

HOUSE BILL NO. 2291

99TH GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVE CHRISTOFANELLI.

5989H.011

D. ADAM CRUMBLISS, Chief Clerk

AN ACT

To repeal sections 8.016, 105.463, and 115.364, RSMo, and sections 105.456, 105.473, 105.485, 105.957, 105.959, 105.961, 105.963, 105.966, 130.011, 130.021, 130.026, 130.041, 130.044, 130.046, 130.057, 130.071, and 226.033 as enacted by senate bill no. 844, ninety-fifth general assembly, second regular session, relating to the repeal of certain sections ruled unconstitutional.

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

Section A. Sections 8.016, 105.463, and 115.364, RSMo, and sections 105.456, 105.473, 105.485, 105.957, 105.959, 105.961, 105.963, 105.966, 130.011, 130.021, 130.026, 130.041, 130.044, 130.046, 130.057, 130.071, and 226.033 as enacted by senate bill no. 844, ninety-fifth general assembly, second regular session, are repealed, to read as follows:

~~8.016. 1. The commissioner of the office of administration shall provide each member of the senate and each member of the house of representatives with a key that accesses the dome of the state capitol.~~

~~2. The president pro tem of the senate and the speaker of the house of representatives shall be responsible for providing a training program for the members and staff of the general assembly regarding access to secured areas of the capitol building. They may consult with the office of administration and department of public safety when developing such program.]~~

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

~~(1) Perform any service for the state or any political subdivision of the state or any agency of the state or any political subdivision thereof or act in his~~

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.

6 or her official capacity or perform duties associated with his or her position for
7 any person for any consideration other than the compensation provided for the
8 performance of his or her official duties; or

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

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

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

45 ~~————— (1) Perform any service for the state or any political subdivision thereof
46 or any agency of the state or political subdivision for any consideration in excess
47 of five hundred dollars per transaction or one thousand five hundred dollars per
48 annum unless the transaction is made pursuant to an award on a contract let or~~

49 sale made after public notice and competitive bidding, provided that the bid or
50 offer accepted is the lowest received; or

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

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

66 ~~4. Any statewide elected official or member of the general assembly who~~
67 ~~accepts or agrees to accept an offer described in subsection 3 of this section is~~
68 ~~guilty of the crime of acceding to corruption under section 576.020.]~~
69

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

2 ~~[105.473. 1. Each lobbyist shall, not later than January fifth of each year~~
3 ~~or five days after beginning any activities as a lobbyist, file standardized~~
4 ~~registration forms, verified by a written declaration that it is made under the~~
5 ~~penalties of perjury, along with a filing fee of ten dollars, with the commission.~~
6 ~~The forms shall include the lobbyist's name and business address, the name and~~
7 ~~address of all persons such lobbyist employs for lobbying purposes, the name and~~
8 ~~address of each lobbyist principal by whom such lobbyist is employed or in~~
9 ~~whose interest such lobbyist appears or works. The commission shall maintain~~
10 ~~files on all lobbyists' filings, which shall be open to the public. Each lobbyist~~
11 ~~shall file an updating statement under oath within one week of any addition,~~
~~deletion, or change in the lobbyist's employment or representation. The filing fee~~

12 shall be deposited to the general revenue fund of the state. The lobbyist principal
13 or a lobbyist employing another person for lobbying purposes may notify the
14 commission that a judicial, executive or legislative lobbyist is no longer
15 authorized to lobby for the principal or the lobbyist and should be removed from
16 the commission's files.

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

24 ~~3. (1) During any period of time in which a lobbyist continues to act as~~
25 ~~an executive lobbyist, judicial lobbyist, legislative lobbyist, or elected local~~
26 ~~government official lobbyist, the lobbyist shall file with the commission on~~
27 ~~standardized forms prescribed by the commission monthly reports which shall be~~
28 ~~due at the close of business on the tenth day of the following month;~~

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

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

39 ~~(b) The total of all expenditures by the lobbyist or his or her lobbyist~~
40 ~~principals made on behalf of all elected local government officials, their staffs~~
41 ~~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.]~~

