

FIRST REGULAR SESSION

HOUSE BILL NO. 509

98TH GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVE HARRIS.

1341L.011

D. ADAM CRUMBLISS, Chief Clerk

AN ACT

To repeal sections 56.060, 105.450, 105.463, 105.470, 105.477, 105.483, 105.487, 115.349, 115.635, 130.036, 575.021, and 610.010, RSMo, and sections 105.456, 105.473, 105.485, 105.955, 105.957, 105.959, 105.961, 105.963, 105.966, 130.011, 130.021, 130.026, 130.041, 130.044, 130.046, 130.057, and 226.033 as enacted by senate bill no. 844, ninety-fifth general assembly, second regular session, and section 105.456 as enacted by house bill no. 1120, ninety-first general assembly, second regular session, and sections 105.473, 105.957, 105.959, 105.963, 130.011, and 130.046 as enacted by house bill no. 1900, ninety-third general assembly, second regular session, and section 105.485 as enacted by house bill no. 2058, ninety-fourth general assembly, second regular session, and sections 105.955, 105.966, 130.031, and 130.041 as enacted by senate bills nos. 31 & 285, ninety-second general assembly, first regular session, and section 105.961 as enacted by senate bill no. 16, ninety-first general assembly, first regular session, and section 130.021 as enacted by senate bill no. 485, ninety-fifth general assembly, first regular session, and sections 105.478 and 130.026 as enacted by senate bill no. 262, eighty-sixth general assembly, first regular session, and section 130.028 as enacted by senate bill no. 650, eighty-ninth general assembly, second regular session, and section 130.044 as enacted by senate bill no. 1038, ninety-fourth general assembly, second regular session, and section 130.057 as enacted by house bill no. 676 merged with senate bills nos. 31 & 285, ninety-second general assembly, first regular session, and section 226.033 as enacted by house bill no. 668, ninety-fourth general assembly, first regular session, and sections 105.478 and 130.028 as enacted by senate bill no. 491, ninety-seventh general assembly, second regular session, and to enact in lieu thereof forty-one new sections relating to ethics, with penalty provisions and an effective date.

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.

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

Section A. Sections 56.060, 105.450, 105.463, 105.470, 105.477, 105.483, 105.487, 115.349, 115.635, 130.036, 575.021, and 610.010, RSMo, and sections 105.456, 105.473, 105.485, 105.955, 105.957, 105.959, 105.961, 105.963, 105.966, 130.011, 130.021, 130.026, 130.041, 130.044, 130.046, 130.057, and section 226.033 as enacted by senate bill no. 844, ninety-fifth general assembly, second regular session, and section 105.456 as enacted by house bill no. 1120, ninety-first general assembly, second regular session, and sections 105.473, 105.957, 105.959, 105.963, 130.011, and 130.046 as enacted by house bill no. 1900, ninety-third general assembly, second regular session, and section 105.485 as enacted by house bill no. 2058, ninety-fourth general assembly, second regular session, and sections 105.955, 105.966, 130.031, and 130.041 as enacted by senate bills nos. 31 & 285, ninety-second general assembly, first regular session, and section 105.961 as enacted by senate bill no. 16, ninety-first general assembly, first regular session, and section 130.021 as enacted by senate bill no. 485, ninety-fifth general assembly, first regular session, and sections 105.478 and 130.026 as enacted by senate bill no. 262, eighty-sixth general assembly, first regular session, and section 130.028 as enacted by senate bill no. 650, eighty-ninth general assembly, second regular session, and section 130.044 as enacted by senate bill no. 1038, ninety-fourth general assembly, second regular session, and section 130.057 as enacted by house bill no. 676 merged with senate bills nos. 31 & 285, ninety-second general assembly, first regular session, and section 226.033 as enacted by house bill no. 668, ninety-fourth general assembly, first regular session, and sections 105.478 and 130.028 as enacted by senate bill no. 491, ninety-seventh general assembly, second regular session, are repealed and forty-one new sections enacted in lieu thereof, to be known as sections 8.925, 27.035, 28.320, 56.060, 105.450, 105.453, 105.456, 105.463, 105.465, 105.470, 105.473, 105.477, 105.478, 105.479, 105.483, 105.485, 105.487, 105.955, 105.957, 105.959, 105.961, 105.963, 105.966, 115.349, 115.635, 130.011, 130.021, 130.026, 130.028, 130.031, 130.032, 130.036, 130.039, 130.041, 130.044, 130.046, 130.057, 130.073, 226.033, 575.021, and 610.010, to read as follows:

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

2 **27.035. When directed by the Missouri ethics commission, the attorney general, or**
3 **a designated assistant, shall aid the ethics commission in any investigation as provided in**
4 **subsection 9 of section 105.959.**

2 **28.320. When directed by the Missouri ethics commission, the elections division of**
3 **the office of the secretary of state shall aid the ethics commission in any investigation as**
4 **provided in subsection 9 of section 105.959.**

5 56.060. 1. Each prosecuting attorney shall commence and prosecute all civil and
6 criminal actions in the prosecuting attorney's county in which the county or state is concerned,
7 defend all suits against the state or county, and prosecute forfeited recognizances and actions for
8 the recovery of debts, fines, penalties and forfeitures accruing to the state or county. In all cases,
9 civil and criminal, in which changes of venue are granted, the prosecuting attorney shall follow
10 and prosecute or defend, as the case may be, all the causes, for which, in addition to the fees now
11 allowed by law, the prosecuting attorney shall receive his or her actual expenses. If any
12 misdemeanor case is taken to the court of appeals by appeal the prosecuting attorney shall
13 represent the state in the case in the court and make out and cause to be printed, at the expense
14 of the county, all necessary abstracts of record and briefs, and if necessary appear in the court in
15 person, or shall employ some attorney at the prosecuting attorney's own expense to represent the
16 state in the court, and for his or her services he or she shall receive the compensation that is
17 proper, not to exceed twenty-five dollars for each case, and necessary traveling expenses, to be
18 audited and paid as other claims are audited and paid by the county commission of the county.

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

23 **3. In addition to all other duties required under this chapter, when directed by the**
24 **Missouri ethics commission, the prosecuting attorney of each county or city not within a**
25 **county shall aid the ethics commission in any investigation as provided in subsection 9 of**
26 **section 105.959.**

27 105.450. As used in sections 105.450 to 105.496 and sections 105.955 to 105.963, unless
28 the context clearly requires otherwise, the following terms mean:

29 (1) "Adversary proceeding", any proceeding in which a record of the proceedings may
30 be kept and maintained as a public record at the request of either party by a court reporter, notary
31 public or other person authorized to keep such record by law or by any rule or regulation of the
32 agency conducting the hearing; or from which an appeal may be taken directly or indirectly, or
33 any proceeding from the decision of which any party must be granted, on request, a hearing de
34 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 or accepts anything of value**
51 **to support or oppose the passage or defeat of a ballot measure or to promote the election**
52 **of any candidate or the interest of an organization or committee, as such term is defined**
53 **in section 130.011, including but not limited to, planning campaign strategies, coordinating**
54 **campaign staff, organizing meetings and public events to publicize the candidate or cause,**
55 **public opinion polling, providing research on issues or opposition background,**
56 **coordinating, producing, or purchasing print or broadcast media, direct mail production,**
57 **phone solicitation, fund raising, and any other political activities;**

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

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

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

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

105.453. 1. No member of the general assembly shall accept or receive
2 **compensation of any kind as a paid political consultant until one year after the expiration**
3 **of any term of office for which such member is elected.**

4 **2. No member of the general assembly shall act or serve as a lobbyist, register as**
5 **a lobbyist, or solicit clients to represent as a lobbyist until three years after the expiration**
6 **of any term of office for which such member is elected. Paid, full-time employees of such**
7 **members shall also be barred from acting or serving as a lobbyist, registering as a lobbyist,**

8 or soliciting clients to represent as a lobbyist until one year after termination of such
9 employees' employment.

10 3. No member of the general assembly shall be compensated for acting or serving
11 as an elected local government official lobbyist, or shall solicit clients to represent as such
12 a lobbyist while serving a term as a member of the general assembly.

13 4. Notwithstanding subsection 2 of this section to the contrary, a member of the
14 general assembly may, without compensation, act or serve as a lobbyist for and solicit
15 clients to represent as a lobbyist for religious and charitable associations organized under
16 chapter 352 immediately upon vacating such member's office as a member of the general
17 assembly.

18 5. For the purposes of this section, the terms "lobbyist" and "elected local
19 government official lobbyist" shall have the same meaning as in section 105.470.

2 [105.456. 1. No member of the general assembly or the governor,
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.]

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

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

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

52 **3. No individual holding office as a state representative or state senator shall accept**
53 **or receive compensation of any kind as a paid political consultant for another individual**
54 **holding the office of state representative, state senator, governor, lieutenant governor,**
55 **attorney general, secretary of state, state treasurer, or state auditor, or for any committee,**
56 **as such term is defined in chapter 130, nor shall any spouse, dependent child, or parent**
57 **accept or receive compensation of any kind on behalf of any individual holding office as**
58 **a state representative or state senator who acts as a paid political consultant.**

59 **4. No individual or business entity shall solicit a member of the general assembly**
60 **to become employed by that individual or business entity as a legislative lobbyist, as such**
61 **term is defined in section 105.470, or as a paid political consultant, while such member is**
62 **holding office as a member of the general assembly. No member of the general assembly**
63 **shall solicit clients to represent as a legislative lobbyist.**

64 **5. Neither the governor nor any person acting on behalf of the governor shall make**
65 **any offer or promise to confer an appointment to any board, commission, committee,**
66 **council, county office, department directorship, fee office under section 136.055, judgeship,**
67 **or any other position, to any member of the general assembly in exchange for the member's**
68 **official vote on any public matter. Any person making such offer or promise is guilty of**
69 **the offense of bribery of a public servant under section 576.010.**

70 **6. Any member of the general assembly who accepts or agrees to accept an offer or**
71 **promise to confer an appointment to any board, commission, committee, council, county**
72 **office, department directorship, fee office under section 136.055, judgeship, or any other**
73 **position, from the governor or any person acting on behalf of the governor in exchange for**
74 **the member's official vote on any public matter, is guilty of the offense of acceding to**
75 **corruption under section 576.020.**

76 **7. Neither the governor, lieutenant governor, attorney general, secretary of state,**
77 **state treasurer, state auditor, any member of the general assembly, nor any of such elected**
78 **official's staff, employees, spouse, or dependent children shall accept any tangible or**
79 **intangible item, service, or thing of value from any lobbyist, as such term is defined in**
80 **section 105.470.**

 105.463. [Within thirty days of submission of the person's name to the governor and in
2 order to be an eligible nominee for appointment to a board or commission requiring senate
3 confirmation, a nominee shall file a financial interest statement in the manner provided by
4 section 105.485 and shall request a list of all political contributions and the name of the
5 candidate or committee as defined in chapter 130, to which those contributions were made within
6 the four-year period prior to such appointment, made by the nominee, from the ethics
7 commission. The information shall be delivered to the nominee by the ethics commission. The
8 nominee shall deliver the information to the president pro tem of the senate prior to
9 confirmation.] **Within ten days of submission of an appointment letter to the secretary of**
10 **state for the appointment of any person to a board or commission, the governor shall**
11 **deliver to the president pro tempore of the senate a list of any political contributions and**
12 **expenditures made by the appointee within the previous four years. As used in this section,**
13 **the terms "contributions", "expenditure", and "candidate committee" shall have the same**
14 **meaning as in chapter 130.**

105.465. Notwithstanding any provision of section 105.478 to the contrary, any
2 **person who intentionally offers or accepts any item, service, or thing of value, including a**
3 **contribution as such term is defined in section 130.011, to any elected or appointed official**
4 **or employee of the state or any political subdivision thereof in direct exchange for voting**
5 **in favor of, voting against, or engaging in any legislative, executive, or judicial course of**
6 **action designed to benefit, delay, or hinder the passage or failure of any specific state**
7 **legislation, rule, or regulation, or any specific local legislation, order, ordinance, rule, or**
8 **regulation, shall be guilty of a class D felony until December 31, 2016, and a class E felony**
9 **beginning January 1, 2017.**

 105.470. As used in [section 105.473] **sections 105.472 to 105.477**, unless the context
2 requires otherwise, the following words and terms mean:

3 (1) "Elected local government official lobbyist", any natural person employed
4 specifically for the purpose of attempting to influence any action by a local government official
5 elected in a county, city, town, or village with an annual operating budget of over ten million
6 dollars;

7 (2) "Executive lobbyist", any natural person who acts for the purpose of attempting to
8 influence any action by the executive branch of government or by any elected or appointed

9 official, employee, department, division, agency or board or commission thereof and in
10 connection with such activity, meets the requirements of any one or more of the following:

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

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

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

17 (d) Makes total expenditures of fifty dollars or more during the twelve-month period
18 beginning January first and ending December thirty-first for the benefit of one or more public
19 officials or one or more employees of the executive branch of state government in connection
20 with such activity.

