75 by public educational institutions shall be open for inspection by the parents, guardian or other  
76 custodian of students under the age of eighteen years and by the parents, guardian or other  
77 custodian and the student if the student is over the age of eighteen years. The term "public  
78 record" shall not include any internal memorandum or letter received or prepared by or on behalf  
79 of a member of a public governmental body consisting of advice, opinions and recommendations  
80 in connection with the deliberative decision-making process of said body, unless such records  
81 are retained by the public governmental body or presented at a public meeting. Any document

82 or study prepared for a public governmental body by a consultant or other professional service  
83 as described in this subdivision shall be retained by the public governmental body in the same  
84 manner as any other public record;

85 (7) "Public vote", any vote, whether conducted in person, by telephone, or by any other  
86 electronic means, cast at any public meeting of any public governmental body.

[105.456. 1. No member of the general assembly or the governor,  
2 lieutenant governor, attorney general, secretary of state, state treasurer or state  
3 auditor shall:

4 (1) Perform any service for the state or any political subdivision of the  
5 state or any agency of the state or any political subdivision thereof or act in his  
6 or her official capacity or perform duties associated with his or her position for  
7 any person for any consideration other than the compensation provided for the  
8 performance of his or her official duties; or

9 (2) Sell, rent or lease any property to the state or political subdivision  
10 thereof or any agency of the state or any political subdivision thereof for  
11 consideration in excess of five hundred dollars per transaction or one thousand  
12 five hundred dollars per annum unless the transaction is made pursuant to an  
13 award on a contract let or sale made after public notice and in the case of property  
14 other than real property, competitive bidding, provided that the bid or offer  
15 accepted is the lowest received; or

16 (3) Attempt, for compensation other than the compensation provided for  
17 the performance of his or her official duties, to influence the decision of any  
18 agency of the state on any matter, except that this provision shall not be construed  
19 to prohibit such person from participating for compensation in any adversary  
20 proceeding or in the preparation or filing of any public document or conference  
21 thereon. The exception for a conference upon a public document shall not permit  
22 any member of the general assembly or the governor, lieutenant governor,  
23 attorney general, secretary of state, state treasurer or state auditor to receive any  
24 consideration for the purpose of attempting to influence the decision of any  
25 agency of the state on behalf of any person with regard to any application, bid or  
26 request for a state grant, loan, appropriation, contract, award, permit other than  
27 matters involving a driver's license, or job before any state agency, commission,  
28 or elected official. Notwithstanding Missouri supreme court rule 1.10 of rule 4  
29 or any other court rule or law to the contrary, other members of a firm,  
30 professional corporation or partnership shall not be prohibited pursuant to this  
31 subdivision from representing a person or other entity solely because a member  
32 of the firm, professional corporation or partnership serves in the general  
33 assembly, provided that such official does not share directly in the compensation  
34 earned, so far as the same may reasonably be accounted, for such activity by the  
35 firm or by any other member of the firm. This subdivision shall not be construed  
36 to prohibit any inquiry for information or the representation of a person without

37 consideration before a state agency or in a matter involving the state if no  
38 consideration is given, charged or promised in consequence thereof.

39 2. No sole proprietorship, partnership, joint venture, or corporation in  
40 which a member of the general assembly, governor, lieutenant governor, attorney  
41 general, secretary of state, state treasurer, state auditor or spouse of such official  
42 is the sole proprietor, a partner having more than a ten percent partnership  
43 interest, or a coparticipant or owner of in excess of ten percent of the outstanding  
44 shares of any class of stock, shall:

45 (1) Perform any service for the state or any political subdivision thereof  
46 or any agency of the state or political subdivision for any consideration in excess  
47 of five hundred dollars per transaction or one thousand five hundred dollars per  
48 annum unless the transaction is made pursuant to an award on a contract let or  
49 sale made after public notice and competitive bidding, provided that the bid or  
50 offer accepted is the lowest received; or

51 (2) Sell, rent, or lease any property to the state or any political  
52 subdivision thereof or any agency of the state or political subdivision thereof for  
53 consideration in excess of five hundred dollars per transaction or one thousand  
54 five hundred dollars per annum unless the transaction is made pursuant to an  
55 award on a contract let or a sale made after public notice and in the case of  
56 property other than real property, competitive bidding, provided that the bid or  
57 offer accepted is the lowest and best received.

58 3. No statewide elected official, member of the general assembly, or any  
59 person acting on behalf of such official or member shall expressly and explicitly  
60 make any offer or promise to confer any paid employment, where the individual  
61 is compensated above actual and necessary expenses, to any statewide elected  
62 official or member of the general assembly in exchange for the official's or  
63 member's official vote on any public matter. Any person making such offer or  
64 promise is guilty of the crime of bribery of a public servant under section  
65 576.010.

66 4. Any statewide elected official or member of the general assembly who  
67 accepts or agrees to accept an offer described in subsection 3 of this section is  
68 guilty of the crime of acceding to corruption under section 576.020.]

69

2 [105.463. Within thirty days of submission of the person's name to the  
3 governor and in order to be an eligible nominee for appointment to a board or  
4 commission requiring senate confirmation, a nominee shall file a financial  
5 interest statement in the manner provided by section 105.485 and shall request  
6 a list of all political contributions and the name of the candidate or committee as  
7 defined in chapter 130, to which those contributions were made within the  
8 four-year period prior to such appointment, made by the nominee, from the ethics  
9 commission. The information shall be delivered to the nominee by the ethics  
10 commission. The nominee shall deliver the information to the president pro tem  
of the senate prior to confirmation.]

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

18 2. Each person shall, before giving testimony before any committee of  
19 the general assembly, give to the secretary of such committee such person's name  
20 and address and the identity of any lobbyist or organization, if any, on whose  
21 behalf such person appears. A person who is not a lobbyist as defined in section  
22 105.470 shall not be required to give such person's address if the committee  
23 determines that the giving of such address would endanger the person's physical  
24 health.

25 3. (1) During any period of time in which a lobbyist continues to act as  
26 an executive lobbyist, judicial lobbyist, legislative lobbyist, or elected local  
27 government official lobbyist, the lobbyist shall file with the commission on  
28 standardized forms prescribed by the commission monthly reports which shall be  
29 due at the close of business on the tenth day of the following month;

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

33 (a) The total of all expenditures by the lobbyist or his or her lobbyist  
34 principals made on behalf of all public officials, their staffs and employees, and  
35 their spouses and dependent children, which expenditures shall be separated into  
36 at least the following categories by the executive branch, judicial branch and  
37 legislative branch of government: printing and publication expenses; media and  
38 other advertising expenses; travel; the time, venue, and nature of any  
39 entertainment; honoraria; meals, food and beverages; and gifts;

40 (b) The total of all expenditures by the lobbyist or his or her lobbyist  
41 principals made on behalf of all elected local government officials, their staffs  
42 and employees, and their spouses and children. Such expenditures shall be  
separated into at least the following categories: printing and publication

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

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

51 (d) The total of all expenditures made by a lobbyist or lobbyist principal  
52 for occasions and the identity of the group invited, the date, location, and  
53 description of the occasion and the amount of the expenditure for each occasion  
54 when any of the following are invited in writing:

55 a. All members of the senate, which may or may not include senate staff  
56 and employees under the direct supervision of a state senator;

57 b. All members of the house of representatives, which may or may not  
58 include house staff and employees under the direct supervision of a state  
59 representative;

60 c. All members of a joint committee of the general assembly or a  
61 standing committee of either the house of representatives or senate, which may  
62 or may not include joint and standing committee staff;

63 d. All members of a caucus of the majority party of the house of  
64 representatives, minority party of the house of representatives, majority party of  
65 the senate, or minority party of the senate;

66 e. All statewide officials, which may or may not include the staff and  
67 employees under the direct supervision of the statewide official;

68 (e) Any expenditure made on behalf of a public official, an elected local  
69 government official or such official's staff, employees, spouse or dependent  
70 children, if such expenditure is solicited by such official, the official's staff,  
71 employees, or spouse or dependent children, from the lobbyist or his or her  
72 lobbyist principals and the name of such person or persons, except any  
73 expenditures made to any not-for-profit corporation, charitable, fraternal or civic  
74 organization or other association formed to provide for good in the order of  
75 benevolence and except for any expenditure reported under paragraph (d) of this  
76 subdivision;

77 (f) A statement detailing any direct business relationship or association  
78 or partnership the lobbyist has with any public official or elected local  
79 government official. The reports required by this subdivision shall cover the time  
80 periods since the filing of the last report or since the lobbyist's employment or  
81 representation began, whichever is most recent.

82 4. No expenditure reported pursuant to this section shall include any  
83 amount expended by a lobbyist or lobbyist principal on himself or herself. All  
84 expenditures disclosed pursuant to this section shall be valued on the report at the  
85 actual amount of the payment made, or the charge, expense, cost, or obligation,

86 debt or bill incurred by the lobbyist or the person the lobbyist represents.  
87 Whenever a lobbyist principal employs more than one lobbyist, expenditures of  
88 the lobbyist principal shall not be reported by each lobbyist, but shall be reported  
89 by one of such lobbyists. No expenditure shall be made on behalf of a state  
90 senator or state representative, or such public official's staff, employees, spouse,  
91 or dependent children for travel or lodging outside the state of Missouri unless  
92 such travel or lodging was approved prior to the date of the expenditure by the  
93 administration and accounts committee of the house or the administration  
94 committee of the senate.