140

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

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

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

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

38 ~~(3) The name and address of any other source not reported pursuant to~~
39 ~~subdivisions (1) and (2) and subdivisions (4) to (9) of this subsection from which~~
40 ~~such person received one thousand dollars or more of income during the year~~
41 ~~covered by the statement, including, but not limited to, any income otherwise~~
42 ~~required to be reported on any tax return such person is required by law to file;~~
 ~~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 affinity~~
95 ~~to the person filing the statement; or~~
- 96 ~~_____ (d) Expenses which are reported by the campaign committee or candidate~~
97 ~~committee of the person filing the statement pursuant to the provisions of chapter~~
98 ~~130; or~~
- 99 ~~_____ (e) Paid for purely personal purposes which are not related to the person's~~
100 ~~official duties by a third person who is not a lobbyist, a lobbyist principal or~~
101 ~~member, or officer or director of a member, of any association or entity which~~
102 ~~employs a lobbyist. The statement shall include the name and address of such~~
103 ~~person who paid the expenses, the date such expenses were incurred, the amount~~
104 ~~incurred, the location of the travel and lodging, and the nature of the services~~
105 ~~rendered or reason for the expenses;~~
- 106 ~~_____ (10) The assets in any revocable trust of which the individual is the~~
107 ~~settlor if such assets would otherwise be required to be reported under this~~
108 ~~section;~~
- 109 ~~_____ (11) The name, position and relationship of any relative within the first~~
110 ~~degree of consanguinity or affinity to any other person who:~~
- 111 ~~_____ (a) Is employed by the state of Missouri, by a political subdivision of the~~
112 ~~state or special district, as defined in section 115.013, of the state of Missouri;~~
- 113 ~~_____ (b) Is a lobbyist; or~~
- 114 ~~_____ (c) Is a fee agent of the department of revenue;~~
- 115 ~~_____ (12) The name and address of each campaign committee, political party~~
116 ~~committee, candidate committee, or political action committee for which such~~
117 ~~person or any corporation listed on such person's financial interest statement~~
118 ~~received payment; and~~
- 119 ~~_____ (13) For members of the general assembly or any statewide elected public~~
120 ~~official, their spouses, and their dependent children, whether any state tax credits~~
121 ~~were claimed on the member's, spouse's, or dependent child's most recent state~~
122 ~~income tax return.~~
- 123 ~~_____ 3. For the purposes of subdivisions (1), (2) and (3) of subsection 2 of this~~
124 ~~section, an individual shall be deemed to have received a salary from his~~
125 ~~employer or income from any source at the time when he shall receive a~~
126 ~~negotiable instrument whether or not payable at a later date and at the time when~~
127 ~~under the practice of his employer or the terms of an agreement he has earned or~~
128 ~~is entitled to anything of actual value whether or not delivery of the value is~~

129 deferred or right to it has vested. The term "income" as used in this section shall
130 have the same meaning as provided in the Internal Revenue Code of 1986, and
131 amendments thereto, as the same may be or becomes effective, at any time or
132 from time to time for the taxable year, provided that income shall not be
133 considered received or earned for purposes of this section from a partnership or
134 sole proprietorship until such income is converted from business to personal use.

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

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

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

158 ~~(b) The date and the identities of the parties to each transaction known~~
159 ~~to the person with a total value in excess of five hundred dollars, if any, that any~~
160 ~~business entity in which such person had a substantial interest, had with the~~
161 ~~political subdivision, other than payment of any tax, fee or penalty due to the~~
162 ~~political subdivision or transactions involving payment for providing utility~~
163 ~~service to the political subdivision, and other than transfers for no consideration~~
164 ~~to the political subdivision;~~

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

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

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

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

2 ~~————— (1) The requirements imposed on lobbyists by sections 105.470 to~~
3 ~~105.478;~~
4

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.]~~
51

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

10 ~~2. (1) If there are reasonable grounds to believe that a violation has~~
11 ~~occurred and after the commission unanimously votes to proceed with all six~~
12 ~~members voting, the executive director shall, without receipt of a complaint,~~
13 ~~conduct an independent investigation of any potential violations of the provisions~~
14 ~~of:~~

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

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

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

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

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

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

29 ~~(2) If an investigation conducted under this subsection fails to establish~~
30 ~~reasonable grounds to believe that a violation has occurred, the investigation shall~~

31 be terminated and the person who had been under investigation shall be notified
 32 of the reasons for the disposition of the complaint.

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

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

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

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

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

57

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

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

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

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

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

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

59 the procedures provided by sections 536.063 to 536.090 and shall be considered
60 to be a contested case for purposes of such sections. The commission shall
61 determine, in its discretion, whether or not that there is probable cause that a
62 violation has occurred. If the commission determines, by a vote of at least four
63 members of the commission, that probable cause exists that a violation has
64 occurred, the commission may refer its findings and conclusions to the
65 appropriate disciplinary authority over the person who is the subject of the report,
66 as described in subsection 8 of this section.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

160 ~~_____ (3) To administer oaths and affirmations;~~

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

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

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

185 ~~_____ (2) By vote of four members of the commission, the commission may~~
186 ~~disqualify a judge from a particular investigation or may permanently remove the~~

187 name of any retired judge from the list of special investigators subject to
188 appointment by the commission.