21

22 An "executive lobbyist" shall not include a member of the general assembly, an elected state
23 official, or any other person solely due to such person's participation in any of the following
24 activities:

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

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

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

34 d. Participating in public hearings or public proceedings on rules, grants, or other
35 matters;

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

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

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

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

47 (3) "Expenditure", any payment made or charge, expense, cost, debt or bill incurred; any
48 gift, honorarium or item of value bestowed including any food or beverage; any price, charge or
49 fee which is waived, forgiven, reduced or indefinitely delayed; any loan or debt which is
50 cancelled, reduced or otherwise forgiven; the transfer of any item with a reasonably discernible
51 cost or fair market value from one person to another or provision of any service or granting of
52 any opportunity for which a charge is customarily made, without charge or for a reduced charge;
53 except that the term "expenditure" shall not include the following:

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

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

60 (c) Contributions to the public official's campaign committee or candidate committee
61 which are reported pursuant to the provisions of chapter 130;

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

67 (e) Any item, service or thing of de minimis value offered to the general public, whether
68 or not the recipient is a public official or a staff member, employee, spouse or dependent child
69 of a public official, and only if the grant of the item, service or thing of de minimis value is not
70 motivated in any way by the recipient's status as a public official or staff member, employee,
71 spouse or dependent child of a public official;

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

78 (g) Any payment, gift, compensation, fee, expenditure or anything of value which is
79 bestowed upon or given to any public official or a staff member, employee, spouse or dependent

80 child of a public official when it is compensation for employment or given as an employment
81 benefit and when such employment is in addition to their employment as a public official;

82 (4) "Judicial lobbyist", any natural person who acts for the purpose of attempting to
83 influence any purchasing decision by the judicial branch of government or by any elected or
84 appointed official or any employee thereof and in connection with such activity, meets the
85 requirements of any one or more of the following:

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

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

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

94 (d) Makes total expenditures of fifty dollars or more during the twelve-month period
95 beginning January first and ending December thirty-first for the benefit of one or more public
96 officials or one or more employees of the judicial branch of state government in connection with
97 attempting to influence such purchasing decisions by the judiciary.

98

99 A "judicial lobbyist" shall not include a member of the general assembly, an elected state official,
100 or any other person solely due to such person's participation in any of the following activities:

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

103 b. Participating in public hearings or public proceedings on rules, grants, or other
104 matters;

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

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

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

114 (5) "Legislative lobbyist", any natural person who acts for the purpose of attempting to
115 influence the taking, passage, amendment, delay or defeat of any official action on any bill,

116 resolution, amendment, nomination, appointment, report or any other action or any other matter
117 pending or proposed in a legislative committee in either house of the general assembly, or in any
118 matter which may be the subject of action by the general assembly and in connection with such
119 activity, meets the requirements of any one or more of the following:

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

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

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

128 (d) Makes total expenditures of fifty dollars or more during the twelve-month period
129 beginning January first and ending December thirty-first for the benefit of one or more public
130 officials or one or more employees of the legislative branch of state government in connection
131 with such activity.

132

133 A "legislative lobbyist" shall include an attorney at law engaged in activities on behalf of any
134 person unless excluded by any of the following exceptions. A "legislative lobbyist" shall not
135 include any member of the general assembly, an elected state official, or any other person solely
136 due to such person's participation in any of the following activities:

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

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

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

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

144 (6) "Lobbyist", any natural person defined as an executive lobbyist, judicial lobbyist,
145 elected local government official lobbyist, or a legislative lobbyist;

146 (7) "Lobbyist principal", any person, business entity, governmental entity, religious
147 organization, nonprofit corporation or association who employs, contracts for pay or otherwise
148 compensates a lobbyist;

149 (8) "Public official", any member or member-elect of the general assembly, judge or
150 judicial officer, or any other person holding an elective office of state government or any agency
151 head, department director or division director of state government or any member of any state

152 board or commission and any designated decision-making public servant designated by persons
153 described in this subdivision.

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
and employees, and their spouses and children. Such expenditures shall be

42 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.]

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 and description of the occasion and the amount of
45 the expenditure for each occasion when any of the following are invited in writing:

46 a. All members of the senate;

47 b. All members of the house of representatives;

48 c. All members of a joint committee of the general assembly or a standing committee
49 of either the house of representatives or senate; or

50 d.] All members of a caucus of the majority party of the house of representatives,
51 minority party of the house of representatives, majority party of the senate, or minority party of
52 the senate;

53 (e) Any expenditure made on behalf of a public official, an elected local government
54 official or such official's staff, employees, spouse or dependent children, if such expenditure is
55 solicited by such official, the official's staff, employees, or spouse or dependent children, from
56 the lobbyist or his or her lobbyist principals and the name of such person or persons, except any
57 expenditures made to any not-for-profit corporation, charitable, fraternal or civic organization
58 or other association formed to provide for good in the order of benevolence;

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

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

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

77 **6. The lobbyist or lobbyist principal shall maintain accurate records and accounts**
78 **of lobbyist expenditures on a current basis. All records and accounts of receipts and**
79 **expenditures for elected officials shall be preserved for at least three years after the date**
80 **of the expenditure to which the record pertains. The records shall be available for**
81 **inspection by the ethics commission and its duly authorized representatives upon an**
82 **investigation by the ethics commission.**

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

87 [7.] **8.** No person shall knowingly employ any person who is required to register as a
88 registered lobbyist but is not registered pursuant to this section. Any person who knowingly
89 violates this subsection shall be subject to a civil penalty in an amount of not more than ten
90 thousand dollars for each violation. Such civil penalties shall be collected by action filed by the
91 commission.

92 [8.] **9.** No lobbyist shall knowingly omit, conceal, or falsify in any manner information
93 required pursuant to this section.

94 [9.] **10.** The prosecuting attorney of Cole County shall be reimbursed only out of funds
95 specifically appropriated by the general assembly for investigations and prosecutions for
96 violations of this section.

97 [10.] **11.** Any public official or other person whose name appears in any lobbyist report
98 filed pursuant to this section who contests the accuracy of the portion of the report applicable to

99 such person may petition the commission for an audit of such report and shall state in writing
100 in such petition the specific disagreement with the contents of such report. The commission shall
101 investigate such allegations in the manner described in section 105.959. If the commission
102 determines that the contents of such report are incorrect, incomplete or erroneous, it shall enter
103 an order requiring filing of an amended or corrected report.

104 [11.] **12.** The commission shall provide a report listing the total spent by a lobbyist for
105 the month and year to any member or member-elect of the general assembly, judge or judicial
106 officer, or any other person holding an elective office of state government or any elected local
107 government official on or before the twentieth day of each month. For the purpose of providing
108 accurate information to the public, the commission shall not publish information in either written
109 or electronic form for ten working days after providing the report pursuant to this subsection.
110 The commission shall not release any portion of the lobbyist report if the accuracy of the report
111 has been questioned pursuant to subsection [10] **11** of this section unless it is conspicuously
112 marked "Under Review".

113 [12.] **13.** Each lobbyist or lobbyist principal by whom the lobbyist was employed, or in
114 whose behalf the lobbyist acted, shall provide a general description of the proposed legislation
115 or action by the executive branch or judicial branch which the lobbyist or lobbyist principal
116 supported or opposed. This information shall be supplied to the commission on March fifteenth
117 and May thirtieth of each year.

118 [13.] **14.** The provisions of this section shall supersede any contradicting ordinances or
119 charter provisions.

120 **15. No lobbyist shall deliver any tangible or intangible item, service, or thing of**
121 **value to the governor, lieutenant governor, attorney general, secretary of state, state**
122 **treasurer, state auditor, or any member of the general assembly or to any of such elected**
123 **official's staff, employee, spouse, or dependent children.**

105.477. 1. The commission shall supply an electronic reporting system which shall be
2 used by all lobbyists **and paid political consultants** registered with the ethics commission **and**
3 **members of the general assembly** for filing by electronic format prescribed by the commission.
4 The electronic reporting system shall be able to operate using either the Windows or Macintosh
5 operating environment with minimum standards set by the commission.

6 2. The commission shall have the appropriate software and hardware in place by January
7 1, 2003, for acceptance of reports electronically. The commission shall make this information
8 available via an internet website connection by no later than January 1, 2004.

9 3. All lobbyists shall file expenditure reports required by the commission, **all paid**
10 **political consultants shall file registration reports under section 105.479** electronically as
11 prescribed by the commission. In addition, lobbyists shall file a signed form prescribed by the

12 commission which verifies the information filed electronically within five working days; except
13 that, when a means becomes available which will allow a verifiable electronic signature, the
14 commission may accept this in lieu of a signed form.

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

20 5. Annually, the commission shall provide to the general assembly at no cost a complete
21 copy of information contained in the commission's electronic reporting system database files.
22 The information shall be copied onto a medium specified by the general assembly. Such
23 information shall not contain records otherwise closed by law. It is the intent of the general
24 assembly to provide open access to the commission's records. The commission shall make every
25 reasonable effort to comply with requests for information and shall take a liberal interpretation
26 when considering such requests. Priority shall be given to public requests for reports identifying
27 lobbyist or lobbyist principal expenditures per individual legislator.

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

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

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

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

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

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

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

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

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

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

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

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

105.479. Each paid political consultant shall, not later than January fifth of each year or five days after beginning any activities as a paid political consultant, file standardized registration forms, verified by a written declaration that it is made under the penalties of perjury, along with a filing fee of ten dollars, with the commission. The forms shall include the consultant's name and business address, the name and address of each person, candidate, organization, or committee by whom such consultant is employed or in whose interest such consultant appears or works, and whether such person or organization is a lobbyist or lobbyist principal. The commission shall maintain files on all consultant filings, which shall be open to the public. Each paid political consultant shall file an updating statement under oath within one week of any addition, deletion, or change in such persons employment or representation. The filing fee shall be deposited to the general revenue fund of the state. For the purposes of this section the terms "lobbyist" and "lobbyist principal" shall have the same meaning as in section 105.470 and the terms "candidate" and "committee" shall have the same meaning as in section 130.011.

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

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

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

(3) The principal administrative or deputy officers or assistants serving the governor, lieutenant governor, secretary of state, state treasurer, state auditor and attorney general, which officers shall be designated by the respective elected state official, **and any paid, full-time employee of such elected official who works in any manner to develop or influence the passage or defeat of any legislation;**

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

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

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

21 (7) Any member of a board or commission created by interstate compact or agreement,
22 including the executive director and any Missouri resident who is a member of the bi-state
23 development agency created pursuant to sections 70.370 to [70.440] **70.429**;

24 (8) Any board member of a metropolitan sewer district authorized under Section 30(a)
25 of Article VI of the state constitution;

26 (9) Any member of a commission appointed or operating pursuant to sections 64.650 to
27 64.950, sections 67.650 to 67.658, or sections 70.840 to 70.859;

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

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

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

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

43 **(14) Any staff of any member of the general assembly that is a paid, full-time**
44 **employee of such member.**

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

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
interest of his spouse, shall state on his financial interest statement that he has

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

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

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

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

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

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

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

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

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

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

46 for a term of ten years or longer, and, if the property was transferred during the year covered by
47 the statement, the name and address of the persons furnishing or receiving consideration for such
48 transfer;

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

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

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

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

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

83 (a) Paid in the ordinary course of business for businesses described in subdivisions (1),
84 (2), (5) and (6) of this subsection which are related to the duties of office of such official; or

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

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

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

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

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

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

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

102 (b) Is a lobbyist; or

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

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

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

110 (14) **A brief description, the date, and category of value of any purchase, sale, or**
111 **exchange during the preceding calendar year which exceeds one thousand dollars in real**
112 **property, other than property used solely as a personal residence of the reporting**
113 **individual or the individual's spouse, or in stocks, bonds, commodities futures, and other**
114 **forms of securities. Reporting is not required under this subdivision of any transaction**

115 solely by and between the reporting individual, the individual's spouse, or dependent
116 children;

117 (15) The identity and category of value of the total liabilities owed to any creditor
118 other than a spouse, or a parent, brother, sister, or child of the reporting individual or of
119 the individual's spouse which exceed ten thousand dollars at any time during the preceding
120 calendar year, excluding any mortgage secured by real property that is a personal
121 residence of the reporting individual or the individual's spouse, any loan secured by a
122 personal motor vehicle, household furniture, or appliances, which loan does not exceed the
123 purchase price of the item which secures it, and excluding any qualified education loan as
124 such term is defined in Section 221 of the Internal Revenue Code of 1986, as amended.
125 With respect to revolving charge accounts, only those with an outstanding liability that
126 exceeds ten thousand dollars as of the close of the preceding calendar year shall be
127 reported under this subdivision;

128 (16) A description of the date, parties to, and terms of any agreement or
129 arrangement with respect to future employment, a leave of absence during the period of
130 the reporting individual's government service, continuation of payments by a former
131 employer other than this state, and continuing participation in an employee welfare or
132 benefit plan maintained by a former employer;

133 (17) For paid, full-time employees of members of the general assembly and
134 designated officers and employees of statewide elected officials required to report under
135 subdivision (3) of subsection 1 of section 105.483, any income received by or payments
136 made to such person in connection with any political campaign; and

137 (18) For members of the general assembly, paid, full-time employees of members
138 of the general assembly, statewide elected officials, and designated officers and employees
139 of statewide elected officials required to report under subdivision (3) of subsection 1 of
140 section 105.483, any income, other than income reported under subdivision (1) of
141 subsection 2 of this section, received by or payments made to such person by any business
142 entity or organization; the name, address and the general nature of the business conducted
143 by each entity or organization; and the amount of income received by or payments made
144 to such person in check-off form representing less than one thousand dollars, one thousand
145 to ten thousand dollars, and more than ten thousand dollars.