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

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

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

108 8. Any lobbyist found to knowingly omit, conceal, or falsify in any  
109 manner information required pursuant to this section shall be guilty of a class A  
110 misdemeanor.

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

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

122 11. The commission shall provide a report listing the total spent by a  
123 lobbyist for the month and year to any member or member-elect of the general  
124 assembly, judge or judicial officer, or any other person holding an elective office  
125 of state government or any elected local government official on or before the  
126 twentieth day of each month. For the purpose of providing accurate information  
127 to the public, the commission shall not publish information in either written or  
128 electronic form for ten working days after providing the report pursuant to this

129 subsection. The commission shall not release any portion of the lobbyist report  
130 if the accuracy of the report has been questioned pursuant to subsection 10 of this  
131 section unless it is conspicuously marked "Under Review".

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

138 13. The provisions of this section shall supersede any contradicting  
139 ordinances or charter provisions.]

140

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

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

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

26 (2) The name and address of each sole proprietorship which he owned;  
27 the name, address and the general nature of the business conducted of each  
28 general partnership and joint venture in which he was a partner or participant; the  
29 name and address of each partner or coparticipant for each partnership or joint  
30 venture unless such names and addresses are filed by the partnership or joint  
31 venture with the secretary of state; the name, address and general nature of the  
business conducted of any closely held corporation or limited partnership in

32 which the person owned ten percent or more of any class of the outstanding stock  
33 or limited partners' units; and the name of any publicly traded corporation or  
34 limited partnership which is listed on a regulated stock exchange or automated  
35 quotation system in which the person owned two percent or more of any class of  
36 outstanding stock, limited partnership units or other equity interests;

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

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

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

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

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

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

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

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

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

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

96 (d) Expenses which are reported by the campaign committee or candidate  
97 committee of the person filing the statement pursuant to the provisions of chapter  
98 130; or

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

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

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

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

113 (b) Is a lobbyist; or

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

115 (12) The name and address of each campaign committee, political party  
116 committee, candidate committee, or political action committee for which such

117 person or any corporation listed on such person's financial interest statement  
118 received payment; and

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

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

135 4. Each official, officer or employee or candidate of any political  
136 subdivision described in subdivision (11) of section 105.483 shall be required to  
137 file a financial interest statement as required by subsection 2 of this section,  
138 unless the political subdivision biennially adopts an ordinance, order or  
139 resolution at an open meeting by September fifteenth of the preceding year,  
140 which establishes and makes public its own method of disclosing potential  
141 conflicts of interest and substantial interests and therefore excludes the political  
142 subdivision or district and its officers and employees from the requirements of  
143 subsection 2 of this section. A certified copy of the ordinance, order or resolution  
144 shall be sent to the commission within ten days of its adoption. The commission  
145 shall assist any political subdivision in developing forms to complete the  
146 requirements of this subsection. The ordinance, order or resolution shall contain,  
147 at a minimum, the following requirements with respect to disclosure of  
148 substantial interests:

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

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

158 (b) The date and the identities of the parties to each transaction known  
159 to the person with a total value in excess of five hundred dollars, if any, that any

160 business entity in which such person had a substantial interest, had with the  
 161 political subdivision, other than payment of any tax, fee or penalty due to the  
 162 political subdivision or transactions involving payment for providing utility  
 163 service to the political subdivision, and other than transfers for no consideration  
 164 to the political subdivision;

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

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

171 (4) Duplicate disclosure reports made pursuant to this subsection shall  
 172 be filed with the commission and the governing body of the political subdivision.  
 173 The clerk of such governing body shall maintain such disclosure reports available  
 174 for public inspection and copying during normal business hours.]  
 175

2 [105.955. 1. A bipartisan "Missouri Ethics Commission", composed of  
 3 six members, is hereby established. The commission shall be assigned to the  
 4 office of administration with supervision by the office of administration only for  
 5 budgeting and reporting as provided by subdivisions (4) and (5) of subsection 6  
 6 of section 1 of the Reorganization Act of 1974. Supervision by the office of  
 7 administration shall not extend to matters relating to policies, regulative functions  
 8 or appeals from decisions of the commission, and the commissioner of  
 9 administration, any employee of the office of administration, or the governor,  
 10 either directly or indirectly, shall not participate or interfere with the activities of  
 11 the commission in any manner not specifically provided by law and shall not in  
 12 any manner interfere with the budget request of or withhold any moneys  
 13 appropriated to the commission by the general assembly. All members of the  
 14 commission shall be appointed by the governor with the advice and consent of  
 15 the senate from lists submitted pursuant to this section. Each congressional  
 16 district committee of the political parties having the two highest number of votes  
 17 cast for their candidate for governor at the last gubernatorial election shall submit  
 18 two names of eligible nominees for membership on the commission to the  
 19 governor, and the governor shall select six members from such nominees to serve  
 on the commission.

20 2. Within thirty days of submission of the person's name to the governor  
 21 as provided in subsection 1 of this section, and in order to be an eligible nominee  
 22 for appointment to the commission, a person shall file a financial interest  
 23 statement in the manner provided by section 105.485 and shall provide the  
 24 governor, the president pro tempore of the senate, and the commission with a list  
 25 of all political contributions and the name of the candidate or committee, political  
 26 party, or political action committee, as defined in chapter 130, to which those  
 27 contributions were made within the four-year period prior to such appointment,

28 made by the nominee, the nominee's spouse, or any business entity in which the  
29 nominee has a substantial interest. The information shall be maintained by the  
30 commission and available for public inspection during the period of time during  
31 which the appointee is a member of the commission. In order to be an eligible  
32 nominee for membership on the commission, a person shall be a citizen and a  
33 resident of the state and shall have been a registered voter in the state for a period  
34 of at least five years preceding the person's appointment.

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

53 4. Vacancies or expired terms on the commission shall be filled in the  
54 same manner as the original appointment was made, except as provided in this  
55 subsection. Within thirty days of the vacancy or ninety days before the expiration  
56 of the term, the names of two eligible nominees for membership on the  
57 commission shall be submitted to the governor by the congressional district  
58 committees of the political party or parties of the vacating member or members,  
59 from the even- or odd-numbered congressional districts, based on the residence  
60 of the vacating member or members, other than from the congressional district  
61 committees from districts then represented on the commission and from the same  
62 congressional district party committee or committees which originally appointed  
63 the member or members whose positions are vacated. Appointments to fill  
64 vacancies or expired terms shall be made within forty-five days after the deadline  
65 for submission of names by the congressional district committees, and shall be  
66 subject to the same qualifications for appointment and eligibility as is provided  
67 in subsections 2 and 3 of this section. Appointments to fill vacancies for  
68 unexpired terms shall be for the remainder of the unexpired term of the member  
69 whom the appointee succeeds, and such appointees shall be eligible for  
70 appointment to one full four-year term. If the congressional district committee

71 does not submit the required two nominees within the thirty days or if the  
72 congressional district committee does not submit the two nominees within an  
73 additional thirty days after receiving notice from the governor to submit the  
74 nominees, then the governor may appoint a person or persons who shall be  
75 subject to the same qualifications for appointment and eligibility as provided in  
76 subsections 2 and 3 of this section.

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

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

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

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

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

- 100 (1) Be employed by the state or any political subdivision of the state;  
101 (2) Be employed as a lobbyist;  
102 (3) Serve on any other governmental board or commission;  
103 (4) Be an officer of any political party or political organization;  
104 (5) Permit the person's name to be used, or make contributions, in  
105 support of or in opposition to any candidate or proposition;  
106 (6) Participate in any way in any election campaign; except that a  
107 member or employee of the commission shall retain the right to register and vote  
108 in any election, to express the person's opinion privately on political subjects or  
109 candidates, to participate in the activities of a civic, community, social, labor or  
110 professional organization and to be a member of a political party.

111 10. Each member of the commission shall receive, as full compensation  
112 for the member's services, the sum of one hundred dollars per day for each full

113 day actually spent on work of the commission, and the member's actual and  
114 necessary expenses incurred in the performance of the member's official duties.

115 11. The commission shall appoint an executive director who shall serve  
116 subject to the supervision of and at the pleasure of the commission, but in no  
117 event for more than six years. The executive director shall be responsible for the  
118 administrative operations of the commission and perform such other duties as  
119 may be delegated or assigned to the director by law or by rule of the commission.  
120 The executive director shall employ staff and retain such contract services as the  
121 director deems necessary, within the limits authorized by appropriations by the  
122 general assembly.

123 12. Beginning on January 1, 1993, all lobbyist registration and  
124 expenditure reports filed pursuant to section 105.473, financial interest  
125 statements filed pursuant to subdivision (1) of section 105.489, and campaign  
126 finance disclosure reports filed other than with election authorities or local  
127 election authorities as provided by section 130.026 shall be filed with the  
128 commission.