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

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

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

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

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

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

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

230 pay the same out of any appropriations made for this purpose on the last day of
231 the month during which the warrant was received by the state treasurer.]
232

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

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

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

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

38 ~~5. The executive director of the Missouri ethics commission shall collect~~
39 ~~such late filing fees as are provided for in this section. Unpaid late filing fees~~
40 ~~shall be collected by action filed by the commission. The commission shall~~
~~contract with the appropriate entity to collect such late filing fees after a~~

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

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

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

65 ~~[105.966. 1. The ethics commission shall complete and make~~
 2 ~~determinations pursuant to subsection 1 of section 105.961 on all complaint~~
 3 ~~investigations within ninety days of initiation.~~

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

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

9 ~~[130.011. As used in this chapter, unless the context clearly indicates~~
 2 ~~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
114 to establish, administer or maintain a committee or to solicit contributions to a
115 committee from its members, officers, directors, employees or security holders.
116 An organization shall be deemed to be the connected organization if more than
117 fifty percent of the persons making contributions to the committee during the
118 current calendar year are members, officers, directors, employees or security
119 holders of such organization or their spouses;~~

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

- 129 ~~_____ (a) A candidate's own money or property used in support of the person's~~
130 ~~_____ candidacy other than expense of the candidate's food, lodging, travel, and~~
131 ~~_____ payment of any fee necessary to the filing for public office;~~
- 132 ~~_____ (b) Payment by any person, other than a candidate or committee, to~~
133 ~~_____ compensate another person for services rendered to that candidate or committee;~~
- 134 ~~_____ (c) Receipts from the sale of goods and services, including the sale of~~
135 ~~_____ advertising space in a brochure, booklet, program or pamphlet of a candidate or~~
136 ~~_____ committee and the sale of tickets or political merchandise;~~
- 137 ~~_____ (d) Receipts from fund-raising events including testimonial affairs;~~
- 138 ~~_____ (e) Any loan, guarantee of a loan, cancellation or forgiveness of a loan~~
139 ~~_____ or debt or other obligation by a third party, or payment of a loan or debt or other~~
140 ~~_____ obligation by a third party if the loan or debt or other obligation was contracted,~~
141 ~~_____ used, or intended, in whole or in part, for use in an election campaign or used or~~
142 ~~_____ intended for the payment of such debts or obligations of a candidate or committee~~
143 ~~_____ previously incurred, or which was made or received by a committee;~~
- 144 ~~_____ (f) Funds received by a committee which are transferred to such~~
145 ~~_____ committee from another committee or other source, except funds received by a~~
146 ~~_____ candidate committee as a transfer of funds from another candidate committee~~
147 ~~_____ controlled by the same candidate but such transfer shall be included in the~~
148 ~~_____ disclosure reports;~~
- 149 ~~_____ (g) Facilities, office space or equipment supplied by any person to a~~
150 ~~_____ candidate or committee without charge or at reduced charges, except gratuitous~~
151 ~~_____ space for meeting purposes which is made available regularly to the public,~~
152 ~~_____ including other candidates or committees, on an equal basis for similar purposes~~
153 ~~_____ on the same conditions;~~
- 154 ~~_____ (h) The direct or indirect payment by any person, other than a connected~~
155 ~~_____ organization, of the costs of establishing, administering, or maintaining a~~
156 ~~_____ committee, including legal, accounting and computer services, fund raising and~~
157 ~~_____ solicitation of contributions for a committee;~~
- 158 ~~_____ (i) "Contribution" does not include:~~
- 159 ~~_____ a. Ordinary home hospitality or services provided without compensation~~
160 ~~_____ by individuals volunteering their time in support of or in opposition to a~~
161 ~~_____ candidate, committee or ballot measure, nor the necessary and ordinary personal~~
162 ~~_____ expenses of such volunteers incidental to the performance of voluntary activities,~~
163 ~~_____ so long as no compensation is directly or indirectly asked or given;~~
- 164 ~~_____ b. An offer or tender of a contribution which is expressly and~~
165 ~~_____ unconditionally rejected and returned to the donor within ten business days after~~
166 ~~_____ receipt or transmitted to the state treasurer;~~
- 167 ~~_____ c. Interest earned on deposit of committee funds;~~
- 168 ~~_____ d. The costs incurred by any connected organization listed pursuant to~~
169 ~~_____ subdivision (4) of subsection 5 of section 130.021 for establishing, administering~~
170 ~~_____ or maintaining a committee, or for the solicitation of contributions to a committee~~