146 3. For the purposes of subdivisions (1), (2) and (3) of subsection 2 of this section, an
147 individual shall be deemed to have received a salary from [his] **the individual's** employer or
148 income from any source at the time when [he] **the individual** shall receive a negotiable
149 instrument whether or not payable at a later date and at the time when under the practice of [his]
150 **the individual's** employer or the terms of an agreement [he] **the individual** has earned or is

151 entitled to anything of actual value whether or not delivery of the value is deferred or right to it
152 has vested. The term income as used in this section shall have the same meaning as provided
153 in the Internal Revenue Code of 1986, and amendments thereto, as the same may be or becomes
154 effective, at any time or from time to time for the taxable year, provided that income shall not
155 be considered received or earned for purposes of this section from a partnership or sole
156 proprietorship until such income is converted from business to personal use.

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

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

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

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

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

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

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

2 105.487. The financial interest statements shall be filed at the following times, but, **with**
3 **the exception of persons described in subdivision (4) of this section**, no person is required to
4 file more than one financial interest statement in any calendar year:

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

20 (2) Each person appointed to office, except any person elected for county committee of
21 a political party pursuant to section 115.617, and each official or employee described in section
22 105.483 who is not otherwise covered in this subsection shall file the statement within thirty days
23 of such appointment or employment, **and the statement shall be for the previous calendar**
24 **year ending the immediately preceding December thirty-first**;

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

32 **(4) Members of the general assembly, paid, full-time employees of members of the**
33 **general assembly, statewide elected officials, and designated officers and employees of**
34 **statewide elected officials required to report under subdivision (3) of subsection 1 of section**
35 **105.483 shall file an additional statement annually not later than the thirtieth day of June**
36 **and the statement shall cover the period including the first day of January until the**
37 **thirty-first day of May immediately preceding the filing date;**

38 **(5)** The deadline for filing any statement required by sections 105.483 to 105.492 shall
39 be 5:00 p.m. of the last day designated for filing the statement. When the last day of filing falls
40 on a Saturday or Sunday or on an official state holiday, the deadline for filing is extended to 5:00
41 p.m. on the next day which is not a Saturday or Sunday or official holiday. Any statement
42 required within a specified time shall be deemed to be timely filed if it is postmarked not later
43 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
2 six members, is hereby established. The commission shall be assigned to the
3 office of administration with supervision by the office of administration only for
4 budgeting and reporting as provided by subdivisions (4) and (5) of subsection 6
5 of section 1 of the Reorganization Act of 1974. Supervision by the office of
6 administration shall not extend to matters relating to policies, regulative functions
7 or appeals from decisions of the commission, and the commissioner of
8 administration, any employee of the office of administration, or the governor,
9 either directly or indirectly, shall not participate or interfere with the activities of
10 the commission in any manner not specifically provided by law and shall not in
11 any manner interfere with the budget request of or withhold any moneys
12 appropriated to the commission by the general assembly. All members of the
13 commission shall be appointed by the governor with the advice and consent of
14 the senate from lists submitted pursuant to this section. Each congressional
15 district committee of the political parties having the two highest number of votes
16 cast for their candidate for governor at the last gubernatorial election shall submit
17 two names of eligible nominees for membership on the commission to the
18 governor, and the governor shall select six members from such nominees to serve
19 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

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

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

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

147 14. The commission shall have the following duties and responsibilities
148 relevant to the impartial and effective enforcement of sections 105.450 to
149 105.496 and chapter 130, as provided in sections 105.955 to 105.963:

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

156 (2) Review and investigate any reports and statements required by the
157 campaign finance disclosure laws contained in chapter 130, and financial interest
158 disclosure laws or lobbyist registration and reporting laws as provided by sections

159 105.470 to 105.492, for timeliness, accuracy and completeness of content as
160 provided in sections 105.955 to 105.963;

161 (3) Conduct investigations as provided in subsection 2 of section
162 105.959;

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

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

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

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

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

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

187 15. In connection with such powers provided by sections 105.955 to
188 105.963 and chapter 130, the commission may:

189 (1) Subpoena witnesses and compel their attendance and testimony.
190 Subpoenas shall be served and enforced in the same manner provided by section
191 536.077;

192 (2) Administer oaths and affirmations;

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

198 (4) Employ such personnel, including legal counsel, and contract for
199 services including legal counsel, within the limits of its appropriation, as it deems
200 necessary provided such legal counsel, either employed or contracted, represents
201 the Missouri ethics commission before any state agency or before the courts at

202 the request of the Missouri ethics commission. Nothing in this section shall limit
203 the authority of the Missouri ethics commission as provided for in subsection 2
204 of section 105.961; and

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

209 16. (1) Upon written request for an advisory opinion received by the
210 commission, and if the commission determines that the person requesting the
211 opinion would be directly affected by the application of law to the facts presented
212 by the requesting person, the commission shall issue a written opinion advising
213 the person who made the request, in response to the person's particular request,
214 regarding any issue that the commission can receive a complaint on pursuant to
215 section 105.957. The commission may decline to issue a written opinion by a
216 vote of four members and shall provide to the requesting person the reason for
217 the refusal in writing. The commission shall give an approximate time frame as
218 to when the written opinion shall be issued. Such advisory opinions shall be
219 issued no later than ninety days from the date of receipt by the commission. Such
220 requests and advisory opinions, deleting the name and identity of the requesting
221 person, shall be compiled and published by the commission on at least an annual
222 basis. Advisory opinions issued by the commission shall be maintained and
223 made available for public inspection and copying at the office of the commission
224 during normal business hours. Any advisory opinion or portion of an advisory
225 opinion rendered pursuant to this subsection shall be withdrawn by the
226 commission if, after hearing thereon, the joint committee on administrative rules
227 finds that such advisory opinion is beyond or contrary to the statutory authority
228 of the commission or is inconsistent with the legislative intent of any law enacted
229 by the general assembly, and after the general assembly, by concurrent resolution,
230 votes to adopt the findings and conclusions of the joint committee on
231 administrative rules. Any such concurrent resolution adopted by the general
232 assembly shall be published at length by the commission in its publication of
233 advisory opinions of the commission next following the adoption of such
234 resolution, and a copy of such concurrent resolution shall be maintained by the
235 commission, along with the withdrawn advisory opinion, in its public file of
236 advisory opinions. The commission shall also send a copy of such resolution to
237 the person who originally requested the withdrawn advisory opinion. Any
238 advisory opinion issued by the ethics commission shall act as legal direction to
239 any person requesting such opinion and no person shall be liable for relying on
240 the opinion and it shall act as a defense of justification against prosecution. An
241 advisory opinion of the commission shall not be withdrawn unless:

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

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

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

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

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, **except that a member's term may be extended one time for**
44 **up to one hundred twenty days if there are vacancies on the commission.** No person shall
45 be appointed to more than one full four-year term on the commission **plus one term extension**
46 **of one hundred twenty days as provided in this subsection.**

47 4. Vacancies or expired terms on the commission shall be filled in the same manner as
48 the original appointment was made, except as provided in this subsection. Within thirty days of
49 the vacancy or ninety days before the expiration of the term, the names of two eligible nominees
50 for membership on the commission shall be submitted to the governor by the congressional

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

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

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

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

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

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

- 87 (1) Be employed by the state or any political subdivision of the state;
88 (2) Be employed as a lobbyist;
89 (3) Serve on any other governmental board or commission;
90 (4) Be an officer of any political party or political organization;
91 (5) Permit the person's name to be used, or make contributions, in support of or in
92 opposition to any candidate or proposition;
93 (6) Participate in any way in any election campaign; except that a member or employee
94 of the commission shall retain the right to register and vote in any election, to express the
95 person's opinion privately on political subjects or candidates, to participate in the activities of
96 a civic, community, social, labor or professional organization and to be a member of a political
97 party.
- 98 10. Each member of the commission shall receive, as full compensation for the member's
99 services, the sum of one hundred dollars per day for each full day actually spent on work of the
100 commission, and the member's actual and necessary expenses incurred in the performance of the
101 member's official duties.
- 102 11. The commission shall appoint an executive director who shall serve subject to the
103 supervision of and at the pleasure of the commission[, but in no event for more than six years].
104 The executive director shall be responsible for the administrative operations of the commission
105 and perform such other duties as may be delegated or assigned to the director by law or by rule
106 of the commission. The executive director shall employ staff and retain such contract services
107 as the director deems necessary, within the limits authorized by appropriations by the general
108 assembly.
- 109 12. Beginning on January 1, 1993, all lobbyist registration and expenditure reports filed
110 pursuant to section 105.473, financial interest statements filed pursuant to subdivision (1) of
111 section 105.489, and campaign finance disclosure reports filed other than with election
112 authorities or local election authorities as provided by section 130.026 shall be filed with the
113 commission.
- 114 13. Within sixty days of the initial meeting of the first commission appointed, the
115 commission shall obtain from the clerk of the supreme court or the state courts administrator a
116 list of retired appellate and circuit court judges who did not leave the judiciary as a result of
117 being defeated in an election. The executive director shall determine those judges who indicate
118 their desire to serve as special investigators and to investigate any and all complaints referred to
119 them by the commission. The executive director shall maintain an updated list of those judges
120 qualified and available for appointment to serve as special investigators. Such list shall be
121 updated at least annually. The commission shall refer complaints to such special investigators
122 on that list on a rotating schedule which ensures a random assignment of each special

123 investigator. Each special investigator shall receive only one unrelated investigation at a time
124 and shall not be assigned to a second or subsequent investigation until all other eligible
125 investigators on the list have been assigned to an investigation. In the event that no special
126 investigator is qualified or available to conduct a particular investigation, the commission may
127 appoint a special investigator to conduct such particular investigation.

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

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

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

140 (3) **Conduct investigations as provided in subsection 2 of section 105.959;**

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

147 **[(4)] (5)** Provide information and assistance to lobbyists, elected and appointed officials,
148 and employees of the state and political subdivisions in carrying out the provisions of sections
149 105.450 to 105.496 and chapter 130;

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

156 **[(6)] (7)** Render advisory opinions as provided by this section;

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

160 [(8)] (9) Request and receive from the officials and entities identified in subdivision (6)
161 of section 105.450 designations of decision-making public servants.

162 15. In connection with such powers provided by sections 105.955 to 105.963 and chapter
163 130, the commission may:

164 (1) Subpoena witnesses and compel their attendance and testimony. Subpoenas shall be
165 served and enforced in the same manner provided by section 536.077, **except that during an**
166 **investigation, the commission may delegate the power to issue subpoenas to the executive**
167 **director;**

168 (2) Administer oaths and affirmations;

169 (3) Take evidence and require by subpoena duces tecum the production of books, papers,
170 and other records relating to any matter being investigated or to the performance of the
171 commission's duties or exercise of its powers. Subpoenas duces tecum shall be served and
172 enforced in the same manner provided by section 536.077, **except that during an investigation,**
173 **the commission may delegate the power to issue subpoenas duces tecum to the executive**
174 **director;**

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

181 (5) Obtain information from any department, division or agency of the state or any
182 political subdivision reasonably calculated to lead to the discovery of evidence which will
183 reasonably assist the commission in carrying out the duties prescribed in sections 105.955 to
184 105.963 and chapter 130.