129 13. Within sixty days of the initial meeting of the first commission  
130 appointed, the commission shall obtain from the clerk of the supreme court or the  
131 state courts administrator a list of retired appellate and circuit court judges who  
132 did not leave the judiciary as a result of being defeated in an election. The  
133 executive director shall determine those judges who indicate their desire to serve  
134 as special investigators and to investigate any and all complaints referred to them  
135 by the commission. The executive director shall maintain an updated list of those  
136 judges qualified and available for appointment to serve as special investigators.  
137 Such list shall be updated at least annually. The commission shall refer  
138 complaints to such special investigators on that list on a rotating schedule which  
139 ensures a random assignment of each special investigator. Each special  
140 investigator shall receive only one unrelated investigation at a time and shall not  
141 be assigned to a second or subsequent investigation until all other eligible  
142 investigators on the list have been assigned to an investigation. In the event that  
143 no special investigator is qualified or available to conduct a particular  
144 investigation, the commission may appoint a special investigator to conduct such  
145 particular investigation.

146 14. The commission shall have the following duties and responsibilities  
147 relevant to the impartial and effective enforcement of sections 105.450 to  
148 105.496 and chapter 130, as provided in sections 105.955 to 105.963:

149 (1) Receive and review complaints regarding alleged violation of sections  
150 105.450 to 105.496 and chapter 130, conduct initial reviews and investigations  
151 regarding such complaints as provided herein; refer complaints to appropriate  
152 prosecuting authorities and appropriate disciplinary authorities along with  
153 recommendations for sanctions; and initiate judicial proceedings as allowed by  
154 sections 105.955 to 105.963;

155 (2) Review and investigate any reports and statements required by the  
156 campaign finance disclosure laws contained in chapter 130, and financial interest  
157 disclosure laws or lobbyist registration and reporting laws as provided by sections  
158 105.470 to 105.492, for timeliness, accuracy and completeness of content as  
159 provided in sections 105.955 to 105.963;

160 (3) Conduct investigations as provided in subsection 2 of section  
161 105.959;

162 (4) Develop appropriate systems to file and maintain an index of all such  
163 reports and statements to facilitate public access to such information, except as  
164 may be limited by confidentiality requirements otherwise provided by law,  
165 including cross-checking of information contained in such statements and reports.  
166 The commission may enter into contracts with the appropriate filing officers to  
167 effectuate such system. Such filing officers shall cooperate as necessary with the  
168 commission as reasonable and necessary to effectuate such purposes;

169 (5) Provide information and assistance to lobbyists, elected and  
170 appointed officials, and employees of the state and political subdivisions in  
171 carrying out the provisions of sections 105.450 to 105.496 and chapter 130;

172 (6) Make recommendations to the governor and general assembly or any  
173 state agency on the need for further legislation with respect to the ethical conduct  
174 of public officials and employees and to advise state and local government in the  
175 development of local government codes of ethics and methods of disclosing  
176 conflicts of interest as the commission may deem appropriate to promote high  
177 ethical standards among all elected and appointed officials or employees of the  
178 state or any political subdivision thereof and lobbyists;

179 (7) Render advisory opinions as provided by this section;

180 (8) Promulgate rules relating to the provisions of sections 105.955 to  
181 105.963 and chapter 130. All rules and regulations issued by the commission  
182 shall be prospective only in operation;

183 (9) Request and receive from the officials and entities identified in  
184 subdivision (6) of section 105.450 designations of decision-making public  
185 servants.

186 15. In connection with such powers provided by sections 105.955 to  
187 105.963 and chapter 130, the commission may:

188 (1) Subpoena witnesses and compel their attendance and testimony.  
189 Subpoenas shall be served and enforced in the same manner provided by section  
190 536.077;

191 (2) Administer oaths and affirmations;

192 (3) Take evidence and require by subpoena duces tecum the production  
193 of books, papers, and other records relating to any matter being investigated or  
194 to the performance of the commission's duties or exercise of its powers.  
195 Subpoenas duces tecum shall be served and enforced in the same manner  
196 provided by section 536.077;

197 (4) Employ such personnel, including legal counsel, and contract for  
198 services including legal counsel, within the limits of its appropriation, as it deems  
199 necessary provided such legal counsel, either employed or contracted, represents  
200 the Missouri ethics commission before any state agency or before the courts at  
201 the request of the Missouri ethics commission. Nothing in this section shall limit  
202 the authority of the Missouri ethics commission as provided for in subsection 2  
203 of section 105.961; and

204 (5) Obtain information from any department, division or agency of the  
205 state or any political subdivision reasonably calculated to lead to the discovery  
206 of evidence which will reasonably assist the commission in carrying out the  
207 duties prescribed in sections 105.955 to 105.963 and chapter 130.

208 16. (1) Upon written request for an advisory opinion received by the  
209 commission, and if the commission determines that the person requesting the  
210 opinion would be directly affected by the application of law to the facts presented  
211 by the requesting person, the commission shall issue a written opinion advising  
212 the person who made the request, in response to the person's particular request,  
213 regarding any issue that the commission can receive a complaint on pursuant to  
214 section 105.957. The commission may decline to issue a written opinion by a  
215 vote of four members and shall provide to the requesting person the reason for  
216 the refusal in writing. The commission shall give an approximate time frame as  
217 to when the written opinion shall be issued. Such advisory opinions shall be  
218 issued no later than ninety days from the date of receipt by the commission. Such  
219 requests and advisory opinions, deleting the name and identity of the requesting  
220 person, shall be compiled and published by the commission on at least an annual  
221 basis. Advisory opinions issued by the commission shall be maintained and  
222 made available for public inspection and copying at the office of the commission  
223 during normal business hours. Any advisory opinion or portion of an advisory  
224 opinion rendered pursuant to this subsection shall be withdrawn by the  
225 commission if, after hearing thereon, the joint committee on administrative rules  
226 finds that such advisory opinion is beyond or contrary to the statutory authority  
227 of the commission or is inconsistent with the legislative intent of any law enacted  
228 by the general assembly, and after the general assembly, by concurrent resolution,  
229 votes to adopt the findings and conclusions of the joint committee on  
230 administrative rules. Any such concurrent resolution adopted by the general  
231 assembly shall be published at length by the commission in its publication of  
232 advisory opinions of the commission next following the adoption of such  
233 resolution, and a copy of such concurrent resolution shall be maintained by the  
234 commission, along with the withdrawn advisory opinion, in its public file of  
235 advisory opinions. The commission shall also send a copy of such resolution to  
236 the person who originally requested the withdrawn advisory opinion. Any  
237 advisory opinion issued by the ethics commission shall act as legal direction to  
238 any person requesting such opinion and no person shall be liable for relying on

239 the opinion and it shall act as a defense of justification against prosecution. An  
240 advisory opinion of the commission shall not be withdrawn unless:

- 241 (a) The authorizing statute is declared unconstitutional;
- 242 (b) The opinion goes beyond the power authorized by statute; or
- 243 (c) The authorizing statute is changed to invalidate the opinion.

244 (2) Upon request, the attorney general shall give the attorney general's  
245 opinion, without fee, to the commission, any elected official of the state or any  
246 political subdivision, any member of the general assembly, or any director of any  
247 department, division or agency of the state, upon any question of law regarding  
248 the effect or application of sections 105.450 to 105.496 or chapter 130. Such  
249 opinion need be in writing only upon request of such official, member or director,  
250 and in any event shall be rendered within sixty days after such request is  
251 delivered to the attorney general.

252 17. The state auditor and the state auditor's duly authorized employees  
253 who have taken the oath of confidentiality required by section 29.070 may audit  
254 the commission and in connection therewith may inspect materials relating to the  
255 functions of the commission. Such audit shall include a determination of whether  
256 appropriations were spent within the intent of the general assembly, but shall not  
257 extend to review of any file or document pertaining to any particular  
258 investigation, audit or review by the commission, an investigator or any staff or  
259 person employed by the commission or under the supervision of the commission  
260 or an investigator. The state auditor and any employee of the state auditor shall  
261 not disclose the identity of any person who is or was the subject of an  
262 investigation by the commission and whose identity is not public information as  
263 provided by law.

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

271

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

- 3 (1) The requirements imposed on lobbyists by sections 105.470 to
- 4 105.478;
- 5 (2) The financial interest disclosure requirements contained in sections
- 6 105.483 to 105.492;
- 7 (3) The campaign finance disclosure requirements contained in chapter
- 8 130;

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

12 (5) The conflict of interest laws contained in sections 105.450 to 105.468  
13 and section 171.181; and

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

17 2. Complaints filed with the commission shall be in writing and filed  
18 only by a natural person. The complaint shall contain all facts known by the  
19 complainant that have given rise to the complaint and the complaint shall be  
20 sworn to, under penalty of perjury, by the complainant. No complaint shall be  
21 investigated unless the complaint alleges facts which, if true, fall within the  
22 jurisdiction of the commission. Within five days after receipt by the commission  
23 of a complaint which is properly signed and notarized, and which alleges facts  
24 which, if true, fall within the jurisdiction of the commission, a copy of the  
25 complaint, including the name of the complainant, shall be delivered to the  
26 alleged violator.