171 which solicitation is solely directed or related to the members, officers, directors,
172 employees or security holders of the connected organization;
173 ~~————— (12) "County", any one of the several counties of this state or the city of~~
174 ~~St. Louis;~~
175 ~~————— (13) "Disclosure report", an itemized report of receipts, expenditures and~~
176 ~~incurred indebtedness which is prepared on forms approved by the Missouri~~
177 ~~ethics commission and filed at the times and places prescribed;~~
178 ~~————— (14) "Election", any primary, general or special election held to nominate~~
179 ~~or elect an individual to public office, to retain or recall an elected officeholder~~
180 ~~or to submit a ballot measure to the voters, and any caucus or other meeting of~~
181 ~~a political party or a political party committee at which that party's candidate or~~
182 ~~candidates for public office are officially selected. A primary election and the~~
183 ~~succeeding general election shall be considered separate elections;~~
184 ~~————— (15) "Expenditure", a payment, advance, conveyance, deposit, donation~~
185 ~~or contribution of money or anything of value for the purpose of supporting or~~
186 ~~opposing the nomination or election of any candidate for public office or the~~
187 ~~qualification or passage of any ballot measure or for the support of any committee~~
188 ~~which in turn supports or opposes any candidate or ballot measure or for the~~
189 ~~purpose of paying a previously incurred campaign debt or obligation of a~~
190 ~~candidate or the debts or obligations of a committee; a payment, or an agreement~~
191 ~~or promise to pay, money or anything of value, including a candidate's own~~
192 ~~money or property, for the purchase of goods, services, property, facilities or~~
193 ~~anything of value for the purpose of supporting or opposing the nomination or~~
194 ~~election of any candidate for public office or the qualification or passage of any~~
195 ~~ballot measure or for the support of any committee which in turn supports or~~
196 ~~opposes any candidate or ballot measure or for the purpose of paying a previously~~
197 ~~incurred campaign debt or obligation of a candidate or the debts or obligations~~
198 ~~of a committee. An expenditure of anything of value shall be deemed to have a~~
199 ~~money value equivalent to the fair market value. "Expenditure" includes, but is~~
200 ~~not limited to:~~
201 ~~————— (a) Payment by anyone other than a committee for services of another~~
202 ~~person rendered to such committee;~~
203 ~~————— (b) The purchase of tickets, goods, services or political merchandise in~~
204 ~~connection with any testimonial affair or fund-raising event of or for candidates~~
205 ~~or committees, or the purchase of advertising in a brochure, booklet, program or~~
206 ~~pamphlet of a candidate or committee;~~
207 ~~————— (c) The transfer of funds by one committee to another committee;~~
208 ~~————— (d) The direct or indirect payment by any person, other than a connected~~
209 ~~organization for a committee, of the costs of establishing, administering or~~
210 ~~maintaining a committee, including legal, accounting and computer services;~~
211 ~~fund raising and solicitation of contributions for a committee; but~~
212 ~~————— (e) "Expenditure" does not include:~~

- 213 ~~_____ a. Any news story, commentary or editorial which is broadcast or~~
214 ~~published by any broadcasting station, newspaper, magazine or other periodical~~
215 ~~without charge to the candidate or to any person supporting or opposing a~~
216 ~~candidate or ballot measure;~~
- 217 ~~_____ b. The internal dissemination by any membership organization,~~
218 ~~proprietorship, labor organization, corporation, association or other entity of~~
219 ~~information advocating the election or defeat of a candidate or candidates or the~~
220 ~~passage or defeat of a ballot measure or measures to its directors, officers,~~
221 ~~members, employees or security holders, provided that the cost incurred is~~
222 ~~reported pursuant to subsection 2 of section 130.051;~~
- 223 ~~_____ c. Repayment of a loan, but such repayment shall be indicated in required~~
224 ~~reports;~~
- 225 ~~_____ d. The rendering of voluntary personal services by an individual of the~~
226 ~~sort commonly performed by volunteer campaign workers and the payment by~~
227 ~~such individual of the individual's necessary and ordinary personal expenses~~
228 ~~incidental to such volunteer activity, provided no compensation is, directly or~~
229 ~~indirectly, asked or given;~~
- 230 ~~_____ e. The costs incurred by any connected organization listed pursuant to~~
231 ~~subdivision (4) of subsection 5 of section 130.021 for establishing, administering~~
232 ~~or maintaining a committee, or for the solicitation of contributions to a committee~~
233 ~~which solicitation is solely directed or related to the members, officers, directors,~~
234 ~~employees or security holders of the connected organization;~~
- 235 ~~_____ f. The use of a candidate's own money or property for expense of the~~
236 ~~candidate's personal food, lodging, travel, and payment of any fee necessary to~~
237 ~~the filing for public office, if such expense is not reimbursed to the candidate~~
238 ~~from any source;~~
- 239 ~~_____ (16) "Exploratory committees", a committee which shall be formed by~~
240 ~~an individual to receive contributions and make expenditures on behalf of this~~
241 ~~individual in determining whether or not the individual seeks elective office.~~
242 ~~Such committee shall terminate no later than December thirty-first of the year~~
243 ~~prior to the general election for the possible office;~~
- 244 ~~_____ (17) "Fund-raising event", an event such as a dinner, luncheon, reception,~~
245 ~~coffee, testimonial, rally, auction or similar affair through which contributions are~~
246 ~~solicited or received by such means as the purchase of tickets, payment of~~
247 ~~attendance fees, donations for prizes or through the purchase of goods, services~~
248 ~~or political merchandise;~~
- 249 ~~_____ (18) "In-kind contribution" or "in-kind expenditure", a contribution or~~
250 ~~expenditure in a form other than money;~~
- 251 ~~_____ (19) "Labor organization", any organization of any kind, or any agency~~
252 ~~or employee representation committee or plan, in which employees participate~~
253 ~~and which exists for the purpose, in whole or in part, of dealing with employers~~
254 ~~concerning grievances, labor disputes, wages, rates of pay, hours of employment,~~
255 ~~or conditions of work;~~