185 16. (1) Upon written request for an advisory opinion received by the commission, and
186 if the commission determines that the person requesting the opinion would be directly affected
187 by the application of law to the facts presented by the requesting person, the commission shall
188 issue a written opinion advising the person who made the request, in response to the person's
189 particular request, regarding any issue that the commission can receive a complaint on pursuant
190 to section 105.957. The commission may decline to issue a written opinion by a vote of four
191 members and shall provide to the requesting person the reason for the refusal in writing. The
192 commission shall give an approximate time frame as to when the written opinion shall be issued.

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

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

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

229 employed by the commission or under the supervision of the commission or an investigator. The
230 state auditor and any employee of the state auditor shall not disclose the identity of any person
231 who is or was the subject of an investigation by the commission and whose identity is not public
232 information as provided by law.

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

239 **19. (1) Notwithstanding any other provision of law to the contrary, fifty percent**
240 **of any fine, fee, or penalty imposed for violations of any provisions subject to the ethics**
241 **commission's jurisdiction, excluding the clear proceeds of any penalty, forfeiture, and fine**
242 **collected for any breach of the penal laws of the state that are distributed as provided in**
243 **Section 7, Article IX, Constitution of Missouri, shall be deposited in the Missouri ethics**
244 **commission enforcement fund created in this subsection.**

245 **(2) There is hereby created in the state treasury the "Missouri Ethics Commission**
246 **Enforcement Fund", which shall consist of money collected under this subsection. The**
247 **state treasurer shall be custodian of the fund. In accordance with sections 30.170 and**
248 **30.180, the state treasurer may approve disbursements. The fund shall be a dedicated fund**
249 **and, upon appropriation, money in the fund shall be used solely to fund authorized**
250 **activities of the ethics commission. Notwithstanding the provisions of section 33.080 to the**
251 **contrary, any moneys remaining in the fund at the end of the biennium shall not revert to**
252 **the credit of the general revenue fund. The state treasurer shall invest moneys in the fund**
253 **in the same manner as other funds are invested. Any interest and moneys earned on such**
254 **investments shall be credited to the fund.**

255 **(3) All funds in the Missouri ethics commission enforcement fund shall be deemed**
256 **to be additional funding to allow the ethics commission to fulfill the duties required of the**
257 **commission by state law, and no amount appropriated to the ethics commission for any**
258 **fiscal year beginning on or after July 1, 2015, shall be reduced below the appropriation**
259 **made for the fiscal year ending on June 30, 2015.**

[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.]
 105.957. 1. The commission shall receive any complaints alleging violation of the
2 provisions of:
3 (1) The requirements imposed on lobbyists **and paid political consultants** by sections
4 105.470 to [105.478] **105.479**;
5 (2) The financial interest disclosure requirements contained in sections 105.483 to
6 105.492;
7 (3) The campaign finance disclosure requirements contained in chapter 130;
8 (4) Any code of conduct promulgated by any department, division or agency of state
9 government, or by state institutions of higher education, or by executive order;
10 (5) The conflict of interest laws contained in sections 105.450 to [105.468] **105.467** and
11 section 171.181; and
12 (6) The provisions of the constitution or state statute or order, ordinance or resolution
13 of any political subdivision relating to the official conduct of officials or employees of the state
14 and political subdivisions.
15 2. Complaints filed with the commission shall be in writing and filed only by a natural
16 person. The complaint shall contain all facts known by the complainant that have given rise to
17 the complaint and the complaint shall be sworn to, under penalty of perjury, by the complainant.
18 No complaint shall be investigated unless the complaint alleges facts which, if true, fall within
19 the jurisdiction of the commission. Within five days after receipt [of a complaint] by the
20 commission **of a complaint that is properly signed and notarized, and that alleges facts that,**
21 **if true, fall within the jurisdiction of the commission,** a copy of the complaint, including the
22 name of the complainant, shall be delivered to the alleged violator.
23 3. No complaint shall be investigated which concerns alleged criminal conduct which
24 allegedly occurred previous to the period of time allowed by law for criminal prosecution for
25 such conduct. The commission may refuse to investigate any conduct which is the subject of
26 civil or criminal litigation. The commission, its executive director or an investigator shall not
27 investigate any complaint concerning conduct which is not criminal in nature which occurred
28 more than two years prior to the date of the complaint. A complaint alleging misconduct on the
29 part of a candidate for public office, other than those alleging failure to file the appropriate
30 financial interest statements or campaign finance disclosure reports, shall not be accepted by the
31 commission within sixty days prior to the primary election at which such candidate is running
32 for office, and until after the general election.
33 4. If the commission finds that any complaint is frivolous in nature [or finds no probable
34 cause to believe that there has been a violation], the commission shall dismiss the case. For

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

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

45 **6. (1) As used in this subsection, "original source of information" means**
46 **information no part of which has been previously disclosed to or known by the government**
47 **or public.**

48 **(2) If any person is the original source of information used by the ethics commission**
49 **in an investigation concluding that a violation of any provision of law under the ethics**
50 **commission's jurisdiction has occurred for which a fine, fee, or penalty is imposed,**
51 **excluding the clear proceeds of any penalty, forfeiture, and fine collected for any breach**
52 **of the penal laws of the state that are distributed as provided in Section 7, Article IX,**
53 **Constitution of Missouri, such person may be reimbursed for such information under this**
54 **subsection as determined by the ethics commission. No amount reimbursed to any person**
55 **under this subsection shall exceed ten percent of the amount of such fines, fees, or penalties**
56 **resulting from such investigation. Any amount reimbursed under this subsection shall be**
57 **reimbursed solely from funds in the Missouri ethics commission enforcement fund created**
58 **in section 105.955.**

59 **(3) If the ethics commission finds that the person who was the original source of the**
60 **information for such investigation planned, initiated, or participated in the conduct**
61 **investigated by the ethics commission, such person shall not be entitled to any amount**
62 **under this subsection.**

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

9 an investigation of such reports, statements, and records and assign a special investigator
10 following the provisions of subsection 1 of section 105.961.

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

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

19 (a) The requirements imposed on lobbyists **and paid political consultants** by sections
20 105.470 to [105.478] **105.479**;

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 state
25 government, or by state institutions of higher education, or by executive order;

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

28 (f) The provisions of the constitution or state statute or order, ordinance, or resolution
29 of any political subdivision relating to the official conduct of officials or employees of the state
30 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 the
33 person who had been under investigation shall be notified of the reasons for the disposition of
34 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 investigate
37 disclosure reports, statements and records pertaining to such findings within a reasonable time
38 after receipt of the reports from the appropriate filing officer.

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

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

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

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

55 **8. The time limits prescribed in subsections 1 to 6 of this section shall apply unless**
56 **an action prohibited under paragraph (d) of subdivision (3) of subsection 3 of section**
57 **130.031 occurs in an even-number year, from April until the general election day, or**
58 **between the opening of the period of candidate filing to the special election day in any year**
59 **in which a special election is scheduled, in which cases the following time limits shall apply:**

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

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

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

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 upon review, if there are reasonable grounds to
7 believe that a violation has occurred, shall conduct an audit of such reports and
8 statements. All investigations by the executive director of an alleged violation
9 shall be strictly confidential with the exception of notification of the commission
10 and the complainant or the person under investigation. All investigations by the
11 executive director shall be limited to the information contained in the reports or
statements. The commission shall notify the complainant or the person under

12 investigation, by registered mail, within five days of the decision to conduct such
13 investigation. Revealing any such confidential investigation information shall
14 be cause for removal or dismissal of the executive director or a commission
15 member or employee.

16 2. Upon findings of the appropriate filing officer which are reported to
17 the commission in accordance with the provisions of section 130.056, the
18 executive director shall audit disclosure reports, statements and records
19 pertaining to such findings within a reasonable time after receipt of the reports
20 from the appropriate filing officer.

21 3. Upon a sworn written complaint of any natural person filed with the
22 commission pursuant to section 105.957, the commission shall audit and
23 investigate alleged violations. Within sixty days after receipt of a sworn written
24 complaint alleging a violation, the executive director shall notify the complainant
25 in writing of the action, if any, the executive director has taken and plans to take
26 on the complaint. If an investigation conducted pursuant to this subsection fails
27 to establish reasonable grounds to believe that a violation has occurred, the
28 investigation shall be terminated and the complainant and the person who had
29 been under investigation shall be notified of the reasons for the disposition of the
30 complaint.

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

33 5. If, during an audit or investigation, the commission determines that a
34 formal investigation is necessary, the commission shall assign the investigation
35 to a special investigator in the manner provided by subsection 1 of section
36 105.961.

37 6. After completion of an audit or investigation, the executive director
38 shall provide a detailed report of such audit or investigation to the commission.
39 Upon determination that there are reasonable grounds to believe that a person has
40 violated the requirements of sections 105.470, 105.483 to 105.492, or chapter
41 130, by a vote of four members of the commission, the commission may refer the
42 report with the recommendations of the commission to the appropriate
43 prosecuting authority together with a copy of the audit and the details of the
44 investigation by the commission as is provided in subsection 2 of section
45 105.961.]

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, the
3 **executive director on behalf of the** commission shall assign the complaint or investigation to
4 a special investigator, who may be a commission employee, who shall investigate and determine
5 the merits of the complaint or investigation. Within ten days of such assignment, the special
6 investigator shall review such complaint **or investigation** and disclose, in writing, to the
7 commission any conflict of interest which the special investigator has or might have with respect
8 to the investigation and subject thereof. Within ninety days of receipt of the complaint from the

9 commission, the special investigator shall submit the special investigator's report to the
10 commission. The commission, 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 shall be dismissed **or the investigation shall be terminated**; 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 ninety days
17 each, pending reports regarding the status and progress of the investigation at the end of each
18 such period.

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

44 who may be the attorney general, shall be appointed. The report may also be referred to the
45 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 investigation conducted pursuant to section 105.959, that there are reasonable
48 grounds to believe that a violation of any law has occurred which is not a violation of criminal
49 law or that criminal prosecution is not appropriate, the commission shall conduct a hearing
50 which shall be a closed meeting and not open to the public. The hearing shall be conducted
51 pursuant to the procedures provided by sections 536.063 to 536.090 and shall be considered to
52 be a contested case for purposes of [such] sections **536.063 to 536.090**. 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 8 of this section. **When the violation that has occurred**
58 **is a violation of paragraph (d) of subdivision (3) of subsection 3 of section 130.031 and such**
59 **violation occurs in an even-number year, from April until the general election day, or**
60 **between the opening of the period of candidate filing to the special election day in any year**
61 **in which a special election is scheduled, any action required under this subsection shall be**
62 **concluded within ten business days of the commission's conclusion.**

63 4. If the appropriate disciplinary authority receiving a report from the commission
64 pursuant to subsection 3 of this section fails to follow, within sixty days of the receipt of the
65 report, **or within fifteen days of the receipt of the report when the violation that has**
66 **occurred is a violation of paragraph (d) of subdivision (3) of subsection 3 of section 130.031**
67 **and such violation occurs in an even-number year, from April until the general election**
68 **day, or between the opening of the period of candidate filing to the special election day in**
69 **any year in which a special election is scheduled,** the recommendations contained in the
70 report, or if the commission determines, by a vote of at least four members of the commission
71 that some action other than referral for criminal prosecution or for action by the appropriate
72 disciplinary authority would be appropriate, the commission shall take any one or more of the
73 following actions **within ten business days of the commission's conclusion under subsection**
74 **3 of this section:**

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

78 (2) Notify the person of the requirement to file, amend or correct any report, statement,
79 or other document or information required by sections 105.473, 105.483 to 105.492, or chapter

80 130 and that the commission may seek judicial enforcement of its decision pursuant to
81 subsection 5 of this section; and

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

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

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

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

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

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

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

95 (3) File any reports, statements, or other documents or information required by sections
96 105.450 to 105.496, or chapter 130; or

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

148 (3) To administer oaths and affirmations;

149 (4) Upon refusal by any person to comply with a request for information relevant to an
150 investigation, an investigator may issue a subpoena for any person to appear and give testimony,

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

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

165 10. (1) Any retired judge may request in writing to have the judge's name removed from
166 the list of special investigators subject to appointment by the commission or may request to
167 disqualify himself or herself from any investigation. Such request shall include the reasons for
168 seeking removal;

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

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

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

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

183 14. If, in the opinion of the commission, the complaining party was motivated by malice
184 or reason contrary to the spirit of any law on which such complaint was based, in filing the
185 complaint without just cause, this finding shall be reported to appropriate law enforcement

186 authorities. Any person who knowingly files a complaint without just cause, or with malice, is
187 guilty of a class A misdemeanor.