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

39 4. If the commission finds that any complaint is frivolous in nature, the  
40 commission shall dismiss the case. For purposes of this subsection, "frivolous"  
41 shall mean a complaint clearly lacking any basis in fact or law. Any person who  
42 submits a frivolous complaint shall be liable for actual and compensatory  
43 damages to the alleged violator for holding the alleged violator before the public  
44 in a false light. If the commission finds that a complaint is frivolous, the  
45 commission shall issue a public report to the complainant and the alleged violator  
46 stating with particularity its reasons for dismissal of the complaint. Upon such  
47 issuance, the complaint and all materials relating to the complaint shall be a  
48 public record as defined in chapter 610.

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

2 [105.959. 1. The executive director of the commission, under the  
3 supervision of the commission, shall review reports and statements filed with the  
4 commission or other appropriate officers pursuant to sections 105.470, 105.483  
5 to 105.492, and chapter 130 for completeness, accuracy and timeliness of filing  
6 of the reports or statements and any records relating to the reports or statements,  
7 and upon review, if there are reasonable grounds to believe that a violation has  
8 occurred, shall conduct an investigation of such reports, statements, and records  
9 and assign a special investigator following the provisions of subsection 1 of  
10 section 105.961.

11 2. (1) If there are reasonable grounds to believe that a violation has  
12 occurred and after the commission unanimously votes to proceed with all six  
13 members voting, the executive director shall, without receipt of a complaint,  
14 conduct an independent investigation of any potential violations of the provisions  
15 of:

16 (a) The requirements imposed on lobbyists by sections 105.470 to  
17 105.478;

18 (b) The financial interest disclosure requirements contained in sections  
19 105.483 to 105.492;

20 (c) The campaign finance disclosure requirements contained in chapter  
21 130;

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

25 (e) The conflict of interest laws contained in sections 105.450 to 105.468  
26 and section 171.181; and

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

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

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

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

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

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

52           7. All investigations by the executive director of an alleged violation  
53 shall be strictly confidential with the exception of notification of the commission  
54 and the complainant and the person under investigation. Revealing any such  
55 confidential investigation information shall be cause for removal or dismissal of  
56 the executive director or a commission member or employee.]  
57

[105.961. 1. Upon receipt of a complaint as described by section 105.957  
2 or upon notification by the commission of an investigation under subsection 5 of  
3 section 105.959, the commission shall assign the complaint or investigation to  
4 a special investigator, who may be a commission employee, who shall investigate  
5 and determine the merits of the complaint or investigation. Within ten days of  
6 such assignment, the special investigator shall review such complaint and  
7 disclose, in writing, to the commission any conflict of interest which the special  
8 investigator has or might have with respect to the investigation and subject  
9 thereof. Within ninety days of receipt of the complaint from the commission, the  
10 special investigator shall submit the special investigator's report to the  
11 commission. The commission, after review of such report, shall determine:

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

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

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

21           2. When the commission concludes, based on the report from the special  
22 investigator, or based on an investigation conducted pursuant to section 105.959,  
23 that there are reasonable grounds to believe that a violation of any criminal law  
24 has occurred, and if the commission believes that criminal prosecution would be  
25 appropriate upon a vote of four members of the commission, the commission  
26 shall refer the report to the Missouri office of prosecution services, prosecutors  
27 coordinators training council established in section 56.760, which shall submit  
28 a panel of five attorneys for recommendation to the court having criminal  
29 jurisdiction, for appointment of an attorney to serve as a special prosecutor;

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

53 3. When the commission concludes, based on the report from the special  
54 investigator or based on an investigation conducted pursuant to section 105.959,  
55 that there are reasonable grounds to believe that a violation of any law has  
56 occurred which is not a violation of criminal law or that criminal prosecution is  
57 not appropriate, the commission shall conduct a hearing which shall be a closed  
58 meeting and not open to the public. The hearing shall be conducted pursuant to  
59 the procedures provided by sections 536.063 to 536.090 and shall be considered  
60 to be a contested case for purposes of such sections. The commission shall  
61 determine, in its discretion, whether or not that there is probable cause that a  
62 violation has occurred. If the commission determines, by a vote of at least four  
63 members of the commission, that probable cause exists that a violation has  
64 occurred, the commission may refer its findings and conclusions to the  
65 appropriate disciplinary authority over the person who is the subject of the report,  
66 as described in subsection 8 of this section.

67 4. If the appropriate disciplinary authority receiving a report from the  
68 commission pursuant to subsection 3 of this section fails to follow, within sixty  
69 days of the receipt of the report, the recommendations contained in the report, or  
70 if the commission determines, by a vote of at least four members of the  
71 commission that some action other than referral for criminal prosecution or for

72 action by the appropriate disciplinary authority would be appropriate, the  
73 commission shall take any one or more of the following actions:

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

77 (2) Notify the person of the requirement to file, amend or correct any  
78 report, statement, or other document or information required by sections 105.473,  
79 105.483 to 105.492, or chapter 130 and that the commission may seek judicial  
80 enforcement of its decision pursuant to subsection 5 of this section; and

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

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

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

87 (6) Through reconciliation agreements or action of the commission, the  
88 power to seek fees for violations in an amount not greater than one thousand  
89 dollars or double the amount involved in the violation.

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

93 (1) Cease and desist violation of any provision of sections 105.450 to  
94 105.496, or chapter 130, or sections 105.955 to 105.963;

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

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

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

102 6. After the commission determines by a vote of at least four members  
103 of the commission that a violation has occurred, other than a referral for criminal  
104 prosecution, and the commission has referred the findings and conclusions to the  
105 appropriate disciplinary authority over the person who is the subject of the report,  
106 or has taken an action under subsection 4 of this section, the subject of the report  
107 may appeal the determination of the commission to the circuit court of Cole  
108 County. The court shall conduct a de novo review of the determination of the  
109 commission. Such appeal shall stay the action of the Missouri ethics  
110 commission. Such appeal shall be filed not later than the fourteenth day after the  
111 subject of the commission's action receives actual notice of the commission's  
112 action. If a petition for judicial review of a final order is not filed as provided in  
113 this section or when an order for fees under subsection 4 of this section becomes  
114 final following an appeal to the circuit court of Cole County, the commission

115 may file a certified copy of the final order with the circuit court of Cole County.  
116 When any order for fees under subsection 4 of this section becomes final, the  
117 commission may file a certified copy of the final order with the circuit court of  
118 Cole County. The order so filed shall have the same effect as a judgment of the  
119 court and may be recorded, enforced, or satisfied in the same manner as a  
120 judgment of the court.

121 7. In the proceeding in the circuit court of Cole County, the commission  
122 may seek restitution against any person who has obtained unjust enrichment as  
123 a result of violation of any provision of sections 105.450 to 105.496, or chapter  
124 130 and may recover on behalf of the state or political subdivision with which the  
125 alleged violator is associated, damages in the amount of any unjust enrichment  
126 obtained and costs and attorney's fees as ordered by the court.

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

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

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

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

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

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

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

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

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

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

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

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

160 (3) To administer oaths and affirmations;

161 (4) Upon refusal by any person to comply with a request for information  
162 relevant to an investigation, an investigator may issue a subpoena for any person  
163 to appear and give testimony, or for a subpoena duces tecum to produce  
164 documentary or other evidence which the investigator deems relevant to a matter  
165 under the investigator's inquiry. The subpoenas and subpoenas duces tecum may  
166 be enforced by applying to a judge of the circuit court of Cole County or any  
167 county where the person or entity that has been subpoenaed resides or may be  
168 found, for an order to show cause why the subpoena or subpoena duces tecum  
169 should not be enforced. The order and a copy of the application therefor shall be  
170 served in the same manner as a summons in a civil action, and if, after hearing,  
171 the court determines that the subpoena or subpoena duces tecum should be  
172 sustained and enforced, the court shall enforce the subpoena or subpoena duces  
173 tecum in the same manner as if it had been issued by the court in a civil action;  
174 and

175 (5) To request from the commission such investigative, clerical or other  
176 staff assistance or advancement of other expenses which are necessary and  
177 convenient for the proper completion of an investigation. Within the limits of  
178 appropriations to the commission, the commission may provide such assistance,  
179 whether by contract to obtain such assistance or from staff employed by the  
180 commission, or may advance such expenses.

181 10. (1) Any retired judge may request in writing to have the judge's name  
182 removed from the list of special investigators subject to appointment by the  
183 commission or may request to disqualify himself or herself from any  
184 investigation. Such request shall include the reasons for seeking removal;

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

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

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

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

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

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

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

218           17. Any judge of the court of appeals or circuit court who ceases to hold  
219 such office by reason of the judge's retirement and who serves as a special  
220 investigator pursuant to this section shall receive annual compensation, salary or  
221 retirement for such services at the rates of compensation provided for senior  
222 judges by subsections 1, 2 and 4 of section 476.682. Such retired judges shall by  
223 the tenth day of each month following any month in which the judge provided  
224 services pursuant to this section certify to the commission and to the state courts  
225 administrator the amount of time engaged in such services by hour or fraction  
226 thereof, the dates thereof, and the expenses incurred and allowable pursuant to  
227 this section. The commission shall then issue a warrant to the state treasurer for  
228 the payment of the salary and expenses to the extent, and within limitations,  
229 provided for in this section. The state treasurer upon receipt of such warrant shall  
230 pay the same out of any appropriations made for this purpose on the last day of  
231 the month during which the warrant was received by the state treasurer.]  
232

2           [105.963. 1. The executive director shall assess every committee, as  
3 defined in section 130.011, failing to file with a filing officer other than a local  
4 election authority as provided by section 130.026 a campaign disclosure report  
5 or statement of limited activity as required by chapter 130, other than the report  
6 required pursuant to subdivision (1) of subsection 1 of section 130.046, a late  
7 filing fee of fifty dollars for each day after such report is due to the commission,  
8 provided that the total amount of such fees assessed under this subsection per  
9 report shall not exceed three thousand dollars. The executive director shall send  
a notice to any candidate and the treasurer of any committee who fails to file such

10 report within seven business days of such failure to file informing such person of  
11 such failure and the fees provided by this section.