- 256 ~~(20) "Loan", a transfer of money, property or anything of ascertainable~~
257 ~~monetary value in exchange for an obligation, conditional or not, to repay in~~
258 ~~whole or in part and which was contracted, used, or intended for use in an~~
259 ~~election campaign, or which was made or received by a committee or which was~~
260 ~~contracted, used, or intended to pay previously incurred campaign debts or~~
261 ~~obligations of a candidate or the debts or obligations of a committee;~~
- 262 ~~(21) "Person", an individual, group of individuals, corporation,~~
263 ~~partnership, committee, proprietorship, joint venture, any department, agency,~~
264 ~~board, institution or other entity of the state or any of its political subdivisions,~~
265 ~~union, labor organization, trade or professional or business association,~~
266 ~~association, political party or any executive committee thereof, or any other club~~
267 ~~or organization however constituted or any officer or employee of such entity~~
268 ~~acting in the person's official capacity;~~
- 269 ~~(22) "Political action committee", a committee of continuing existence~~
270 ~~which is not formed, controlled or directed by a candidate, and is a committee~~
271 ~~other than a candidate committee, political party committee, campaign~~
272 ~~committee, exploratory committee, or debt service committee, whose primary or~~
273 ~~incidental purpose is to receive contributions or make expenditures to influence~~
274 ~~or attempt to influence the action of voters whether or not a particular candidate~~
275 ~~or candidates or a particular ballot measure or measures to be supported or~~
276 ~~opposed has been determined at the time the committee is required to file any~~
277 ~~statement or report pursuant to the provisions of this chapter. Such a committee~~
278 ~~includes, but is not limited to, any committee organized or sponsored by a~~
279 ~~business entity, a labor organization, a professional association, a trade or~~
280 ~~business association, a club or other organization and whose primary purpose is~~
281 ~~to solicit, accept and use contributions from the members, employees or~~
282 ~~stockholders of such entity and any individual or group of individuals who accept~~
283 ~~and use contributions to influence or attempt to influence the action of voters.~~
284 ~~Such committee shall be formed no later than sixty days prior to the election for~~
285 ~~which the committee receives contributions or makes expenditures;~~
- 286 ~~(23) "Political merchandise", goods such as bumper stickers, pins, hats,~~
287 ~~ties, jewelry, literature, or other items sold or distributed at a fund-raising event~~
288 ~~or to the general public for publicity or for the purpose of raising funds to be used~~
289 ~~in supporting or opposing a candidate for nomination or election or in supporting~~
290 ~~or opposing the qualification, passage or defeat of a ballot measure;~~
- 291 ~~(24) "Political party", a political party which has the right under law to~~
292 ~~have the names of its candidates listed on the ballot in a general election;~~
- 293 ~~(25) "Political party committee", a committee of a political party which~~
294 ~~may be organized as a not-for-profit corporation under Missouri law and has the~~
295 ~~primary or incidental purpose of receiving contributions and making expenditures~~
296 ~~to influence or attempt to influence the action of voters on behalf of the political~~
297 ~~party. Political party committees shall only take the following forms:~~