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

192 16. The special investigator and members and staff of the commission shall maintain
193 confidentiality with respect to all matters concerning a complaint, with the exception of
194 communications with any person which are necessary to the investigation. Any person who
195 violates the confidentiality requirements imposed by this section or subsection 17 of section
196 105.955 [required to be confidential] is guilty of a class A misdemeanor and shall be subject to
197 removal from or termination of employment by the commission.

198 17. Any judge of the court of appeals or circuit court who ceases to hold such office by
199 reason of the judge's retirement and who serves as a special investigator pursuant to this section
200 shall receive annual compensation, salary or retirement for such services at the rates of
201 compensation provided for senior judges by subsections 1, 2 and 4 of section 476.682. Such
202 retired judges shall by the tenth day of each month following any month in which the judge
203 provided services pursuant to this section certify to the commission and to the state courts
204 administrator the amount of time engaged in such services by hour or fraction thereof, the dates
205 thereof, and the expenses incurred and allowable pursuant to this section. The commission shall
206 then issue a warrant to the state treasurer for the payment of the salary and expenses to the extent,
207 and within limitations, provided for in this section. The state treasurer upon receipt of such
208 warrant shall pay the same out of any appropriations made for this purpose on the last day of the
209 month during which the warrant was received by the state treasurer.

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

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

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

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

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

52 3. When the commission concludes, based on the report from the special
53 investigator or based on an audit conducted pursuant to section 105.959, that
54 there are reasonable grounds to believe that a violation of any law has occurred
55 which is not a violation of criminal law or that criminal prosecution is not
56 appropriate, the commission shall conduct a hearing which shall be a closed
57 meeting and not open to the public. The hearing shall be conducted pursuant to

58 the procedures provided by sections 536.063 to 536.090 and shall be considered
59 to be a contested case for purposes of such sections. The commission shall
60 determine, in its discretion, whether or not that there is probable cause that a
61 violation has occurred. If the commission determines, by a vote of at least four
62 members of the commission, that probable cause exists that a violation has
63 occurred, the commission may refer its findings and conclusions to the
64 appropriate disciplinary authority over the person who is the subject of the report,
65 as described in subsection 7 of this section. After the commission determines by
66 a vote of at least four members of the commission that probable cause exists that
67 a violation has occurred, and the commission has referred the findings and
68 conclusions to the appropriate disciplinary authority over the person subject of
69 the report, the subject of the report may appeal the determination of the
70 commission to the administrative hearing commission. Such appeal shall stay the
71 action of the Missouri ethics commission. Such appeal shall be filed not later
72 than the fourteenth day after the subject of the commission's action receives
73 actual notice of the commission's action.

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

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

84 (2) Notify the person of the requirement to file, amend or correct any
85 report, statement, or other document or information required by sections 105.473,
86 105.483 to 105.492, or chapter 130 and that the commission may seek judicial
87 enforcement of its decision pursuant to subsection 5 of this section; and

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

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

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

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

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

99 (1) Cease and desist violation of any provision of sections 105.450 to
100 105.496, or chapter 130, or sections 105.955 to 105.963;

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

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

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

108 The Missouri ethics commission shall give actual notice to the subject of the
109 complaint of the proposed action as set out in this section. The subject of the
110 complaint may appeal the action of the Missouri ethics commission, other than
111 a referral for criminal prosecution, to the administrative hearing commission.
112 Such appeal shall stay the action of the Missouri ethics commission. Such appeal
113 shall be filed no later than fourteen days after the subject of the commission's
114 actions receives actual notice of the commission's actions.

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

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

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

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

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

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

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

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

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

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

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

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

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

154 (3) To administer oaths and affirmations;

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

169 (5) To request from the commission such investigative, clerical or other
170 staff assistance or advancement of other expenses which are necessary and
171 convenient for the proper completion of an investigation. Within the limits of
172 appropriations to the commission, the commission may provide such assistance,
173 whether by contract to obtain such assistance or from staff employed by the
174 commission, or may advance such expenses.

175 9. (1) Any retired judge may request in writing to have the judge's name
176 removed from the list of special investigators subject to appointment by the
177 commission or may request to disqualify himself or herself from any
178 investigation. Such request shall include the reasons for seeking removal;

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

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

186 11. The provisions of sections 105.957, 105.959 and 105.961 are in
187 addition to other provisions of law under which any remedy or right of appeal or
188 objection is provided for any person, or any procedure provided for inquiry or
189 investigation concerning any matter. The provisions of this section shall not be
190 construed to limit or affect any other remedy or right of appeal or objection.

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

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

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

205 15. The special investigator and members and staff of the commission
206 shall maintain confidentiality with respect to all matters concerning a complaint
207 until and if a report is filed with the commission, with the exception of
208 communications with any person which are necessary to the investigation. The
209 report filed with the commission resulting from a complaint acted upon under the
210 provisions of this section shall not contain the name of the complainant or other
211 person providing information to the investigator, if so requested in writing by the
212 complainant or such other person. Any person who violates the confidentiality
213 requirements imposed by this section or subsection 17 of section 105.955
214 required to be confidential is guilty of a class A misdemeanor and shall be subject
215 to removal from or termination of employment by the commission.

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

228 pay the same out of any appropriations made for this purpose on the last day of
229 the 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 fifty dollars for each day after such report is due to the commission[,
6 provided that the total amount of such fees assessed under this subsection per report shall not
7 exceed three thousand dollars]. The executive director shall send a notice to any candidate and
8 the treasurer of any committee who fails to file such report within seven business days of such
9 failure to file informing such person of such failure and the fees provided by this section.

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

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

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

31 5. The executive director of the Missouri ethics commission shall collect such late filing
32 fees as are provided for in this section. Unpaid late filing fees shall be collected by action filed
33 by the commission. The commission shall contract with the appropriate entity to collect such
34 late filing fees after a thirty-day delinquency. If not collected within one hundred twenty days,

35 the Missouri ethics commission shall file a petition in Cole County circuit court to seek a
36 judgment on said fees. After obtaining a judgment for the unpaid late filing fees, the commission
37 or any entity contracted by the commission may proceed to collect the judgment in any manner
38 authorized by law, including but not limited to garnishment of and execution against the
39 committee's official depository account as set forth in subsection 4 of section 130.021 after a
40 thirty-day delinquency. All late filing fees collected pursuant to this section shall be transmitted
41 to the state treasurer and deposited to the general revenue fund.

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

44 7. If any lobbyist fails to file a lobbyist report in a timely manner and that lobbyist is
45 assessed a late fee, or if any individual who is required to file a personal financial disclosure
46 statement fails to file such disclosure statement in a timely manner and is assessed a late fee, or
47 if any candidate or the treasurer of any committee fails to file a campaign disclosure report or a
48 statement of limited activity in a timely manner and that candidate or treasurer of any committee
49 who fails to file a disclosure statement in a timely manner and is assessed a late filing fee, the
50 lobbyist, individual, candidate, or the treasurer of any committee may file an appeal of the
51 assessment of the late filing fee with the commission. The commission may forgive the
52 assessment of the late filing fee upon a showing of good cause. Such appeal shall be filed within
53 ten days of the receipt of notice of the assessment of the late filing fee.

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 as required by chapter 130, other than the report required pursuant to subdivision
6 (1) of subsection 1 of section 130.046, a late filing fee of ten dollars for each day
7 after such report is due to the commission. The executive director shall mail a
8 notice, by registered mail, to any candidate and the treasurer of any committee
9 who fails to file such report informing such person of such failure and the fees
10 provided by this section. If the candidate or treasurer of any committee persists
11 in such failure for a period in excess of thirty days beyond receipt of such notice,
12 the amount of the late filing fee shall increase to one hundred dollars for each day
13 that the report is not filed, provided that the total amount of such fees assessed
14 pursuant to this subsection per report shall not exceed three thousand dollars.

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

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

30 3. The executive director shall assess every person required to file a
31 financial interest statement pursuant to sections 105.483 to 105.492 failing to file
32 such a financial interest statement with the commission a late filing fee of ten
33 dollars for each day after such statement is due to the commission.

34 The executive director shall mail a notice, by certified mail, to any person who
35 fails to file such statement informing the individual required to file of such failure
36 and the fees provided by this section. If the person persists in such failure for a
37 period in excess of thirty days beyond receipt of such notice, the amount of the
38 late filing fee shall increase to one hundred dollars for each day thereafter that the
39 statement is late, provided that the total amount of such fees assessed pursuant
40 to this subsection per statement shall not exceed six thousand dollars.

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

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

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

59 7. If any candidate fails to file a campaign disclosure report in a timely
60 manner and that candidate is assessed a late filing fee, the candidate, candidate
61 committee treasurer or assistant treasurer may file an appeal of the assessment of
62 the late filing fee with the commission. The commission may forgive the
63 assessment of the late filing fee upon a showing of good cause. Such appeal shall

64 be filed within ten days of the receipt of notice of the assessment of the late filing
65 fee.]

66

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.]

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

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

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

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

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

2 115.349. 1. Except as otherwise provided in sections 115.361 to 115.383 or sections
3 115.755 to 115.785, no candidate's name shall be printed on any official primary ballot unless
4 the candidate has filed a written declaration of candidacy in the office of the appropriate election
5 official by 5:00 p.m. on the last Tuesday in March immediately preceding the primary election.

6 2. No declaration of candidacy for nomination in a primary election shall be accepted
7 for filing prior to 8:00 a.m. on the last Tuesday in February immediately preceding the primary
8 election.

9 3. Each declaration of candidacy for nomination in a primary election shall state the
10 candidate's full name, residence address, office for which such candidate proposes to be a
11 candidate, the party ticket on which he or she wishes to be a candidate and that if nominated and
12 elected he or she will qualify. The declaration shall be in substantially the following form: I,
13 a resident and registered voter of the county of and the state of Missouri,
14 residing at, do announce myself a candidate for the office of on the party ticket, to
15 be voted for at the primary election to be held on the day of, ..., and I further declare that
if nominated and elected to such office I will qualify.

16 **I further declare that I am not a feigned candidate in order to conceal the candidacy of**
 17 **another or to divide the opposition. I acknowledge that my signature hereon may subject**
 18 **me to criminal prosecution and disciplinary action under the laws of this state if it is found**
 19 **by the ethics commission that I am a feigned candidate.**

20

21 Subscribed and sworn to
 22 Signature of candidate before me this day
 23 of,
 24
 25 Residence address Signature of election
 26 official or other officer
 27 authorized to administer oaths
 28 Mailing address (if different)
 29 Telephone Number (Optional)

30

31 If the declaration is to be filed in person, it shall be subscribed and sworn to by the candidate
 32 before an official authorized to accept his or her declaration of candidacy. If the declaration is
 33 to be filed by certified mail pursuant to the provisions of subsection 2 of section 115.355, it shall
 34 be subscribed and sworn to by the candidate before a notary public or other officer authorized
 35 by law to administer oaths.