12 2. Any committee that fails to file a campaign disclosure report required  
13 pursuant to subdivision (1) of subsection 1 of section 130.046, other than a report  
14 required to be filed with a local election authority as provided by section 130.026,  
15 shall be assessed by the executive director a late filing fee of one hundred dollars  
16 for each day that the report is not filed, provided that the total amount of such  
17 fees assessed under this subsection per report shall not exceed three thousand  
18 dollars. The executive director shall send a notice to any candidate and the  
19 treasurer of any committee who fails to file the report described in this subsection  
20 within seven business days of such failure to file informing such person of such  
21 failure and the fees provided by this section.

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

33 4. Any person assessed a late filing fee may seek review of such  
34 assessment or the amount of late filing fees assessed, at the person's option, by  
35 filing a petition within fourteen days after receiving notice of assessment with the  
36 circuit court of Cole County.

37 5. The executive director of the Missouri ethics commission shall collect  
38 such late filing fees as are provided for in this section. Unpaid late filing fees  
39 shall be collected by action filed by the commission. The commission shall  
40 contract with the appropriate entity to collect such late filing fees after a  
41 thirty-day delinquency. If not collected within one hundred twenty days, the  
42 Missouri ethics commission shall file a petition in Cole County circuit court to  
43 seek a judgment on said fees. After obtaining a judgment for the unpaid late  
44 filing fees, the commission or any entity contracted by the commission may  
45 proceed to collect the judgment in any manner authorized by law, including but  
46 not limited to garnishment of and execution against the committee's official  
47 depository account as set forth in subsection 4 of section 130.021 after a  
48 thirty-day delinquency. All late filing fees collected pursuant to this section shall  
49 be transmitted to the state treasurer and deposited to the general revenue fund.

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

53           7. If any lobbyist fails to file a lobbyist report in a timely manner and that  
54 lobbyist is assessed a late fee, or if any individual who is required to file a  
55 personal financial disclosure statement fails to file such disclosure statement in  
56 a timely manner and is assessed a late fee, or if any candidate or the treasurer of  
57 any committee fails to file a campaign disclosure report or a statement of limited  
58 activity in a timely manner and that candidate or treasurer of any committee who  
59 fails to file a disclosure statement in a timely manner and is assessed a late filing  
60 fee, the lobbyist, individual, candidate, or the treasurer of any committee may file  
61 an appeal of the assessment of the late filing fee with the commission. The  
62 commission may forgive the assessment of the late filing fee upon a showing of  
63 good cause. Such appeal shall be filed within ten days of the receipt of notice of  
64 the assessment of the late filing fee.]  
65

2           [105.966. 1. The ethics commission shall complete and make  
3 determinations pursuant to subsection 1 of section 105.961 on all complaint  
4 investigations within ninety days of initiation.

5           2. Any complaint investigation not completed and decided upon by the  
6 ethics commission within the time allowed by this section shall be deemed to not  
7 have been a violation.]

2           [115.364. If a candidate has been previously disqualified as a candidate  
3 for an office on the primary election ballot, that individual shall not be selected  
4 by a party nominating committee as a candidate for nomination to the same office  
5 on the same primary election ballot or as a candidate for the same office on the  
6 corresponding general election ballot. If a candidate has been previously  
7 disqualified as a candidate for an office on the general election ballot, that  
8 individual shall not be selected by a party nominating committee as a candidate  
9 for the same office on the same general election ballot.]

2           [130.011. As used in this chapter, unless the context clearly indicates  
3 otherwise, the following terms mean:

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

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

11           (3) "Campaign committee", a committee, other than a candidate  
12 committee, which shall be formed by an individual or group of individuals to  
13 receive contributions or make expenditures and whose sole purpose is to support  
14 or oppose the qualification and passage of one or more particular ballot measures  
in an election or the retention of judges under the nonpartisan court plan, such

15 committee shall be formed no later than thirty days prior to the election for which  
16 the committee receives contributions or makes expenditures, and which shall  
17 terminate the later of either thirty days after the general election or upon the  
18 satisfaction of all committee debt after the general election, except that no  
19 committee retiring debt shall engage in any other activities in support of a  
20 measure for which the committee was formed;

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

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

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

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

46 (5) "Candidate committee", a committee which shall be formed by a  
47 candidate to receive contributions or make expenditures in behalf of the person's  
48 candidacy and which shall continue in existence for use by an elected candidate  
49 or which shall terminate the later of either thirty days after the general election  
50 for a candidate who was not elected or upon the satisfaction of all committee debt  
51 after the election, except that no committee retiring debt shall engage in any other  
52 activities in support of the candidate for which the committee was formed. Any  
53 candidate for elective office shall have only one candidate committee for the  
54 elective office sought, which is controlled directly by the candidate for the  
55 purpose of making expenditures. A candidate committee is presumed to be under  
56 the control and direction of the candidate unless the candidate files an affidavit

57 with the appropriate officer stating that the committee is acting without control  
58 or direction on the candidate's part;

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

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

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

67 (9) "Committee", a person or any combination of persons, who accepts  
68 contributions or makes expenditures for the primary or incidental purpose of  
69 influencing or attempting to influence the action of voters for or against the  
70 nomination or election to public office of one or more candidates or the  
71 qualification, passage or defeat of any ballot measure or for the purpose of paying  
72 a previously incurred campaign debt or obligation of a candidate or the debts or  
73 obligations of a committee or for the purpose of contributing funds to another  
74 committee:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

138 (e) Any loan, guarantee of a loan, cancellation or forgiveness of a loan  
139 or debt or other obligation by a third party, or payment of a loan or debt or other  
140 obligation by a third party if the loan or debt or other obligation was contracted,  
141 used, or intended, in whole or in part, for use in an election campaign or used or

142 intended for the payment of such debts or obligations of a candidate or committee  
143 previously incurred, or which was made or received by a committee;

144 (f) Funds received by a committee which are transferred to such  
145 committee from another committee or other source, except funds received by a  
146 candidate committee as a transfer of funds from another candidate committee  
147 controlled by the same candidate but such transfer shall be included in the  
148 disclosure reports;

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

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

158 (i) "Contribution" does not include:

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

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

167 c. Interest earned on deposit of committee funds;

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

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

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

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

184 (15) "Expenditure", a payment, advance, conveyance, deposit, donation  
185 or contribution of money or anything of value for the purpose of supporting or  
186 opposing the nomination or election of any candidate for public office or the  
187 qualification or passage of any ballot measure or for the support of any committee  
188 which in turn supports or opposes any candidate or ballot measure or for the  
189 purpose of paying a previously incurred campaign debt or obligation of a  
190 candidate or the debts or obligations of a committee; a payment, or an agreement  
191 or promise to pay, money or anything of value, including a candidate's own  
192 money or property, for the purchase of goods, services, property, facilities or  
193 anything of value for the purpose of supporting or opposing the nomination or  
194 election of any candidate for public office or the qualification or passage of any  
195 ballot measure or for the support of any committee which in turn supports or  
196 opposes any candidate or ballot measure or for the purpose of paying a previously  
197 incurred campaign debt or obligation of a candidate or the debts or obligations  
198 of a committee. An expenditure of anything of value shall be deemed to have a  
199 money value equivalent to the fair market value. "Expenditure" includes, but is  
200 not limited to:

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

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

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

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

212 (e) "Expenditure" does not include:

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

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

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

225 d. The rendering of voluntary personal services by an individual of the  
226 sort commonly performed by volunteer campaign workers and the payment by

227 such individual of the individual's necessary and ordinary personal expenses  
228 incidental to such volunteer activity, provided no compensation is, directly or  
229 indirectly, asked or given;

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

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

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

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

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

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

256 (20) "Loan", a transfer of money, property or anything of ascertainable  
257 monetary value in exchange for an obligation, conditional or not, to repay in  
258 whole or in part and which was contracted, used, or intended for use in an  
259 election campaign, or which was made or received by a committee or which was  
260 contracted, used, or intended to pay previously incurred campaign debts or  
261 obligations of a candidate or the debts or obligations of a committee;

262 (21) "Person", an individual, group of individuals, corporation,  
263 partnership, committee, proprietorship, joint venture, any department, agency,  
264 board, institution or other entity of the state or any of its political subdivisions,  
265 union, labor organization, trade or professional or business association,  
266 association, political party or any executive committee thereof, or any other club  
267 or organization however constituted or any officer or employee of such entity  
268 acting in the person's official capacity;

269 (22) "Political action committee", a committee of continuing existence  
270 which is not formed, controlled or directed by a candidate, and is a committee  
271 other than a candidate committee, political party committee, campaign  
272 committee, exploratory committee, or debt service committee, whose primary or  
273 incidental purpose is to receive contributions or make expenditures to influence  
274 or attempt to influence the action of voters whether or not a particular candidate  
275 or candidates or a particular ballot measure or measures to be supported or  
276 opposed has been determined at the time the committee is required to file any  
277 statement or report pursuant to the provisions of this chapter. Such a committee  
278 includes, but is not limited to, any committee organized or sponsored by a  
279 business entity, a labor organization, a professional association, a trade or  
280 business association, a club or other organization and whose primary purpose is  
281 to solicit, accept and use contributions from the members, employees or  
282 stockholders of such entity and any individual or group of individuals who accept  
283 and use contributions to influence or attempt to influence the action of voters.  
284 Such committee shall be formed no later than sixty days prior to the election for  
285 which the committee receives contributions or makes expenditures;

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

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

293 (25) "Political party committee", a committee of a political party which  
294 may be organized as a not-for-profit corporation under Missouri law and has the  
295 primary or incidental purpose of receiving contributions and making expenditures  
296 to influence or attempt to influence the action of voters on behalf of the political  
297 party. Political party committees shall only take the following forms:

298 (a) One congressional district committee per political party for each  
299 congressional district in the state; and

300 (b) One state party committee per political party;

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

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

307 (28) "Write-in candidate", an individual whose name is not printed on the  
308 ballot but who otherwise meets the definition of candidate in subdivision (4) of  
309 this section.]