- 298 ~~————— (a) One congressional district committee per political party for each~~
- 299 ~~congressional district in the state; and~~
- 300 ~~————— (b) One state party committee per political party;~~
- 301 ~~————— (26) "Public office" or "office", any state, judicial, county, municipal,~~
- 302 ~~school or other district, ward, township, or other political subdivision office or~~
- 303 ~~any political party office which is filled by a vote of registered voters;~~
- 304 ~~————— (27) "Regular session", includes that period beginning on the first~~
- 305 ~~Wednesday after the first Monday in January and ending following the first~~
- 306 ~~Friday after the second Monday in May;~~
- 307 ~~————— (28) "Write-in candidate", an individual whose name is not printed on the~~
- 308 ~~ballot but who otherwise meets the definition of candidate in subdivision (4) of~~
- 309 ~~this section.]~~
- 310

2 ~~[130.021. 1. Every committee shall have a treasurer who, except as~~

3 ~~provided in subsection 10 of this section, shall be a resident of this state. A~~

4 ~~committee may also have a deputy treasurer who, except as provided in~~

5 ~~subsection 10 of this section, shall be a resident of this state and serve in the~~

6 ~~capacity of committee treasurer in the event the committee treasurer is unable for~~

7 ~~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 in~~
68 ~~which or through which it is held in an attachment to disclosure reports the~~
69 ~~committee is required to file. Proceeds from an investment such as interest or~~
70 ~~dividends or proceeds from its sale, shall be reported by date and amount. In the~~
71 ~~case of the sale of an investment, the names and addresses of the persons~~
72 ~~involved in the transaction shall also be stated. Funds held in savings accounts~~

73 and investments, including interest earned, shall be included in the report of
74 money on hand as required by section 130.041.

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

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

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

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

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

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

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

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

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

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

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

113 ~~6. A committee may omit the information required in subdivisions (9)~~
114 ~~and (10) of subsection 5 of this section if, on the date on which it is required to~~

115 file a statement of organization, the committee has not yet determined the
 116 particular candidates or particular ballot measures it will support or oppose.

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

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

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

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

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

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

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

152

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
 other district which is situated within the jurisdiction of more than one election

6 authority, as defined herein, the election authority is the one in whose jurisdiction
7 the candidate resides or, in the case of ballot measures, the one in whose
8 jurisdiction the most populous portion of the political subdivision or district for
9 which an election is held is situated, except that a county clerk or a county board
10 of election commissioners shall be the election authority for all candidates for
11 elective county offices other than county clerk and for any countywide ballot
12 measures:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

55 ~~————— (2) If the committee makes or anticipates making expenditures other than~~
 56 ~~direct contributions which aggregate more than five hundred dollars to support~~
 57 ~~or oppose one or more candidates or ballot measures in the same political~~
 58 ~~subdivision or district for which the appropriate officer is an election authority~~
 59 ~~other than the one for the county in which the committee is domiciled, the~~
 60 ~~appropriate officers for that committee shall include such other election authority~~
 61 ~~or authorities, except that committees covered by this subsection need not file~~
 62 ~~statements required by section 130.021 and reports required by subsections 6, 7~~
 63 ~~and 8 of section 130.046 with any appropriate officer other than those set forth~~
 64 ~~in subdivision (1) of this subsection.~~

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

~~[130.041. 1. Except as provided in subsection 5 of section 130.016, the~~
 2 ~~candidate, if applicable, treasurer or deputy treasurer of every committee which~~
 3 ~~is required to file a statement of organization, shall file a legibly printed or typed~~
 4 ~~disclosure report of receipts and expenditures. The reports shall be filed with the~~
 5 ~~appropriate officer designated in section 130.026 at the times and for the periods~~
 6 ~~prescribed in section 130.046. Except as provided in sections 130.049 and~~
 7 ~~130.050, each report shall set forth:~~

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

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

15 ~~————— (3) Receipts for the period, including:~~

16 ~~————— (a) Total amount of all monetary contributions received which can be~~
 17 ~~identified in the committee's records by name and address of each contributor.~~
 18 ~~In addition, the candidate committee shall make a reasonable effort to obtain and~~
 19 ~~report the employer, or occupation if self-employed or notation of retirement, of~~
 20 ~~each person from whom the committee received one or more contributions which~~
 21 ~~in the aggregate total in excess of one hundred dollars and shall make a~~

