

SECOND REGULAR SESSION

HOUSE BILL NO. 2062

98TH GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVE ARTHUR.

5693H.011

D. ADAM CRUMBLISS, Chief Clerk

AN ACT

To repeal section 130.011 as enacted by senate bill no. 844, ninety-fifth general assembly, second regular session, and section 130.011 as enacted by house bill no. 1900, ninety-third general assembly, second regular session, and to enact in lieu thereof two new sections relating to disclosure requirements to the ethics commission, with an effective date and a penalty provision.

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

Section A. Section 130.011 as enacted by senate bill no. 844, ninety-fifth general assembly, second regular session, and section 130.011 as enacted by house bill no. 1900, ninety-third general assembly, second regular session, are repealed and two new sections enacted in lieu thereof, to be known as sections 130.011 and 130.062, to read as follows:

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

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

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

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

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.

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.]

310

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

107 than sixty days prior to the election for which the committee receives contributions or makes
108 expenditures;

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

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

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

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

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

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

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

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

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

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

149 (i) "Contribution" does not include:

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

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

158 c. Interest earned on deposit of committee funds;

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

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

165 (14) **"Covered communication":**

166 **(a) Paid advertisements broadcast over radio, television, cable, or satellite in this**
167 **state;**

168 **(b) Paid placement of content on the internet or other electronic communication**
169 **network targeted to voters in this state;**

170 **(c) Paid advertisements published in a periodical or on a billboard in this state;**

171 **(d) Paid telephone communications to five hundred or more households in this**
172 **state;**

173 **(e) Mailings sent or distributed through the United States Postal Service or similar**
174 **private mail carriers to two thousand or more recipients in this state; and**

175 **(f) Printed materials exceeding two thousand copies distributed in this state;**

176 **(15) "Covered organization", any organization that is exempt from taxation under**
177 **Section 501(c)(4) of the Internal Revenue Code of 1986, as amended;**

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

181 [(15)] **(17)** "Election", any primary, general or special election held to nominate or elect
182 an individual to public office, to retain or recall an elected officeholder or to submit a ballot
183 measure to the voters, and any caucus or other meeting of a political party or a political party
184 committee at which that party's candidate or candidates for public office are officially selected.
185 A primary election and the succeeding general election shall be considered separate elections;

186 **(18) "Electioneering activities":**

187 **(a) Any covered communication that influences or attempts to influence the action**
188 **of voters for or against the nomination or election to public office of one or more**
189 **candidates or the qualification, passage, or defeat of any ballot measure; and**

190 **(b) Any covered communication made within forty-five days of a primary election**
191 **or ninety days of a general election that:**

192 **a. Identifies or depicts a particular candidate by name but does not specifically call**
193 **for his or her election or defeat; or**

194 **b. Identifies or depicts a particular ballot measure by name or by its proposition**
195 **or amendment number but does not specifically call for its qualification, passage, or defeat;**

196 [(16)] **(19)** "Expenditure", a payment, advance, conveyance, deposit, donation or
197 contribution of money or anything of value for the purpose of supporting or opposing the
198 nomination or election of any candidate for public office or the qualification or passage of any
199 ballot measure or for the support of any committee which in turn supports or opposes any
200 candidate or ballot measure or for the purpose of paying a previously incurred campaign debt or
201 obligation of a candidate or the debts or obligations of a committee; a payment, or an agreement
202 or promise to pay, money or anything of value, including a candidate's own money or property,
203 for the purchase of goods, services, property, facilities or anything of value for the purpose of
204 supporting or opposing the nomination or election of any candidate for public office or the
205 qualification or passage of any ballot measure or for the support of any committee which in turn
206 supports or opposes any candidate or ballot measure or for the purpose of paying a previously
207 incurred campaign debt or obligation of a candidate or the debts or obligations of a committee.
208 An expenditure of anything of value shall be deemed to have a money value equivalent to the
209 fair market value. "Expenditure" includes, but is not limited to:

210 **(a) Payment by anyone other than a committee for services of another person rendered**
211 **to such committee;**

- 212 (b) The purchase of tickets, goods, services or political merchandise in connection with
213 any testimonial affair or fund-raising event of or for candidates or committees, or the purchase
214 of advertising in a brochure, booklet, program or pamphlet of a candidate or committee;
- 215 (c) The transfer of funds by one committee to another committee;
- 216 (d) The direct or indirect payment by any person, other than a connected organization
217 for a committee, of the costs of establishing, administering or maintaining a committee,
218 including legal, accounting and computer services, fund raising and solicitation of contributions
219 for a committee; but
- 220 (e) "Expenditure" does not include:
- 221 a. Any news story, commentary or editorial which is broadcast or published by any
222 broadcasting station, newspaper, magazine or other periodical without charge to the candidate
223 or to any person supporting or opposing a candidate or ballot measure;
- 224 b. The internal dissemination by any membership organization, proprietorship, labor
225 organization, corporation, association or other entity of information advocating the election or
226 defeat of a candidate or candidates or the passage or defeat of a ballot measure or measures to
227 its directors, officers, members, employees or security holders, provided that the cost incurred
228 is reported pursuant to subsection 2 of section 130.051;
- 229 c. Repayment of a loan, but such repayment shall be indicated in required reports;
- 230 d. The rendering of voluntary personal services by an individual of the sort commonly
231 performed by volunteer campaign workers and the payment by such individual of the individual's
232 necessary and ordinary personal expenses incidental to such volunteer activity, provided no
233 compensation is, directly or indirectly, asked or given;
- 234 e. The costs incurred by any connected organization listed pursuant to subdivision [(4)]
235 (5) of subsection 5 of section 130.021 for establishing, administering or maintaining a
236 committee, or for the solicitation of contributions to a committee which solicitation is solely
237 directed or related to the members, officers, directors, employees or security holders of the
238 connected organization;
- 239 f. The use of a candidate's own money or property for expense of the candidate's personal
240 food, lodging, travel, and payment of any fee necessary to the filing for public office, if such
241 expense is not reimbursed to the candidate from any source;
- 242 [(17)] (20) "Exploratory committees", a committee which shall be formed by an
243 individual to receive contributions and make expenditures on behalf of this individual in
244 determining whether or not the individual seeks elective office.
245 Such committee shall terminate no later than December thirty-first of the year prior to the general
246 election for the possible office;

247 [(18)] **(21)** "Fund-raising event", an event such as a dinner, luncheon, reception, coffee,
248 testimonial, rally, auction or similar affair through which contributions are solicited or received
249 by such means as the purchase of tickets, payment of attendance fees, donations for prizes or
250 through the purchase of goods, services or political merchandise;

251 [(19)] **(22)** "In-kind contribution" or "in-kind expenditure", a contribution or expenditure
252 in a form other than money;

253 [(20)] **(23)** "Labor organization", any organization of any kind, or any agency or
254 employee representation committee or plan, in which employees participate and which exists for
255 the purpose, in whole or in part, of dealing with employers concerning grievances, labor disputes,
256 wages, rates of pay, hours of employment, or conditions of work;

257 [(21)] **(24)** "Loan", a transfer of money, property or anything of ascertainable monetary
258 value in exchange for an obligation, conditional or not, to repay in whole or in part and which
259 was contracted, used, or intended for use in an election campaign, or which was made or
260 received by a committee or which was contracted, used, or intended to pay previously incurred
261 campaign debts or obligations of a candidate or the debts or obligations of a committee;

262 [(22)] **(25)** "Person", an individual, group of individuals, corporation, partnership,
263 committee, proprietorship, joint venture, any department, agency, board, institution or other
264 entity of the state or any of its political subdivisions, union, labor organization, trade or
265 professional or business association, association, political party or any executive committee
266 thereof, or any other club or organization however constituted or any officer or employee of such
267 entity acting in the person's official capacity;