310

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

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

22 3. A candidate who has more than one candidate committee supporting  
23 the person's candidacy shall designate one of those candidate committees as the  
24 committee responsible for consolidating the aggregate contributions to all such  
25 committees under the candidate's control and direction as required by section  
26 130.041. No person shall form a new committee or serve as a deputy treasurer  
27 of any committee as defined in section 130.011 until the person or the treasurer  
28 of any committee previously formed by the person or where the person served as  
29 treasurer or deputy treasurer has filed all required campaign disclosure reports  
30 and statements of limited activity for all prior elections and paid outstanding  
31 previously imposed fees assessed against that person by the ethics commission.

32 4. (1) Every committee shall have a single official fund depository  
33 within this state which shall be a federally or state-chartered bank, a federally or  
34 state-chartered savings and loan association, or a federally or state-chartered  
35 credit union in which the committee shall open and thereafter maintain at least  
36 one official depository account in its own name. An "official depository account"  
37 shall be a checking account or some type of negotiable draft or negotiable order  
38 of withdrawal account, and the official fund depository shall, regarding an  
39 official depository account, be a type of financial institution which provides a  
40 record of deposits, canceled checks or other canceled instruments of withdrawal  
41 evidencing each transaction by maintaining copies within this state of such  
42 instruments and other transactions. All contributions which the committee  
43 receives in money, checks and other negotiable instruments shall be deposited in

44 a committee's official depository account. Contributions shall not be accepted  
45 and expenditures shall not be made by a committee except by or through an  
46 official depository account and the committee treasurer, deputy treasurer or  
47 candidate. Contributions received by a committee shall not be commingled with  
48 any funds of an agent of the committee, a candidate or any other person, except  
49 that contributions from a candidate of the candidate's own funds to the person's  
50 candidate committee shall be deposited to an official depository account of the  
51 person's candidate committee. No expenditure shall be made by a committee  
52 when the office of committee treasurer is vacant except that when the office of  
53 a candidate committee treasurer is vacant, the candidate shall be the treasurer  
54 until the candidate appoints a new treasurer.

55 (2) A committee treasurer, deputy treasurer or candidate may withdraw  
56 funds from a committee's official depository account and deposit such funds in  
57 one or more savings accounts in the committee's name in any bank, savings and  
58 loan association or credit union within this state, and may also withdraw funds  
59 from an official depository account for investment in the committee's name in any  
60 certificate of deposit, bond or security. Proceeds from interest or dividends from  
61 a savings account or other investment or proceeds from withdrawals from a  
62 savings account or from the sale of an investment shall not be expended or  
63 reinvested, except in the case of renewals of certificates of deposit, without first  
64 redepositing such proceeds in an official depository account. Investments, other  
65 than savings accounts, held outside the committee's official depository account  
66 at any time during a reporting period shall be disclosed by description, amount,  
67 any identifying numbers and the name and address of any institution or person in  
68 which or through which it is held in an attachment to disclosure reports the  
69 committee is required to file. Proceeds from an investment such as interest or  
70 dividends or proceeds from its sale, shall be reported by date and amount. In the  
71 case of the sale of an investment, the names and addresses of the persons  
72 involved in the transaction shall also be stated. Funds held in savings accounts  
73 and investments, including interest earned, shall be included in the report of  
74 money on hand as required by section 130.041.

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

83 (1) The name, mailing address and telephone number, if any, of the  
84 committee filing the statement of organization. If the committee is deemed to be  
85 affiliated with a connected organization as provided in subdivision (10) of section  
86 130.011, the name of the connected organization, or a legally registered fictitious

87 name which reasonably identifies the connected organization, shall appear in the  
88 name of the committee. If the committee is a candidate committee, the name of  
89 the candidate shall be a part of the committee's name;

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

91 (3) The name, mailing address and telephone number of the committee  
92 treasurer, and the name, mailing address and telephone number of its deputy  
93 treasurer if the committee has named a deputy treasurer;

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

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

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

101 (7) Identification of the major nature of the committee such as a  
102 candidate committee, campaign committee, political action committee, political  
103 party committee, incumbent committee, or any other committee according to the  
104 definition of committee in section 130.011;

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

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

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

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

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

124 8. Upon termination of a committee, a termination statement indicating  
125 dissolution shall be filed not later than ten days after the date of dissolution with  
126 the appropriate officer or officers with whom the committee's statement of  
127 organization was filed. The termination statement shall include: the distribution  
128 made of any remaining surplus funds and the disposition of any deficits; and the

129 name, mailing address and telephone number of the individual responsible for  
 130 preserving the committee's records and accounts as required in section 130.036.

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

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

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

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

144 11. If a committee domiciled in this state receives a contribution of one  
 145 thousand five hundred dollars or more from any committee domiciled outside of  
 146 this state, the committee domiciled in this state shall file a disclosure report with  
 147 the commission. The report shall disclose the full name, mailing address,  
 148 telephone numbers and domicile of the contributing committee and the date and  
 149 amount of the contribution. The report shall be filed within forty-eight hours of  
 150 the receipt of such contribution if the contribution is received after the last  
 151 reporting date before the election.]

152 [130.026. 1. For the purpose of this section, the term "election authority"  
 2 or "local election authority" means the county clerk, except that in a city or  
 3 county having a board of election commissioners the board of election  
 4 commissioners shall be the election authority. For any political subdivision or  
 5 other district which is situated within the jurisdiction of more than one election  
 6 authority, as defined herein, the election authority is the one in whose jurisdiction  
 7 the candidate resides or, in the case of ballot measures, the one in whose  
 8 jurisdiction the most populous portion of the political subdivision or district for  
 9 which an election is held is situated, except that a county clerk or a county board  
 10 of election commissioners shall be the election authority for all candidates for  
 11 elective county offices other than county clerk and for any countywide ballot  
 12 measures.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

55 (2) If the committee makes or anticipates making expenditures other than  
56 direct contributions which aggregate more than five hundred dollars to support  
57 or oppose one or more candidates or ballot measures in the same political  
58 subdivision or district for which the appropriate officer is an election authority  
59 other than the one for the county in which the committee is domiciled, the  
60 appropriate officers for that committee shall include such other election authority  
61 or authorities, except that committees covered by this subsection need not file

62 statements required by section 130.021 and reports required by subsections 6, 7  
63 and 8 of section 130.046 with any appropriate officer other than those set forth  
64 in subdivision (1) of this subsection.

65 6. The term "domicile" or "domiciled" means the address of the  
66 committee listed on the statement of organization required to be filed by that  
67 committee in accordance with the provisions of section 130.021.]  
68

2 [130.028. 1. Every person, labor organization, or corporation organized  
3 or existing by virtue of the laws of this state, or doing business in this state who  
4 shall:

5 (1) Discriminate or threaten to discriminate against any member in this  
6 state with respect to his membership, or discharge or discriminate or threaten to  
7 discriminate against any employee in this state, with respect to his compensation,  
8 terms, conditions or privileges of employment by reason of his political beliefs  
9 or opinions; or

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

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

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

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

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

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

36 to a political action committee voluntarily chosen by the employee. Violation of  
37 this section shall be a class A misdemeanor.

38 4. Any person aggrieved by any act prohibited by this section shall, in  
39 addition to any other remedy provided by law, be entitled to maintain within one  
40 year from the date of the prohibited act, a civil action in the courts of this state,  
41 and if successful, he shall be awarded civil damages of not less than one hundred  
42 dollars and not more than one thousand dollars, together with his costs, including  
43 reasonable attorney's fees. Each violation shall be a separate cause of action.]  
44

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

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

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

31 4. No anonymous contribution of more than twenty-five dollars shall be  
32 made by any person, and no anonymous contribution of more than twenty-five  
33 dollars shall be accepted by any candidate or committee. If any anonymous  
34 contribution of more than twenty-five dollars is received, it shall be returned  
immediately to the contributor, if the contributor's identity can be ascertained,

35 and if the contributor's identity cannot be ascertained, the candidate, committee  
36 treasurer or deputy treasurer shall immediately transmit that portion of the  
37 contribution which exceeds twenty-five dollars to the state treasurer and it shall  
38 escheat to the state.

