

FIRST REGULAR SESSION

HOUSE BILL NO. 342

98TH GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVE MCMANUS.

0252L.021

D. ADAM CRUMBLISS, Chief Clerk

AN ACT

To repeal sections 56.060 and 130.036, RSMo, and section 105.961 as enacted by senate bill no. 16, ninety-first general assembly, first regular session, and sections 105.959, 105.961, 130.011, 130.021, 130.026, 130.041, 130.044, 130.046, 130.057, and 226.033 as enacted by senate bill no. 844, ninety-fifth general assembly, second regular session, and sections 105.959, 130.011, and 130.046 as enacted by house bill no. 1900, ninety-third general assembly, second regular session, and sections 130.031 and 130.041 as enacted by senate bills nos. 31 & 285, ninety-second general assembly, first regular session, and section 130.021 as enacted by senate bill no. 485, ninety-fifth general assembly, first regular session, and section 130.026 as enacted by senate bill no. 262, eighty-sixth general assembly, first regular session, and section 130.028 as enacted by senate bill no. 650, eighty-ninth general assembly, second regular session, and section 130.044 as enacted by senate bill no. 1038, ninety-fourth general assembly, second regular session, and section 130.057 as enacted by house bill no. 676 merged with senate bills nos. 31 & 285, ninety-second general assembly, first regular session, and section 226.033 as enacted by house bill no. 668, ninety-fourth general assembly, first regular session, and section 130.028 as enacted by senate bill no. 491, ninety-seventh general assembly, second regular session, and to enact in lieu thereof twenty new sections relating to campaign finance reform, with penalty provisions and an effective date.

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

Section A. Sections 56.060 and 130.036, RSMo, and section 105.961 as enacted by
2 senate bill no. 16, ninety-first general assembly, first regular session, and sections 105.959,
3 105.961, 130.011, 130.021, 130.026, 130.041, 130.044, 130.046, 130.057, and 226.033 as

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.

4 enacted by senate bill no. 844, ninety-fifth general assembly, second regular session, and sections
5 105.959, 130.011, and 130.046 as enacted by house bill no. 1900, ninety-third general assembly,
6 second regular session, and sections 130.031 and 130.041 as enacted by senate bills nos. 31 &
7 285, ninety-second general assembly, first regular session, and section 130.021 as enacted by
8 senate bill no. 485, ninety-fifth general assembly, first regular session, and section 130.026 as
9 enacted by senate bill no. 262, eighty-sixth general assembly, first regular session, and section
10 130.028 as enacted by senate bill no. 650, eighty-ninth general assembly, second regular session,
11 and section 130.044 as enacted by senate bill no. 1038, ninety-fourth general assembly, second
12 regular session, and section 130.057 as enacted by house bill no. 676 merged with senate bills
13 nos. 31 & 285, ninety-second general assembly, first regular session, and section 226.033 as
14 enacted by house bill no. 668, ninety-fourth general assembly, first regular session, and section
15 130.028 as enacted by senate bill no. 491, ninety-seventh general assembly, second regular
16 session, are repealed and twenty new sections enacted in lieu thereof, to be known as sections
17 8.925, 27.035, 28.320, 56.060, 105.959, 105.961, 130.011, 130.021, 130.026, 130.028, 130.031,
18 130.032, 130.036, 130.039, 130.041, 130.044, 130.046, 130.057, 130.076, and 226.033, to read
19 as follows:

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

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

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

56.060. 1. Each prosecuting attorney shall commence and prosecute all civil and
2 criminal actions in the prosecuting attorney's county in which the county or state is concerned,
3 defend all suits against the state or county, and prosecute forfeited recognizances and actions for
4 the recovery of debts, fines, penalties and forfeitures accruing to the state or county. In all cases,
5 civil and criminal, in which changes of venue are granted, the prosecuting attorney shall follow
6 and prosecute or defend, as the case may be, all the causes, for which, in addition to the fees now
7 allowed by law, the prosecuting attorney shall receive his or her actual expenses. If any
8 misdemeanor case is taken to the court of appeals by appeal the prosecuting attorney shall

9 represent the state in the case in the court and make out and cause to be printed, at the expense
10 of the county, all necessary abstracts of record and briefs, and if necessary appear in the court in
11 person, or shall employ some attorney at the prosecuting attorney's own expense to represent the
12 state in the court, and for his or her services he or she shall receive the compensation that is
13 proper, not to exceed twenty-five dollars for each case, and necessary traveling expenses, to be
14 audited and paid as other claims are audited and paid by the county commission of the county.

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

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

105.959. 1. (1) The executive director of the commission, under the supervision of the
2 commission, shall review reports [and] , statements, **and records** filed with the commission or
3 other appropriate officers pursuant to sections 105.470, 105.483 to 105.492, and chapter 130 for
4 completeness, accuracy [and] , timeliness of filing of the reports or statements and any records
5 relating to the reports or statements, [and] **any records relating to the reports, statements and**
6 **records, and any investigation conducted under paragraph (d) of subdivision (3) of**
7 **subsection 3 of section 130.031. If, upon review, [if] the executive director finds** there are
8 reasonable grounds to believe that a violation has occurred, **the executive director** shall conduct
9 an investigation of such reports, statements, and records and assign a special investigator
10 following the provisions of subsection 1 of section 105.961.