- 22 reasonable effort to obtain and report a description of any contractual relationship
23 over five hundred dollars between the contributor and the state if the candidate
24 is seeking election to a state office or between the contributor and any political
25 subdivision of the state if the candidate is seeking election to another political
26 subdivision of the state;
- 27 ~~_____ (b) Total amount of all anonymous contributions accepted;~~
- 28 ~~_____ (c) Total amount of all monetary contributions received through
29 fund-raising events or activities from participants whose names and addresses
30 were not obtained with such contributions, with an attached statement or copy of
31 the statement describing each fund-raising event as required in subsection 6 of
32 section 130.031;~~
- 33 ~~_____ (d) Total dollar value of all in-kind contributions received;~~
- 34 ~~_____ (e) A separate listing by name and address and employer, or occupation
35 if self-employed or notation of retirement, of each person from whom the
36 committee received contributions, in money or any other thing of value,
37 aggregating more than one hundred dollars, together with the date and amount of
38 each such contribution;~~
- 39 ~~_____ (f) A listing of each loan received by name and address of the lender and
40 date and amount of the loan. For each loan of more than one hundred dollars, a
41 separate statement shall be attached setting forth the name and address of the
42 lender and each person liable directly, indirectly or contingently, and the date,
43 amount and terms of the loan;~~
- 44 ~~_____ (4) Expenditures for the period, including:~~
- 45 ~~_____ (a) The total dollar amount of expenditures made by check drawn on the
46 committee's depository;~~
- 47 ~~_____ (b) The total dollar amount of expenditures made in cash;~~
- 48 ~~_____ (c) The total dollar value of all in-kind expenditures made;~~
- 49 ~~_____ (d) The full name and mailing address of each person to whom an
50 expenditure of money or any other thing of value in the amount of more than one
51 hundred dollars has been made, contracted for or incurred, together with the date,
52 amount and purpose of each expenditure. Expenditures of one hundred dollars
53 or less may be grouped and listed by categories of expenditure showing the total
54 dollar amount of expenditures in each category, except that the report shall
55 contain an itemized listing of each payment made to campaign workers by name,
56 address, date, amount and purpose of each payment and the aggregate amount
57 paid to each such worker;~~
- 58 ~~_____ (e) A list of each loan made, by name and mailing address of the person
59 receiving the loan, together with the amount, terms and date;~~
- 60 ~~_____ (5) The total amount of cash on hand as of the closing date of the
61 reporting period covered, including amounts in depository accounts and in petty
62 cash fund;~~
- 63 ~~_____ (6) The total amount of outstanding indebtedness as of the closing date
64 of the reporting period covered;~~

65 ~~————— (7) The amount of expenditures for or against a candidate or ballot~~
66 ~~measure during the period covered and the cumulative amount of expenditures~~
67 ~~for or against that candidate or ballot measure, with each candidate being listed~~
68 ~~by name, mailing address and office sought. For the purpose of disclosure~~
69 ~~reports, expenditures made in support of more than one candidate or ballot~~
70 ~~measure or both shall be apportioned reasonably among the candidates or ballot~~
71 ~~measure or both. In apportioning expenditures to each candidate or ballot~~
72 ~~measure, political party committees and political action committees need not~~
73 ~~include expenditures for maintaining a permanent office, such as expenditures for~~
74 ~~salaries of regular staff, office facilities and equipment or other expenditures not~~
75 ~~designed to support or oppose any particular candidates or ballot measures;~~
76 ~~however, all such expenditures shall be listed pursuant to subdivision (4) of this~~
77 ~~subsection;~~

78 ~~————— (8) A separate listing by full name and address of any committee~~
79 ~~including a candidate committee controlled by the same candidate for which a~~
80 ~~transfer of funds or a contribution in any amount has been made during the~~
81 ~~reporting period, together with the date and amount of each such transfer or~~
82 ~~contribution;~~

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

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

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

102 ~~————— (1) In the case of a candidate committee, the period shall begin on the~~
103 ~~date on which the candidate became a candidate according to the definition of the~~
104 ~~term "candidate" in section 130.011 and end at 11:59 p.m. on the day of the~~
105 ~~primary election, if the candidate has such an election or at 11:59 p.m. on the day~~
106 ~~of the general election. If the candidate has a general election held after a~~
107 ~~primary election, the next aggregating period shall begin at 12:00 midnight on the~~

108 day after the primary election day and shall close at 11:59 p.m. on the day of the
 109 general election. Except that for contributions received during the thirty-day
 110 period immediately following a primary election, the candidate shall designate
 111 whether such contribution is received as a primary election contribution or a
 112 general election contribution;

113 ~~————— (2) In the case of a campaign committee, the period shall begin on the~~
 114 ~~date the committee received its first contribution and end on the closing date for~~
 115 ~~the period for which the report or statement is required;~~

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

122 ~~————— 3. The disclosure report shall be signed and attested by the committee~~
 123 ~~treasurer or deputy treasurer and by the candidate in case of a candidate~~
 124 ~~committee.~~

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

135

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

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

12 ~~————— 3. Any individual currently holding office as the governor, lieutenant~~
 13 ~~governor, treasurer, attorney general, secretary of state or auditor or any candidate~~
 14 ~~for such office or such person's campaign committee shall electronically report~~
 15 ~~any contribution exceeding five hundred dollars made by any contributor to his~~
 16 ~~or her campaign committee during the regular legislative session or any time~~

16 when legislation from the regular legislative session awaits gubernatorial action,
17 within forty-eight hours of receiving the contribution.