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

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

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

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

61 (3) The person responsible for conducting the activity or event does not  
62 knowingly accept payment from any single person of more than one hundred  
63 dollars unless the name and address of the person making such payment is  
64 obtained and recorded pursuant to the record-keeping requirements of section  
65 130.036;

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

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

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

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

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

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

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

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

90 7. No candidate or committee in this state shall accept contributions from  
91 any out-of-state committee unless the out-of-state committee from whom the  
92 contributions are received has filed a statement of organization pursuant to  
93 section 130.021 or has filed the reports required by sections 130.049 and  
94 130.050, whichever is applicable to that committee.

95 8. Any person publishing, circulating, or distributing any printed matter  
96 relative to any candidate for public office or any ballot measure shall on the face  
97 of the printed matter identify in a clear and conspicuous manner the person who  
98 paid for the printed matter with the words "Paid for by" followed by the proper  
99 identification of the sponsor pursuant to this section. For the purposes of this  
100 section, "printed matter" shall be defined to include any pamphlet, circular,  
101 handbill, sample ballot, advertisement, including advertisements in any  
102 newspaper or other periodical, sign, including signs for display on motor  
103 vehicles, or other imprinted or lettered material; but "printed matter" is defined  
104 to exclude materials printed and purchased prior to May 20, 1982, if the  
105 candidate or committee can document that delivery took place prior to May 20,  
106 1982; any sign personally printed and constructed by an individual without  
107 compensation from any other person and displayed at that individual's place of  
108 residence or on that individual's personal motor vehicle; any items of personal  
109 use given away or sold, such as campaign buttons, pins, pens, pencils, book  
110 matches, campaign jewelry, or clothing, which is paid for by a candidate or  
111 committee which supports a candidate or supports or opposes a ballot measure  
112 and which is obvious in its identification with a specific candidate or committee  
113 and is reported as required by this chapter; and any news story, commentary, or  
114 editorial printed by a regularly published newspaper or other periodical without  
115 charge to a candidate, committee or any other person.

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

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

123 (3) In regard to any printed matter paid for by a corporation or other  
124 business entity, labor organization, or any other organization not defined to be a  
125 committee by subdivision (9) of section 130.011 and not organized especially for  
126 influencing one or more elections, it shall be sufficient identification to print the  
127 name of the entity, the name of the principal officer of the entity, by whatever  
128 title known, and the mailing address of the entity, or if the entity has no mailing  
129 address, the mailing address of the principal officer.

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

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

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

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

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

158 13. Political action committees shall only receive contributions from  
159 individuals; unions; federal political action committees; and corporations,  
160 associations, and partnerships formed under chapters 347 to 360, and shall be  
161 prohibited from receiving contributions from other political action committees,

162 candidate committees, political party committees, campaign committees,  
 163 exploratory committees, or debt service committees. However, candidate  
 164 committees, political party committees, campaign committees, exploratory  
 165 committees, and debt service committees shall be allowed to return contributions  
 166 to a donor political action committee that is the origin of the contribution.

167 14. The prohibited committee transfers described in subsection 13 of this  
 168 section shall not apply to the following committees:

169 (1) The state house committee per political party designated by the  
 170 respective majority or minority floor leader of the house of representatives or the  
 171 chair of the state party if the party does not have majority or minority party status;

172 (2) The state senate committee per political party designated by the  
 173 respective majority or minority floor leader of the senate or the chair of the state  
 174 party if the party does not have majority or minority party status.

175 15. No person shall transfer anything of value to any committee with the  
 176 intent to conceal, from the ethics commission, the identity of the actual source.  
 177 Any violation of this subsection shall be punishable as follows:

178 (1) For the first violation, the ethics commission shall notify such person  
 179 that the transfer to the committee is prohibited under this section within five days  
 180 of determining that the transfer is prohibited, and that such person shall notify the  
 181 committee to which the funds were transferred that the funds must be returned  
 182 within ten days of such notification;

183 (2) For the second violation, the person transferring the funds shall be  
 184 guilty of a class C misdemeanor;

185 (3) For the third and subsequent violations, the person transferring the  
 186 funds shall be guilty of a class D felony.

187 16. Beginning January 1, 2011, all committees required to file campaign  
 188 financial disclosure reports with the Missouri ethics commission shall file any  
 189 required disclosure report in an electronic format as prescribed by the ethics  
 190 commission.]

191

2 [130.041. 1. Except as provided in subsection 5 of section 130.016, the  
 3 candidate, if applicable, treasurer or deputy treasurer of every committee which  
 4 is required to file a statement of organization, shall file a legibly printed or typed  
 5 disclosure report of receipts and expenditures. The reports shall be filed with the  
 6 appropriate officer designated in section 130.026 at the times and for the periods  
 7 prescribed in section 130.046. Except as provided in sections 130.049 and  
 8 130.050, each report shall set forth:

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

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

15 (3) Receipts for the period, including:

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

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

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

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

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

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

44 (4) Expenditures for the period, including:

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

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

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

49 (d) The full name and mailing address of each person to whom an  
50 expenditure of money or any other thing of value in the amount of more than one  
51 hundred dollars has been made, contracted for or incurred, together with the date,  
52 amount and purpose of each expenditure. Expenditures of one hundred dollars  
53 or less may be grouped and listed by categories of expenditure showing the total  
54 dollar amount of expenditures in each category, except that the report shall  
55 contain an itemized listing of each payment made to campaign workers by name,

56 address, date, amount and purpose of each payment and the aggregate amount  
57 paid to each such worker;

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

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

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

65 (7) The amount of expenditures for or against a candidate or ballot  
66 measure during the period covered and the cumulative amount of expenditures  
67 for or against that candidate or ballot measure, with each candidate being listed  
68 by name, mailing address and office sought. For the purpose of disclosure  
69 reports, expenditures made in support of more than one candidate or ballot  
70 measure or both shall be apportioned reasonably among the candidates or ballot  
71 measure or both. In apportioning expenditures to each candidate or ballot  
72 measure, political party committees and political action committees need not  
73 include expenditures for maintaining a permanent office, such as expenditures for  
74 salaries of regular staff, office facilities and equipment or other expenditures not  
75 designed to support or oppose any particular candidates or ballot measures;  
76 however, all such expenditures shall be listed pursuant to subdivision (4) of this  
77 subsection;

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

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

88 (10) Each committee that receives a contribution which is restricted or  
89 designated in whole or in part by the contributor for transfer to a particular  
90 candidate, committee or other person shall include a statement of the name and  
91 address of that contributor in the next disclosure report required to be filed after  
92 receipt of such contribution, together with the date and amount of any such  
93 contribution which was so restricted or designated by that contributor, together  
94 with the name of the particular candidate or committee to whom such  
95 contribution was so designated or restricted by that contributor and the date and  
96 amount of such contribution.

97 2. For the purpose of this section and any other section in this chapter  
98 except sections 130.049 and 130.050 which requires a listing of each contributor

99 who has contributed a specified amount, the aggregate amount shall be computed  
 100 by adding all contributions received from any one person during the following  
 101 periods:

102 (1) In the case of a candidate committee, the period shall begin on the  
 103 date on which the candidate became a candidate according to the definition of the  
 104 term "candidate" in section 130.011 and end at 11:59 p.m. on the day of the  
 105 primary election, if the candidate has such an election or at 11:59 p.m. on the day  
 106 of the general election. If the candidate has a general election held after a  
 107 primary election, the next aggregating period shall begin at 12:00 midnight on the  
 108 day after the primary election day and shall close at 11:59 p.m. on the day of the  
 109 general election. Except that for contributions received during the thirty-day  
 110 period immediately following a primary election, the candidate shall designate  
 111 whether such contribution is received as a primary election contribution or a  
 112 general election contribution;

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

116 (3) In the case of a political party committee or a political action  
 117 committee, the period shall begin on the first day of January of the year in which  
 118 the report or statement is being filed and end on the closing date for the period  
 119 for which the report or statement is required; except, if the report or statement is  
 120 required to be filed prior to the first day of July in any given year, the period shall  
 121 begin on the first day of July of the preceding year.

122 3. The disclosure report shall be signed and attested by the committee  
 123 treasurer or deputy treasurer and by the candidate in case of a candidate  
 124 committee.

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

135  
 2 [130.044. 1. All individuals and committees required to file disclosure  
 3 reports under section 130.041 shall electronically report any contribution by any  
 4 single contributor which exceeds five thousand dollars to the Missouri ethics  
 5 commission within forty-eight hours of receiving the contribution.

6 2. Any individual currently holding office as a state representative, state  
 senator, or any candidate for such office or such individual's campaign committee

7 shall electronically report any contribution exceeding five hundred dollars made  
8 by any contributor to his or her campaign committee during the regular legislative  
9 session of the general assembly, within forty-eight hours of receiving the  
10 contribution.