115.635. The following offenses, and any others specifically so described by law, shall
 2 be class three election offenses and are deemed misdemeanors connected with the exercise of the
 3 right of suffrage. Conviction for any of these offenses shall be punished by imprisonment of not
 4 more than one year or by fine of not more than two thousand five hundred dollars, or by both
 5 such imprisonment and fine:

6 (1) Giving, lending, agreeing to give or lend, offering, promising, or endeavoring to
 7 procure, any money or valuable consideration, office, or place of employment, to or for any
 8 voter, to or for any person on behalf of any voter, or to or for any person, in order to induce any
 9 voter to vote or refrain from voting or corruptly doing any such act on account of such voter
 10 having already voted or refrained from voting at any election;

11 (2) Making use of, or threatening to make use of, any force, violence, or restraint, or
 12 inflicting or threatening to inflict any injury, damage, harm or loss upon or against any person,
 13 in order to induce or compel such person to vote or refrain from voting at any election;

14 (3) Impeding or preventing, or attempting to impede or prevent, by abduction, duress or
 15 any fraudulent device or contrivance, the free exercise of the franchise of any voter or, by

16 abduction, duress, or any fraudulent device, compelling, inducing, or prevailing upon any voter
17 to vote or refrain from voting at any election;

18 (4) Giving, or making an agreement to give, any money, property, right in action, or
19 other gratuity or reward, in consideration of any grant or deputation of office;

20 (5) Bringing into this state any nonresident person with intent that such person shall vote
21 at an election without possessing the requisite qualifications;

22 (6) Asking for, receiving, or taking any money or other reward by way of gift, loan, or
23 other device or agreeing or contracting for any money, gift, office, employment, or other reward,
24 for giving, or refraining from giving, his or her vote in any election;

25 (7) Removing, destroying or altering any supplies or information placed in or near a
26 voting booth for the purpose of enabling a voter to prepare his or her ballot;

27 (8) Entering a voting booth or compartment except as specifically authorized by law;

28 (9) On the part of any election official, challenger, watcher or person assisting a person
29 to vote, revealing or disclosing any information as to how any voter may have voted, indicated
30 that the person had voted except as authorized by this chapter, indicated an intent to vote or
31 offered to vote, except to a grand jury or pursuant to a lawful subpoena in a court proceeding
32 relating to an election offense;

33 (10) On the part of any registration or election official, refusing to permit any person to
34 register to vote or to vote when such official knows the person is legally entitled to register or
35 legally entitled to vote;

36 (11) Attempting to commit or participating in an attempt to commit any class one or
37 class two election offense;

38 **(12) Giving, lending, agreeing to give or lend, offering, promising, or endeavoring**
39 **to procure any money or valuable consideration with the intent of inducing any person to**
40 **run for any such office in this state if the person has a name that is identical or similar to**
41 **another candidate for the same elective public office and would not otherwise run for**
42 **elective public office but for the inducement. Campaign donations made in accordance**
43 **with the laws of this state shall not be construed to be an inducement to run for elective**
44 **public office under this subdivision.**

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

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

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

10 (3) "Campaign committee", a committee, other than a candidate
11 committee, which shall be formed by an individual or group of individuals to
12 receive contributions or make expenditures and whose sole purpose is to support
13 or oppose the qualification and passage of one or more particular ballot measures
14 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 to
114 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
188 committee which in turn supports or opposes any candidate or ballot measure or
189 for the purpose of paying a previously incurred campaign debt or obligation of
190 a candidate or the debts or obligations of a committee; a payment, or an
191 agreement or promise to pay, money or anything of value, including a candidate's
192 own money or property, for the purchase of goods, services, property, facilities
193 or 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
246 are 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.]

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
17 candidate 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, **including organizations**
38 **exempt from taxation under 26 U.S.C. Section 501(c)(4), as amended**, who accepts
39 contributions or makes expenditures for the primary or incidental purpose of influencing or
40 attempting to influence the action of voters for or against the nomination or election to public
41 office of one or more candidates or the qualification, passage or defeat of any ballot measure or
42 for the purpose of paying a previously incurred campaign debt or obligation of a candidate or the
43 debts or obligations of a committee or for the purpose of contributing funds to another
44 committee:

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

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

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

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

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

67 e. A person who acts as an authorized agent for a committee in soliciting or receiving
68 contributions or in making expenditures or incurring indebtedness on behalf of the committee

69 if such person renders to the committee treasurer or deputy treasurer or candidate, if applicable,
70 an accurate account of each receipt or other transaction in the detail required by the treasurer to
71 comply with all record-keeping and reporting requirements of this chapter;

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

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

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

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

97 (10) "[Continuing] **Political action** committee", a committee of continuing existence
98 [which is not formed, controlled or directed by a candidate, and is a committee] other than a
99 candidate committee [or] , **political party committee,** campaign committee, **exploratory**
100 **committee, or debt service committee,** whose primary or incidental purpose is to receive
101 contributions or make expenditures to influence or attempt to influence the action of voters
102 whether or not a particular candidate or candidates or a particular ballot measure or measures to
103 be supported or opposed has been determined at the time the committee is required to file any
104 statement or report pursuant to the provisions of this chapter. ["Continuing committee"] **Such**

105 **a committee** includes, but is not limited to, any committee organized or sponsored by a business
106 entity, a labor organization, a professional association, a trade or business association, a club or
107 other organization and whose primary purpose is to solicit, accept and use contributions from
108 the members, employees or stockholders of such entity and any individual or group of
109 individuals who accept and use contributions to influence or attempt to influence the action of
110 voters]. Such committee shall be formed no later than sixty days prior to the election for which
111 the committee receives contributions or makes expenditures];

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

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

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

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

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

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

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

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

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

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

152 (i) "Contribution" does not include:

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

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

161 c. Interest earned on deposit of committee funds;

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

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

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

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

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

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

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

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

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

200 (e) "Expenditure" does not include:

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

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

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

210 d. The rendering of voluntary personal services by an individual of the sort commonly
211 performed by volunteer campaign workers and the payment by such individual of the individual's

212 necessary and ordinary personal expenses incidental to such volunteer activity, provided no
213 compensation is, directly or indirectly, asked or given;

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

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

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

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

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

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

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

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

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

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

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

255 (25) "Political party committee", [a state, district, county, city, or area committee of a
256 political party, as defined in section 115.603, which may be organized as a not-for-profit
257 corporation under Missouri law, and which committee is of continuing existence, and has the
258 primary or incidental purpose of receiving contributions and making expenditures to influence
259 or attempt to influence the action of voters on behalf of the political party] **a committee of a
260 political party which may be organized as a not-for-profit corporation under Missouri law
261 and has the primary or incidental purpose of receiving contributions and making
262 expenditures to influence or attempt to influence the action of voters on behalf of the
263 political party. Political party committees shall only take the form of one state party
264 committee per political party;**

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

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

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

[130.021. 1. Every committee shall have a treasurer who, except as
2 provided in subsection 10 of this section, shall be a resident of this state. A
3 committee may also have a deputy treasurer who, except as provided in
4 subsection 10 of this section, shall be a resident of this state and serve in the
5 capacity of committee treasurer in the event the committee treasurer is unable for
6 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, cancelled checks or other cancelled 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
68 in which or through which it is held in an attachment to disclosure reports the
69 committee is required to file.

70 Proceeds from an investment such as interest or dividends or proceeds from its
71 sale, shall be reported by date and amount. In the case of the sale of an
72 investment, the names and addresses of the persons involved in the transaction
73 shall also be stated. Funds held in savings accounts and investments, including
74 interest earned, shall be included in the report of money on hand as required by
75 section 130.041.

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

84 (1) The name, mailing address and telephone number, if any, of the
85 committee filing the statement of organization. If the committee is deemed to be
86 affiliated with a connected organization as provided in subdivision (10) of section
87 130.011, the name of the connected organization, or a legally registered fictitious
88 name which reasonably identifies the connected organization, shall appear in the
89 name of the committee. If the committee is a candidate committee, the name of
90 the candidate shall be a part of the committee's name;

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

130.021. 1. Every committee shall have a treasurer who, except as provided in
2 subsection 10 of this section, shall be a resident of this state and reside in the district or county
3 in which the committee sits. A committee may also have a deputy treasurer who, except as
4 provided in subsection 10 of this section, shall be a resident of this state and reside in the district
5 or county in which the committee sits, to serve in the capacity of committee treasurer in the event
6 the committee treasurer is unable for any reason to perform the treasurer's duties. **A person**
7 **acting as a treasurer or deputy treasurer for a committee shall not act as a treasurer or**
8 **deputy treasurer for any other committee at the same time.**

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

22 3. [A candidate who has more than one candidate committee supporting the person's
23 candidacy shall designate one of those candidate committees as the committee responsible for
24 consolidating the aggregate contributions to all such committees under the candidate's control
25 and direction as required by section 130.041.] **No person shall form a new committee or serve**
26 **as a treasurer or deputy treasurer of any committee until the person, or the treasurer of**
27 **any committee previously formed by the person, or where the person served as treasurer**

28 **or deputy treasurer, has filed all required campaign disclosure reports or statements of**
29 **limited activity for all prior elections and paid outstanding previously imposed fees**
30 **assessed against that person by the ethics commission. No candidate shall form, control,**
31 **or direct a political action committee.**

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

51 (2) A committee treasurer, deputy treasurer or candidate may withdraw funds from a
52 committee's official depository account and deposit such funds in one or more savings accounts
53 in the committee's name in any bank, savings and loan association or credit union within this
54 state, and may also withdraw funds from an official depository account for investment in the
55 committee's name in any certificate of deposit, bond or security. Proceeds from interest or
56 dividends from a savings account or other investment or proceeds from withdrawals from a
57 savings account or from the sale of an investment shall not be expended or reinvested, except
58 in the case of renewals of certificates of deposit, without first redepositing such proceeds in an
59 official depository account. Investments, other than savings accounts, held outside the
60 committee's official depository account at any time during a reporting period shall be disclosed
61 by description, amount, any identifying numbers and the name and address of any institution or
62 person in which or through which it is held in an attachment to disclosure reports the committee
63 is required to file. Proceeds from an investment such as interest or dividends or proceeds from

64 its sale, shall be reported by date and amount. In the case of the sale of an investment, the
65 names and addresses of the persons involved in the transaction shall also be stated. Funds held
66 in savings accounts and investments, including interest earned, shall be included in the report
67 of money on hand as required by section 130.041.

68 5. The treasurer or deputy treasurer acting on behalf of any person or organization or
69 group of persons which is a committee by virtue of the definitions of committee in section
70 130.011 and any candidate who is not excluded from forming a committee in accordance with
71 the provisions of section 130.016 shall file a statement of organization with the appropriate
72 officer within twenty days after the person or organization becomes a committee but no later than
73 [the date for filing the first report required pursuant to the provisions of section 130.046] **thirty**
74 **days prior to the election for which the committee receives contributions or makes**
75 **expenditures, except that a political action committee shall file a statement of organization**
76 **with the appropriate officer no later than sixty days prior to the election for which the**
77 **committee receives contributions or makes expenditures.** The statement of organization shall
78 contain the following information:

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

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

86 (3) The name, mailing address and telephone number of the committee treasurer, and the
87 name, mailing address and telephone number of its deputy treasurer if the committee has named
88 a deputy treasurer;

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

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

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

95 (7) Identification of the major nature of the committee such as a candidate committee,
96 campaign committee, [continuing] **political action** committee, political party committee,
97 incumbent committee, or any other committee according to the definition of committee in section
98 130.011;

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

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

105 [(10)] (9) The ballot measure concerned, if any, and whether the committee is in favor
106 of or opposed to such measure.

107 6. A committee may omit the information required in subdivisions **(8) and (9)** [and (10)]
108 of subsection 5 of this section if, on the date on which it is required to file a statement of
109 organization, the committee has not yet determined the particular candidates or particular ballot
110 measures it will support or oppose. **A committee shall file an amended statement of**
111 **organization within twenty-four hours of determining the particular candidates it will**
112 **support or oppose, determining the particular ballot measures it will support or oppose,**
113 **receiving a contribution, or incurring an expenditure.**

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

120 8. **A campaign committee shall terminate either thirty days after the general**
121 **election or upon the satisfaction of all committee debt after the general election, whichever**
122 **is later, except that no committee retiring debt shall engage in any other activities in**
123 **support of a measure for which the committee was formed. A candidate committee shall**
124 **continue in existence for use by an elected candidate or shall terminate on the later of**
125 **either thirty days after the general election for a candidate who was not elected or upon the**
126 **satisfaction of all committee debt after the election, except that no committee retiring debt**
127 **shall engage in any activities in support of the candidate for which the committee was**
128 **formed.** Upon termination of a committee, a termination statement indicating dissolution shall
129 be filed not later than ten days after the date of dissolution with the appropriate officer or officers
130 with whom the committee's statement of organization was filed. The termination statement shall
131 include: the distribution made of any remaining surplus funds and the disposition of any deficits;
132 and the name, mailing address and telephone number of the individual responsible for preserving
133 the committee's records and accounts as required in section 130.036.

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

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

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

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

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

152 12. Each [legislative and senatorial district] committee shall retain only one address [in
153 the district it sits] for the purpose of receiving contributions **and a post office box shall not**
154 **qualify as an acceptable address for the purposes of this subsection. No committee shall**
155 **have the same address as any other committee.**

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

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

16 (1) In the case of candidates for the offices of governor, lieutenant
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.]

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, county
40 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 or her] **the member's** membership, or discharge or discriminate or threaten to
5 discriminate against any employee in this state, with respect to [his or her] **the employee's**
6 compensation, terms, conditions or privileges of employment by reason of [his] **the employee's**
7 political beliefs or opinions; or

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

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

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

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

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

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

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

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] **the member's** membership, or discharge or discriminate or threaten to discriminate
5 against any employee in this state, with respect to [his] **the employee's** compensation, terms,
6 conditions or privileges of employment by reason of [his] **the employee's** political beliefs or
7 opinions; or

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

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

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

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

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

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

32 4. Any person aggrieved by any act prohibited by this section shall, in addition to any
33 other remedy provided by law, be entitled to maintain within one year from the date of the
34 prohibited act, a civil action in the courts of this state, and if successful, [he] **such person** shall
35 be awarded civil damages of not less than one hundred dollars and not more than one thousand
36 dollars, together with [his] **such person's** costs, including reasonable attorney's fees. Each
37 violation shall be a separate cause of 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. **(1)** 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, **or with the intent to**, conceal the identity of the
18 actual source of the contribution or the actual recipient and purpose of the expenditure. [Any
19 person who receives contributions for a committee shall disclose to that committee's treasurer,
20 deputy treasurer or candidate the recipient's own name and address and the name and address of
21 the actual source of each contribution such person has received for that committee. Any person
22 who makes expenditures for a committee shall disclose to that committee's treasurer, deputy
23 treasurer or candidate such person's own name and address, the name and address of each person
24 to whom an expenditure has been made and the amount and purpose of the expenditures the
25 person has made for that committee.]