268 [(23)] **(26)** "Political merchandise", goods such as bumper stickers, pins, hats, ties,
269 jewelry, literature, or other items sold or distributed at a fund-raising event or to the general
270 public for publicity or for the purpose of raising funds to be used in supporting or opposing a
271 candidate for nomination or election or in supporting or opposing the qualification, passage or
272 defeat of a ballot measure;

273 [(24)] **(27)** "Political party", a political party which has the right under law to have the
274 names of its candidates listed on the ballot in a general election;

275 [(25)] **(28)** "Political party committee", a state, district, county, city, or area committee
276 of a political party, as defined in section 115.603, which may be organized as a not-for-profit
277 corporation under Missouri law, and which committee is of continuing existence, and has the
278 primary or incidental purpose of receiving contributions and making expenditures to influence
279 or attempt to influence the action of voters on behalf of the political party;

280 [(26)] **(29)** "Public office" or "office", any state, judicial, county, municipal, school or
281 other district, ward, township, or other political subdivision office or any political party office
282 which is filled by a vote of registered voters;

283 [(27)] (30) "Regular session", includes that period beginning on the first Wednesday
284 after the first Monday in January and ending following the first Friday after the second Monday
285 in May;

286 [(28)] (31) "Write-in candidate", an individual whose name is not printed on the ballot
287 but who otherwise meets the definition of candidate in subdivision (3) of this section.

**130.062. 1. By January thirty-first of each year, any covered organization that
2 made expenditures for the purpose of electioneering activities by means of a covered
3 communication, or that made a contribution, including in-kind contributions, to a
4 committee in the previous calendar year shall disclose in an electronic disclosure report to
5 the ethics commission:**

6 (1) All expenditures made for purposes of electioneering activities by means of a
7 covered communication in the previous calendar year;

8 (2) All contributions, including in-kind contributions, to a committee in the
9 previous calendar year;

10 (3) The percentage of its total expenditures from the previous calendar year for
11 purposes of electioneering activities by means of a covered communication;

12 (4) The percentage of its total expenditures made from the previous calendar year
13 for contributions, including in-kind contributions, to a committee during the previous
14 calendar year;

15 (5) The name and address of each person or entity making any single donation over
16 one thousand dollars, and each person or entity who has made, in the aggregate, donations
17 over one thousand dollars to such organization during the previous calendar year; and

18 (6) The date and amount of each donation over one thousand dollars, or of any
19 donation from a person who has made, in the aggregate, donations over one thousand
20 dollars to such organization during the previous calendar year.

21
22 Such information shall be a matter of public record that the ethics commission shall
23 subsequently make available to the public.

24 2. Any organization required to file disclosure reports under subsection 1 of this
25 section shall make such disclosures electronically.

26 3. (1) Any covered organization that makes expenditures in excess of five thousand
27 dollars for the purpose of electioneering activities by means of a covered communication
28 shall make an electronic disclosure report to the ethics commission within forty-eight hours
29 of exceeding such limit. The report shall state specifically the expenditure amount, the
30 person or entity receiving the expenditures, and the ballot measure or candidate such

31 expenditure concerns. If a covered communication calls specifically for the passage,
32 election, or defeat of a candidate or measure, the report shall indicate such information.

33 (2) Any covered organization that makes contributions, including in-kind
34 contributions, of over five thousand dollars to a committee shall make an electronic
35 disclosure report to the ethics commission within forty-eight hours of making such
36 contribution. The report shall specifically state the contribution amount and the
37 committee to which the contribution was made.

38 (3) Every electronic disclosure report required under this subsection shall include
39 the date and amount of each donation, as well as the name, address, and employer,
40 occupation if self-employed, or notation of retirement of each donor who has donated over
41 five thousand dollars to the covered organization in the previous twelve-month period.

42 (4) The ethics commission shall assess fees on the board of directors of a covered
43 organization in the same manner as provided in section 105.963 for failure to file reports
44 required by this section.

Section B. Section A of this act shall become effective January 1, 2017.

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