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

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

23 5. Any rule or portion of a rule, as that term is defined in section 536.010,  
24 that is created under the authority delegated in this section shall become effective  
25 only if it complies with and is subject to all of the provisions of chapter 536 and,  
26 if applicable, section 536.028. This section and chapter 536 are nonseverable and  
27 if any of the powers vested with the general assembly pursuant to chapter 536 to  
28 review, to delay the effective date, or to disapprove and annul a rule are  
29 subsequently held unconstitutional, then the grant of rulemaking authority and  
30 any rule proposed or adopted after August 28, 2008, shall be invalid and void.]  
31

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

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

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

15 (3) Not later than the fifteenth day following the close of each calendar  
16 quarter. Notwithstanding the provisions of this subsection, if any committee  
17 accepts contributions or makes expenditures in support of or in opposition to a  
18 ballot measure or a candidate, and the report required by this subsection for the

19 most recent calendar quarter is filed prior to the fortieth day before the election  
20 on the measure or candidate, the committee shall file an additional disclosure  
21 report not later than the fortieth day before the election for the period closing on  
22 the forty-fifth day before the election.

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

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

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

50 3. The candidate, if applicable, treasurer or deputy treasurer of a  
51 committee shall file disclosure reports pursuant to this section, except for any  
52 calendar quarter in which the contributions received by the committee or the  
53 expenditures or contributions made by the committee do not exceed five hundred  
54 dollars. The reporting dates and periods covered for such quarterly reports shall  
55 not be later than the fifteenth day of January, April, July and October for periods  
56 closing on the thirty-first day of December, the thirty-first day of March, the  
57 thirtieth day of June and the thirtieth day of September. No candidate, treasurer  
58 or deputy treasurer shall be required to file the quarterly disclosure report  
59 required not later than the fifteenth day of any January immediately following a  
60 November election, provided that such candidate, treasurer or deputy treasurer  
61 shall file the information required on such quarterly report on the quarterly report

62 to be filed not later than the fifteenth day of April immediately following such  
63 November election. Each report by such committee shall be cumulative from the  
64 date of the last report. In the case of the political action committee's first report,  
65 the report shall be cumulative from the date of the political action committee's  
66 organization. Every candidate, treasurer or deputy treasurer shall file, at a  
67 minimum, the campaign disclosure reports covering the quarter immediately  
68 preceding the date of the election and those required by subdivisions (1) and (2)  
69 of subsection 1 of this section. A political action committee shall submit  
70 additional reports if it makes aggregate expenditures, other than contributions to  
71 a committee, of five hundred dollars or more, within the reporting period at the  
72 following times for the following periods:

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

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

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

80 4. The reports required to be filed no later than the thirtieth day after an  
81 election and any subsequently required report shall be cumulative so as to reflect  
82 the total receipts and disbursements of the reporting committee for the entire  
83 election campaign in question. The period covered by each disclosure report  
84 shall begin on the day after the closing date of the most recent disclosure report  
85 filed and end on the closing date for the period covered. If the committee has not  
86 previously filed a disclosure report, the period covered begins on the date the  
87 committee was formed; except that in the case of a candidate committee, the  
88 period covered begins on the date the candidate became a candidate according to  
89 the definition of the term candidate in section 130.011.

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

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

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

100 (b) If there are less than eighty-five days between a primary election and  
101 the immediately succeeding general election, the disclosure report required to be  
102 filed not later than the thirtieth day after the primary election need not be filed;  
103 provided that any report required to be filed prior to the primary election and any

104 other report required to be filed prior to the general election are filed no later than  
105 the final dates for filing such reports; and

106 (2) No disclosure report needs to be filed for any reporting period if  
107 during that reporting period the committee has neither received contributions  
108 aggregating more than five hundred dollars nor made expenditure aggregating  
109 more than five hundred dollars and has not received contributions aggregating  
110 more than three hundred dollars from any single contributor and if the  
111 committee's treasurer files a statement with the appropriate officer that the  
112 committee has not exceeded the identified thresholds in the reporting period.  
113 Any contributions received or expenditures made which are not reported because  
114 this statement is filed in lieu of a disclosure report shall be included in the next  
115 disclosure report filed by the committee. This statement shall not be filed in lieu  
116 of the report for two or more consecutive disclosure periods if either the  
117 contributions received or expenditures made in the aggregate during those  
118 reporting periods exceed five hundred dollars. This statement shall not be filed,  
119 in lieu of the report, later than the thirtieth day after an election if that report  
120 would show a deficit of more than one thousand dollars.

121 6. (1) If the disclosure report required to be filed by a committee not  
122 later than the thirtieth day after an election shows a deficit of unpaid loans and  
123 other outstanding obligations in excess of five thousand dollars, semiannual  
124 supplemental disclosure reports shall be filed with the appropriate officer for each  
125 succeeding semiannual period until the deficit is reported in a disclosure report  
126 as being reduced to five thousand dollars or less; except that, a supplemental  
127 semiannual report shall not be required for any semiannual period which includes  
128 the closing date for the reporting period covered in any regular disclosure report  
129 which the committee is required to file in connection with an election. The  
130 reporting dates and periods covered for semiannual reports shall be not later than  
131 the fifteenth day of January and July for periods closing on the thirty-first day of  
132 December and the thirtieth day of June.

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

138 7. In the case of a committee which disbands and is required to file a  
139 termination statement pursuant to the provisions of section 130.021 with the  
140 appropriate officer not later than the tenth day after the committee was dissolved,  
141 the candidate, committee treasurer or deputy treasurer shall attach to the  
142 termination statement a complete disclosure report for the period closing on the  
143 date of dissolution. A committee shall not utilize the provisions of subsection 8  
144 of section 130.021 or the provisions of this subsection to circumvent or otherwise  
145 avoid the reporting requirements of subsection 6 or 7 of this section.

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

152 9. Each candidate for the office of state representative, state senator, and  
153 for statewide elected office shall file all disclosure reports described in section  
154 130.041 electronically with the Missouri ethics commission. The Missouri ethics  
155 commission shall promulgate rules establishing the standard for electronic filings  
156 with the commission and shall propose such rules for the importation of files to  
157 the reporting program.

158 10. Any rule or portion of a rule, as that term is defined in section  
159 536.010, that is created under the authority delegated in this section shall become  
160 effective only if it complies with and is subject to all of the provisions of chapter  
161 536 and, if applicable, section 536.028. This section and chapter 536 are  
162 nonseverable and if any of the powers vested with the general assembly pursuant  
163 to chapter 536 to review, to delay the effective date, or to disapprove and annul  
164 a rule are subsequently held unconstitutional, then the grant of rulemaking  
165 authority and any rule proposed or adopted after August 28, 2006, shall be invalid  
166 and void.]

167

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

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

19 3. When the commission determines that the electronic reporting system  
20 has been properly implemented, the commission shall certify to all candidates and  
21 committees required to file pursuant to this chapter that such electronic reporting

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

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

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

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

64                   7. Annually, the commission shall provide, without cost, a system-wide  
65 dump of information contained in the commission's electronic database files to  
66 the general assembly. The information is to be copied onto a medium specified  
67 by the general assembly. Such information shall not contain records otherwise  
68 closed by law. It is the intent of the general assembly to provide open access to  
69 the commission's records. The commission shall make every reasonable effort  
70 to comply with requests for information and shall take a liberal interpretation  
71 when considering such requests.]  
72

                  [130.071. 1. If a successful candidate, or the treasurer of his candidate  
2 committee, or the successful candidate who also has served as a treasurer or  
3 deputy treasurer of any committee defined by section 130.011 fails to file the  
4 reports which are required by this chapter, the candidate shall not take office until  
5 such reports are filed and all fees assessed by the commission are paid.

6                   2. In addition to any other penalties provided by law, no person may file  
7 for any office in a subsequent election until he or the treasurer of his existing  
8 candidate or any committee defined by section 130.011 in which he is a treasurer  
9 or deputy treasurer has filed all required campaign disclosure reports for all prior  
10 elections and paid all fees assessed by the commission.]  
11

                  [226.033. Any commissioner appointed or reappointed after March 1,  
2 2004, shall not:

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

5                   (2) Serve on the board or chair any political action committee, or political  
6 party committee.]  
7

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

4                   (1) Confers or agrees to confer anything of pecuniary benefit to any  
5 person in direct exchange for that person's concealing or withholding any  
6 information concerning any violation of sections 105.450 to 105.496 and chapter  
7 130;

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

11                   (3) Utters or submits a false statement that the person does not believe  
12 to be true to any member or employee of the Missouri ethics commission or to  
13 any official investigating any violation of sections 105.450 to 105.496 or chapter  
14 130; or

15                   (4) Submits any writing or other documentation that is inaccurate and  
16 that the person does not believe to be true to any member or employee of the

17 Missouri ethics commission or to any official investigating any violation of  
18 sections 105.450 to 105.496 or chapter 130.

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

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

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

29 3. The defendant shall have the burden of injecting the issue of retraction  
30 under this section.

31 4. Obstruction of an ethics investigation under this section is a class A  
32 misdemeanor.]

33

Section B. Because immediate action is necessary to ensure transparency and public  
2 confidence in state government, this act is deemed necessary for the immediate preservation of  
3 the public health, welfare, peace, and safety, and is hereby declared to be an emergency act  
4 within the meaning of the constitution, and this act shall be in full force and effect upon its  
5 passage and approval.

✓