26 **(2) No contribution shall be made or accepted, and no expenditure shall be made**
27 **or incurred, with the intent to conceal the identity of the actual source of the contribution**
28 **or the actual recipient and purpose of the expenditure. There shall be a rebuttable**
29 **presumption that a contribution is made or accepted or an expenditure is made or incurred**
30 **with the intent to conceal the identity of the actual source of the contribution or the actual**
31 **recipient and purpose of the expenditure when the source of a contribution or the recipient**
32 **and purpose of an expenditure is purposely misreported to the ethics commission through**
33 **a repeated misspelling of such source or recipient or purpose.**

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

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

41 **(b) There shall be a rebuttable presumption that a contribution is made or accepted**
42 **with the intent to circumvent the limitations on contributions imposed in this section or**
43 **section 130.032 when a contribution is received from a committee that is primarily funded**

44 by a single person, individual, or other committee that has already reached its contribution
45 limit under any law relating to contribution limitations on the receiving committee.

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

50 (d) When a committee receives a contribution from two or more committees that
51 are primarily funded by a single person, individual, or other committee, or when a
52 contribution is received from a committee that is primarily funded by a single person,
53 individual, or other committee that has already reached its contribution limit under any
54 law relating to contribution limitations on the receiving committee, the ethics commission
55 shall investigate, upon its own initiative, following the procedure for investigation in
56 section 150.959. Such investigation shall, when directed by the ethics commission, be
57 assisted by the office of the attorney general, the elections division of the office of the
58 secretary of state, or the prosecuting attorney of the county in which the violation
59 occurred. The ethics commission, office of the attorney general, elections division of the
60 office of the secretary of state, and any prosecuting attorney of any county or city not
61 within a county assisting an investigation under this paragraph may use electronic
62 communication devices for matters related to such investigation, including telephones and
63 videoconferencing, when subject to shortened time limits required for an investigation
64 under this paragraph.

65 (4) Any person who receives contributions for a committee shall disclose to that
66 committee's treasurer, deputy treasurer, or candidate the recipient's own name and
67 address and the name and address of the actual source of each contribution such person
68 has received for the committee. Any person who makes expenditures for a committee shall
69 disclose to that committee's treasurer, deputy treasurer, or candidate such person's own
70 name and address, the name and address of each person to whom an expenditure has been
71 made, and the amount and purpose of the expenditures such person has made for that
72 committee.

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

74 (a) For the first violation, the ethics commission shall notify such person of such
75 contribution made or accepted or expenditure made or incurred in violation of this
76 subsection within five days of determining that a violation has occurred, and such person
77 shall be subject to a civil penalty of not less than five thousand dollars and shall return the
78 contribution made or accepted or recover the expenditure made or incurred in violation
79 of this subsection within ten days of such notification. If such contribution made or

80 **accepted in violation of this subsection is not returned or expenditure made or incurred in**
81 **violation of this subsection is not recovered within ten days, the ethics commission may**
82 **impose a fine in an amount not less than the amount of the contribution made or accepted**
83 **or the expenditure made or incurred in violation of this subsection, but such fine shall not**
84 **be more than three times the amount of the contribution made or accepted or expenditure**
85 **made or incurred in violation of this subsection;**

86 **(b) For the second violation, the person making or accepting the contribution or**
87 **making or incurring the expenditure in violation of this subsection shall be guilty of a class**
88 **C misdemeanor, and the ethics commission may also impose a fine in an amount not less**
89 **than the amount of the contribution made or accepted or the expenditure made or incurred**
90 **in violation of this subsection, but such fine shall not be more than three times the amount**
91 **of the contribution made or accepted or expenditure made or incurred in violation of this**
92 **subsection;**

93 **(c) For the third and subsequent violations, the person making or accepting the**
94 **contribution or making or incurring the expenditure in violation of this subsection shall**
95 **be guilty of a class D felony until December 31, 2016, and a class E felony beginning**
96 **January 1, 2017, and the ethics commission may also impose a fine in an amount not less**
97 **than the amount of the contribution made or accepted or the expenditure made or incurred**
98 **in violation of this subsection, but such fine shall not be more than three times the amount**
99 **of the contribution made or accepted or expenditure made or incurred in violation of this**
100 **subsection.**

101 4. No anonymous contribution of more than twenty-five dollars shall be made by any
102 person, and no anonymous contribution of more than twenty-five dollars shall be accepted by any
103 candidate or committee. If any anonymous contribution of more than twenty-five dollars is
104 received, it shall be returned immediately to the contributor, if the contributor's identity can be
105 ascertained, and if the contributor's identity cannot be ascertained, the candidate, committee
106 treasurer or deputy treasurer shall immediately transmit that portion of the contribution which
107 exceeds twenty-five dollars to the state treasurer and it shall escheat to the state.

108 5. The maximum aggregate amount of anonymous contributions which shall be accepted
109 in any calendar year by any committee shall be the greater of five hundred dollars or one percent
110 of the aggregate amount of all contributions received by that committee in the same calendar
111 year. If any anonymous contribution is received which causes the aggregate total of anonymous
112 contributions to exceed the foregoing limitation, it shall be returned immediately to the
113 contributor, if the contributor's identity can be ascertained, and, if the contributor's identity
114 cannot be ascertained, the committee treasurer, deputy treasurer or candidate shall immediately
115 transmit the anonymous contribution to the state treasurer to escheat to the state.

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

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

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

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

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

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

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

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

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

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

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

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

150 7. No candidate or committee in this state shall accept contributions from any
151 out-of-state committee unless the out-of-state committee from whom the contributions are

152 received has filed a statement of organization pursuant to section 130.021 or has filed the reports
153 required by sections 130.049 and 130.050, whichever is applicable to that committee.

154 8. Any person publishing, circulating, or distributing any printed matter relative to any
155 candidate for public office or any ballot measure shall on the face of the printed matter identify
156 in a clear and conspicuous manner the person who paid for the printed matter with the words
157 "Paid for by" followed by the proper identification of the sponsor pursuant to this section. For
158 the purposes of this section, "printed matter" shall be defined to include any pamphlet, circular,
159 handbill, sample ballot, advertisement, including advertisements in any newspaper or other
160 periodical, sign, including signs for display on motor vehicles, or other imprinted or lettered
161 material; but "printed matter" is defined to exclude materials printed and purchased prior to May
162 20, 1982, if the candidate or committee can document that delivery took place prior to May 20,
163 1982; any sign personally printed and constructed by an individual without compensation from
164 any other person and displayed at that individual's place of residence or on that individual's
165 personal motor vehicle; any items of personal use given away or sold, such as campaign buttons,
166 pins, pens, pencils, book matches, campaign jewelry, or clothing, which is paid for by a
167 candidate or committee which supports a candidate or supports or opposes a ballot measure and
168 which is obvious in its identification with a specific candidate or committee and is reported as
169 required by this chapter; and any news story, commentary, or editorial printed by a regularly
170 published newspaper or other periodical without charge to a candidate, committee or any other
171 person.

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

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

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

185 (4) In regard to any printed matter paid for by an individual or individuals, it shall be
186 sufficient identification to print the name of the individual or individuals and the respective
187 mailing address or addresses, except that if more than five individuals join in paying for printed

188 matter it shall be sufficient identification to print the words "For a list of other sponsors contact:"
189 followed by the name and address of one such individual responsible for causing the matter to
190 be printed, and the individual identified shall maintain a record of the names and amounts paid
191 by other individuals and shall make such record available for review upon the request of any
192 person. No person shall accept for publication or printing nor shall such work be completed until
193 the printed matter is properly identified as required by this subsection.

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

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

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

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

209 **13. No gubernatorial appointee shall make any contribution to or expenditure for**
210 **the governor or the governor's candidate committee.**

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

214 **15. No committee shall transfer any funds to another committee if the treasurer of**
215 **the committee receiving the funds, or any other person acting as an agent for such**
216 **committee in receiving contributions, making expenditures, or incurring indebtedness for**
217 **such committee, is the treasurer or acts as an agent in receiving contributions, making**
218 **expenditures, or incurring indebtedness for the committee transferring the funds.**

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

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 six hundred**
6 **dollars;**

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

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

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

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

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

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

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

37 **7. Any committee that accepts or gives contributions other than those allowed shall**
38 **be subject to a surcharge of one thousand dollars plus an amount equal to the contribution**
39 **per nonallowable contribution, to be paid to the ethics commission and which shall be**

40 **transferred to the director of revenue, upon notification of such nonallowable contribution**
41 **by the ethics commission, and after the candidate has had ten business days after receipt**
42 **of notice to return the contribution to the contributor. The candidate and the candidate**
43 **committee treasurer or deputy treasurer owing a surcharge shall be personally liable for**
44 **the payment of the surcharge or may pay such surcharge only from campaign funds**
45 **existing on the date of the receipt of notice. Such surcharge shall constitute a debt to the**
46 **state enforceable under, but not limited to, the provisions of chapter 143.**

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

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

24 3. Notwithstanding the provisions of section 130.041 that only contributors of more than
25 one hundred dollars shall be reported by name and address for all committees, the committee's
26 records shall contain a listing of each contribution received by the committee, including those
27 accepted and those which are rejected and either returned to the donor or transmitted to the state
28 treasurer. Each contribution, regardless of the amount, shall be recorded by date received, name
29 and address of the contributor and the amount of the contribution, except that any contributions

30 from unidentifiable persons which are received through fund-raising activities and events as
31 permitted in subsection 6 of section 130.031 shall be recorded to show the dates and amounts
32 of all such contributions received together with information contained in statements required by
33 subsection 6 of section 130.031. The procedure for recording contributions shall be of a type
34 which enables the candidate, committee treasurer or deputy treasurer to maintain a continuing
35 total of all contributions received from any one contributor.

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

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

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

48 7. Any candidate who, pursuant to section 130.016, is exempt from the requirements to
49 form a committee shall maintain records of each contribution received or expenditure made in
50 support of his candidacy. Any other person or combination of persons who, although not
51 deemed to be a committee according to the definition of the term "committee" in section
52 130.011, accepts contributions or makes expenditures, other than direct contributions from the
53 person's own funds, for the purpose of supporting or opposing the election or defeat of any
54 candidate or for the purpose of supporting or opposing the qualifications, passage or defeat of
55 any ballot measure shall maintain records of each contribution received or expenditure made.
56 The records shall include name, address and amount pertaining to each contribution received or
57 expenditure made and any bills, receipts, cancelled checks or other documents relating to each
58 transaction.

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

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

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

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

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

(3) Receipts for the period, including:

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

(b) Total amount of all anonymous contributions accepted;

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

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

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

- 43 (f) A listing of each loan received by name and address of the lender and
44 date and amount of the loan. For each loan of more than one hundred dollars, a
45 separate statement shall be attached setting forth the name and address of the
46 lender and each person liable directly, indirectly or contingently, and the date,
47 amount and terms of the loan;
- 48 (4) Expenditures for the period, including:
- 49 (a) The total dollar amount of expenditures made by check drawn on the
50 committee's depository;
- 51 (b) The total dollar amount of expenditures made in cash;
- 52 (c) The total dollar value of all in-kind expenditures made;
- 53 (d) The full name and mailing address of each person to whom an
54 expenditure of money or any other thing of value in the amount of more than one
55 hundred dollars has been made, contracted for or incurred, together with the date,
56 amount and purpose of each expenditure. Expenditures of one hundred dollars
57 or less may be grouped and listed by categories of expenditure showing the total
58 dollar amount of expenditures in each category, except that the report shall
59 contain an itemized listing of each payment made to campaign workers by name,
60 address, date, amount and purpose of each payment and the aggregate amount
61 paid to each such worker;
- 62 (e) A list of each loan made, by name and mailing address of the person
63 receiving the loan, together with the amount, terms and date;
- 64 (5) The total amount of cash on hand as of the closing date of the
65 reporting period covered, including amounts in depository accounts and in petty
66 cash fund;
- 67 (6) The total amount of outstanding indebtedness as of the closing date
68 of the reporting period covered;
- 69 (7) The amount of expenditures for or against a candidate or ballot
70 measure during the period covered and the cumulative amount of expenditures
71 for or against that candidate or ballot measure, with each candidate being listed
72 by name, mailing address and office sought. For the purpose of disclosure
73 reports, expenditures made in support of more than one candidate or ballot
74 measure or both shall be apportioned reasonably among the candidates or ballot
75 measure or both. In apportioning expenditures to each candidate or ballot
76 measure, political party committees and political action committees need not
77 include expenditures for maintaining a permanent office, such as expenditures for
78 salaries of regular staff, office facilities and equipment or other expenditures not
79 designed to support or oppose any particular candidates or ballot measures;
80 however, all such expenditures shall be listed pursuant to subdivision (4) of this
81 subsection;
- 82 (8) A separate listing by full name and address of any committee
83 including a candidate committee controlled by the same candidate for which a
84 transfer of funds or a contribution in any amount has been made during the

85 reporting period, together with the date and amount of each such transfer or
86 contribution;

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

92 (10) Each committee that receives a contribution which is restricted or
93 designated in whole or in part by the contributor for transfer to a particular
94 candidate, committee or other person shall include a statement of the name and
95 address of that contributor in the next disclosure report required to be filed after
96 receipt of such contribution, together with the date and amount of any such
97 contribution which was so restricted or designated by that contributor, together
98 with the name of the particular candidate or committee to whom such
99 contribution was so designated or restricted by that contributor and the date and
100 amount of such contribution.