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

23 ~~5. Any rule or portion of a rule, as that term is defined in section 536.010,~~
24 ~~that is created under the authority delegated in this section shall become effective~~
25 ~~only if it complies with and is subject to all of the provisions of chapter 536 and,~~
26 ~~if applicable, section 536.028. This section and chapter 536 are nonseverable and~~
27 ~~if any of the powers vested with the general assembly pursuant to chapter 536 to~~
28 ~~review, to delay the effective date, or to disapprove and annul a rule are~~
29 ~~subsequently held unconstitutional, then the grant of rulemaking authority and~~
30 ~~any rule proposed or adopted after August 28, 2008, shall be invalid and void.]~~
31

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

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

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

15 ~~(3) Not later than the fifteenth day following the close of each calendar~~
16 ~~quarter.~~

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

25 ~~2. In the case of a ballot measure to be qualified to be on the ballot by~~
26 ~~initiative petition or referendum petition, or a recall petition seeking to remove~~

27 an incumbent from office, disclosure reports relating to the time for filing such
28 petitions shall be made as follows:

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

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

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

70 preceding the date of the election and those required by subdivisions (1) and (2)
71 of subsection 1 of this section. A political action committee shall submit
72 additional reports if it makes aggregate expenditures, other than contributions to
73 a committee, of five hundred dollars or more, within the reporting period at the
74 following times for the following periods:

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

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

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

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

92 ~~————— 5. Notwithstanding any other provisions of this chapter to the contrary:~~

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

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

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

108 ~~————— (2) No disclosure report needs to be filed for any reporting period if~~
109 ~~during that reporting period the committee has neither received contributions~~
110 ~~aggregating more than five hundred dollars nor made expenditure aggregating~~
111 ~~more than five hundred dollars and has not received contributions aggregating~~
112 ~~more than three hundred dollars from any single contributor and if the~~

113 committee's treasurer files a statement with the appropriate officer that the
114 committee has not exceeded the identified thresholds in the reporting period.
115 Any contributions received or expenditures made which are not reported because
116 this statement is filed in lieu of a disclosure report shall be included in the next
117 disclosure report filed by the committee. This statement shall not be filed in lieu
118 of the report for two or more consecutive disclosure periods if either the
119 contributions received or expenditures made in the aggregate during those
120 reporting periods exceed five hundred dollars. This statement shall not be filed,
121 in lieu of the report, later than the thirtieth day after an election if that report
122 would show a deficit of more than one thousand dollars.

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

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

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

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

154 ~~9. Each candidate for the office of state representative, state senator, and~~
155 ~~for statewide elected office shall file all disclosure reports described in section~~

156 ~~130.041 electronically with the Missouri ethics commission. The Missouri ethics~~
157 ~~commission shall promulgate rules establishing the standard for electronic filings~~
158 ~~with the commission and shall propose such rules for the importation of files to~~
159 ~~the reporting program.~~

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

169

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

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

20 ~~3. When the commission determines that the electronic reporting system~~
21 ~~has been properly implemented, the commission shall certify to all candidates and~~
22 ~~committees required to file pursuant to this chapter that such electronic reporting~~
23 ~~system has been established and implemented. Beginning with the primary and~~
24 ~~general elections in 2000, or the next primary or general election in which the~~
25 ~~commission has made certification pursuant to this subsection, whichever is later,~~
26 ~~candidates and all other committees shall file reports by using either the~~
27 ~~electronic format prescribed by the commission or paper forms provided by the~~
28 ~~commission for that purpose. Political action committees shall file reports by~~
29 ~~electronic format prescribed by the commission, except political action~~
~~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.]~~

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

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

2 ~~[226.033. Any commissioner appointed or reappointed after March 1,~~
 3 ~~2004, shall not:~~

- 4 ~~(1) Host or manage a political fund-raiser or solicit funds for any~~
 5 ~~candidate who is seeking a statewide or nationally elected office;~~
- 6 ~~(2) Serve on the board or chair any political action committee, or political~~
 party committee.]

✓