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

106 (1) In the case of a candidate committee, the period shall begin on the
107 date on which the candidate became a candidate according to the definition of the
108 term "candidate" in section 130.011 and end at 11:59 p.m. on the day of the
109 primary election, if the candidate has such an election or at 11:59 p.m. on the day
110 of the general election. If the candidate has a general election held after a
111 primary election, the next aggregating period shall begin at 12:00 midnight on the
112 day after the primary election day and shall close at 11:59 p.m. on the day of the
113 general election. Except that for contributions received during the thirty-day
114 period immediately following a primary election, the candidate shall designate
115 whether such contribution is received as a primary election contribution or a
116 general election contribution;

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

120 (3) In the case of a political party committee or a political action
121 committee, the period shall begin on the first day of January of the year in which
122 the report or statement is being filed and end on the closing date for the period
123 for which the report or statement is required; except, if the report or statement is
124 required to be filed prior to the first day of July in any given year, the period shall
125 begin on the first day of July of the preceding year.

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

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

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
8 5 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 **and a detailed description of the nature of** all in-kind
29 contributions received;

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

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

38 (4) Expenditures for the period, including:

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

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

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

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

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

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

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

58 (7) The amount of expenditures for or against a candidate or ballot measure during the
59 period covered and the cumulative amount of expenditures for or against that candidate or ballot
60 measure, with each candidate being listed by name, mailing address and office sought. For the
61 purpose of disclosure reports, expenditures made in support of more than one candidate or ballot

62 measure or both shall be apportioned reasonably among the candidates or ballot measure or both.
63 In apportioning expenditures to each candidate or ballot measure, political party committees and
64 [continuing] **political action** committees need not include expenditures for maintaining a
65 permanent office, such as expenditures for salaries of regular staff, office facilities and
66 equipment or other expenditures not designed to support or oppose any particular candidates or
67 ballot measures; however, all such expenditures shall be listed pursuant to subdivision (4) of this
68 subsection;

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

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

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

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

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

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

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

105 **3. All individuals and committees required to file disclosure reports under this**
106 **section who receive a contribution required to be reported under section 130.044 shall**
107 **include that contribution on the disclosure report for the period in which it was received**
108 **and on the disclosure report for every period thereafter in that election cycle or calendar**
109 **year as otherwise required by law or on any statement of limited activity filed under**
110 **subdivision (2) of subsection 5 of section 130.046 in lieu of a disclosure report. A**
111 **contribution required to be reported under section 130.044 that is required to be included**
112 **on a statement of limited activity under this subsection shall not be included in the**
113 **aggregate limits under subdivision (2) of subsection 5 of section 130.046.**

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

116 [4.] **5.** The words "consulting or consulting services, fees, or expenses", or similar words,
117 shall not be used to describe the purpose of a payment as required in this section. The reporting
118 of any payment to such an independent contractor shall be on a form supplied by the appropriate
119 officer, established by the ethics commission and shall include identification of the specific
120 service or services provided including, but not limited to, public opinion polling, research on
121 issues or opposition background, print or broadcast media production, print or broadcast media
122 purchase, computer programming or data entry, direct mail production, postage, rent, utilities,
123 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] **two** thousand dollars to the Missouri ethics commission within forty-eight hours
4 of receiving the contribution.

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

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

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

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

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. Such reports
6 shall contain the same content required under section 130.041 and shall be filed
7 in accordance with the standards established by the commission for electronic
8 filing and other rules the commission may deem necessary to promulgate for the
9 effective administration of this section.

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

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

4 (1) Not later than the eighth day before an election for the period closing
5 on the twelfth day before the election if the committee has made any contribution
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.

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

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

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

42 (2) If the measure has qualified to be on the ballot in an election and if
43 a committee subject to the requirements of subdivision (1) of this subsection is
44 also required to file a preelection disclosure report for such election any time
45 within thirty days after the date on which disclosure reports are required to be
46 filed in accordance with subdivision (1) of this subsection, the treasurer of such
47 committee shall not be required to file the report required by subdivision (1) of
48 this subsection, but shall include in the committee's preelection report all

49 information which would otherwise have been required by subdivision (1) of this
50 subsection.

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

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

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

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

81 4. The reports required to be filed no later than the thirtieth day after an
82 election and any subsequently required report shall be cumulative so as to reflect
83 the total receipts and disbursements of the reporting committee for the entire
84 election campaign in question. The period covered by each disclosure report
85 shall begin on the day after the closing date of the most recent disclosure report
86 filed and end on the closing date for the period covered. If the committee has not
87 previously filed a disclosure report, the period covered begins on the date the
88 committee was formed; except that in the case of a candidate committee, the
89 period covered begins on the date the candidate became a candidate according to
90 the definition of the term candidate in section 130.011.

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

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

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

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

107 (2) No disclosure report needs to be filed for any reporting period if
108 during that reporting period the committee has neither received contributions
109 aggregating more than five hundred dollars nor made expenditure aggregating
110 more than five hundred dollars and has not received contributions aggregating
111 more than three hundred dollars from any single contributor and if the
112 committee's treasurer files a statement with the appropriate officer that the
113 committee has not exceeded the identified thresholds in the reporting period.
114 Any contributions received or expenditures made which are not reported because
115 this statement is filed in lieu of a disclosure report shall be included in the next
116 disclosure report filed by the committee. This statement shall not be filed in lieu
117 of the report for two or more consecutive disclosure periods if either the
118 contributions received or expenditures made in the aggregate during those
119 reporting periods exceed five hundred dollars. This statement shall not be filed,
120 in lieu of the report, later than the thirtieth day after an election if that report
121 would show a deficit of more than one thousand dollars.

122 6. (1) If the disclosure report required to be filed by a committee not
123 later than the thirtieth day after an election shows a deficit of unpaid loans and
124 other outstanding obligations in excess of five thousand dollars, semiannual
125 supplemental disclosure reports shall be filed with the appropriate officer for each
126 succeeding semiannual period until the deficit is reported in a disclosure report
127 as being reduced to five thousand dollars or less; except that, a supplemental
128 semiannual report shall not be required for any semiannual period which includes
129 the closing date for the reporting period covered in any regular disclosure report
130 which the committee is required to file in connection with an election. The
131 reporting dates and periods covered for semiannual reports shall be not later than
132 the fifteenth day of January and July for periods closing on the thirty-first day of
133 December and the thirtieth day of June.

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

139 7. In the case of a committee which disbands and is required to file a
140 termination statement pursuant to the provisions of section 130.021 with the
141 appropriate officer not later than the tenth day after the committee was dissolved,
142 the candidate, committee treasurer or deputy treasurer shall attach to the
143 termination statement a complete disclosure report for the period closing on the
144 date of dissolution. A committee shall not utilize the provisions of subsection 8
145 of section 130.021 or the provisions of this subsection to circumvent or otherwise
146 avoid the reporting requirements of subsection 6 or 7 of this section.

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

153 9. Each candidate for the office of state representative, state senator, and
154 for statewide elected office shall file all disclosure reports described in section
155 130.041 electronically with the Missouri ethics commission. The Missouri ethics
156 commission shall promulgate rules establishing the standard for electronic filings
157 with the commission and shall propose such rules for the importation of files to
158 the reporting program.

159 10. Any rule or portion of a rule, as that term is defined in section
160 536.010, that is created under the authority delegated in this section shall become
161 effective only if it complies with and is subject to all of the provisions of chapter
162 536 and, if applicable, section 536.028. This section and chapter 536 are
163 nonseverable and if any of the powers vested with the general assembly pursuant
164 to chapter 536 to review, to delay the effective date, or to disapprove and annul
165 a rule are subsequently held unconstitutional, then the grant of rulemaking
166 authority and any rule proposed or adopted after August 28, 2006, shall be invalid
167 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] **this chapter**.

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

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

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

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

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

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

16 3. [When the commission determines that the electronic reporting system has been
17 properly implemented, the commission shall certify to all candidates and committees required
18 to file pursuant to this chapter that such electronic reporting system has been established and
19 implemented. Beginning with the primary and general elections in 2000, or the next primary or
20 general election in which the commission has made certification pursuant to this subsection,
21 whichever is later,] Candidates and all other committees shall file reports by using [either] the

22 electronic format prescribed by the commission [or paper forms provided by the commission for
23 that purpose]. [Continuing committees shall file reports by electronic format prescribed by the
24 commission, except continuing committees which make contributions equal to or less than
25 fifteen thousand dollars in the applicable calendar year. Any continuing committee which makes
26 contributions in support of or opposition to any measure or candidate equal to or less than fifteen
27 thousand dollars in the applicable calendar year shall file reports on paper forms provided by the
28 commission for that purpose or by electronic format prescribed by the commission, whichever
29 reporting method the continuing committee chooses.] The commission shall supply a computer
30 program which shall be used for filing by modem or by a common magnetic media chosen by
31 the commission. In the event that filings are performed electronically, the candidate shall file
32 a signed original written copy within five working days; except that, if a means becomes
33 available which will allow a verifiable electronic signature, the commission may also accept this
34 in lieu of a written statement.

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

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

49 [6.] 5. All records that are in electronic format, not otherwise closed by law, shall be
50 available in electronic format to the public. The commission shall maintain and provide for
51 public inspection, a listing of all reports with a complete description for each field contained on
52 the report, that has been used to extract information from their database files. The commission
53 shall develop a report or reports which contain every field in each database.

54 [7.] 6. Annually, the commission shall provide, without cost, a system-wide dump of
55 information contained in the commission's electronic database files to the general assembly. The
56 information is to be copied onto a medium specified by the general assembly. Such information
57 shall not contain records otherwise closed by law. It is the intent of the general assembly to

58 provide open access to the commission's records. The commission shall make every reasonable
 59 effort to comply with requests for information and shall take a liberal interpretation when
 60 considering such requests.

**130.073. 1. In addition to or in lieu of any other penalty imposed in this chapter,
 2 the ethics commission may direct the secretary of state to remove a candidate for office
 3 from the ballot if:**

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

7 **(2) The violation occurred either:**

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

10 **(b) In any year in which a special election is scheduled, from the opening of the
 11 period of candidate filing to the special election day and the candidate is a candidate on the
 12 special election ballot; and**

13 **(3) The ethics commission, a judicial body, or a quasi-judicial body finds that the
 14 candidate violated subdivision (3) of subsection 3 of section 130.031, and such finding
 15 occurs before the general election day.**

16 **2. If a candidate is removed from the ballot as provided in this section, such
 17 removal shall be accomplished and treated as other removals from the ballot are treated
 18 as provided in chapter 115.**

[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.]

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] **offense** of obstruction of an ethics
 2 investigation if such person, for the purpose of obstructing or preventing an ethics investigation,
 3 knowingly commits any of the following acts:

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

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

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

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

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

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

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

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

25 4. Obstruction of an ethics investigation under this section is a class [A misdemeanor]
26 **D felony until December 31, 2016, and a class E felony beginning January 1, 2017.**

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

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

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

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

9 (4) "Public governmental body", any legislative, administrative or governmental entity
10 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 and using state-funded**
59 **equipment for their official communications. This paragraph shall be construed to apply**
60 **to individual members of the general assembly and the staff or employees of such**
61 **members;**

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

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

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

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

Section B. The provisions of this act shall become effective on January 1, 2016.

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