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

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

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

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

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

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

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

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

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

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

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

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

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

50 7. All investigations by the executive director of an alleged violation shall be strictly
51 confidential with the exception of notification of the commission and the complainant and the
52 person under investigation. Revealing any such confidential investigation information shall be
53 cause for removal or dismissal of the executive director or a commission member or employee.
54 **This subsection shall not be construed to prohibit any necessary sharing of confidential**
55 **investigation information in the course of any investigation conducted under subsection 9**
56 **of this section or under section 27.035 or 28.320, or subsection 3 of section 56.060.**

57 8. **The time limits prescribed in subsections 1 to 6 of this section shall apply unless**
58 **an action prohibited under paragraph (d) of subdivision (3) of subsection 3 of section**

59 **130.031 occurs in an even-number year, from April until the general election day, or**
60 **between the opening of the period of candidate filing to the special election day in any year**
61 **in which a special election is scheduled, in which cases the following time limits shall apply:**

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

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

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

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

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

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

28 investigation shall be terminated and the complainant and the person who had
29 been under investigation shall be notified of the reasons for the disposition of the
30 complaint.

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

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

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

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

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

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

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

19 2. When the commission concludes, based on the report from the special investigator,
20 or based on an investigation conducted pursuant to section 105.959, that there are reasonable
21 grounds to believe that a violation of any criminal law has occurred, and if the commission

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

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

58 **is a violation of paragraph (d) of subdivision (3) of subsection 3 of section 130.031 and such**
59 **violation occurs in an even-number year, from April until the general election day, or**
60 **between the opening of the period of candidate filing to the special election day in any year**
61 **in which a special election is scheduled, any action required under this subsection shall be**
62 **concluded within ten business days of the commission's conclusion.**

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

148 (3) To administer oaths and affirmations;

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

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

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

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

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

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

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

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

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

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

198 17. Any judge of the court of appeals or circuit court who ceases to hold such office by
199 reason of the judge's retirement and who serves as a special investigator pursuant to this section
200 shall receive annual compensation, salary or retirement for such services at the rates of

201 compensation provided for senior judges by subsections 1, 2 and 4 of section 476.682. Such
202 retired judges shall by the tenth day of each month following any month in which the judge
203 provided services pursuant to this section certify to the commission and to the state courts
204 administrator the amount of time engaged in such services by hour or fraction thereof, the dates
205 thereof, and the expenses incurred and allowable pursuant to this section. The commission shall
206 then issue a warrant to the state treasurer for the payment of the salary and expenses to the extent,
207 and within limitations, provided for in this section. The state treasurer upon receipt of such
208 warrant shall pay the same out of any appropriations made for this purpose on the last day of the
209 month during which the warrant was received by the state treasurer.

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

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 should 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 additional successive
19 periods of one hundred twenty days each, pending reports regarding the status
20 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 audit conducted pursuant to section 105.959, that
23 there are reasonable grounds to believe that a violation of any criminal law has
24 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
necessary attorney's fee for the services of the special prosecutor. Such fee shall

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

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

74 4. If the appropriate disciplinary authority receiving a report from the
75 commission pursuant to subsection 3 of this section fails to follow, within sixty
76 days of the receipt of the report, the recommendations contained in the report, or

77 if the commission determines, by a vote of at least four members of the
78 commission that some action other than referral for criminal prosecution or for
79 action by the appropriate disciplinary authority would be appropriate, the
80 commission shall take any one or more of the following actions:

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

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

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

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

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

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

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

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

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

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

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

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

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

119 associated, damages in the amount of any unjust enrichment obtained and costs
120 and attorney's fees as ordered by the court.

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

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

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

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

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

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

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

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

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

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

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

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

154 (3) To administer oaths and affirmations;

155 (4) Upon refusal by any person to comply with a request for information
156 relevant to an investigation, an investigator may issue a subpoena for any person
157 to appear and give testimony, or for a subpoena duces tecum to produce
158 documentary or other evidence which the investigator deems relevant to a matter
159 under the investigator's inquiry. The subpoenas and subpoenas duces tecum may
160 be enforced by applying to a judge of the circuit court of Cole County or any
161 county where the person or entity that has been subpoenaed resides or may be

162 found, for an order to show cause why the subpoena or subpoena duces tecum
163 should not be enforced. The order and a copy of the application therefor shall be
164 served in the same manner as a summons in a civil action, and if, after hearing,
165 the court determines that the subpoena or subpoena duces tecum should be
166 sustained and enforced, the court shall enforce the subpoena or subpoena duces
167 tecum in the same manner as if it had been issued by the court in a civil action;
168 and

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

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

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

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

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

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

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

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

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

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

 [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 to
114 establish, administer or maintain a committee or to solicit contributions to a
115 committee from its members, officers, directors, employees or security holders.
116 An organization shall be deemed to be the connected organization if more than
117 fifty percent of the persons making contributions to the committee during the
118 current calendar year are members, officers, directors, employees or security
119 holders of such organization or their spouses;

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

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

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

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

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

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

144 (f) Funds received by a committee which are transferred to such
145 committee from another committee or other source, except funds received by a
146 candidate committee as a transfer of funds from another candidate committee

147 controlled by the same candidate but such transfer shall be included in the
148 disclosure reports;

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

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

158 (i) "Contribution" does not include:

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

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

167 c. Interest earned on deposit of committee funds;

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

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

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

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

184 (15) "Expenditure", a payment, advance, conveyance, deposit, donation
185 or contribution of money or anything of value for the purpose of supporting or
186 opposing the nomination or election of any candidate for public office or the
187 qualification or passage of any ballot measure or for the support of any
188 committee which in turn supports or opposes any candidate or ballot measure or
189 for the purpose of paying a previously incurred campaign debt or obligation of

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

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

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

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

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

212 (e) "Expenditure" does not include:

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

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

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

225 d. The rendering of voluntary personal services by an individual of the
226 sort commonly performed by volunteer campaign workers and the payment by
227 such individual of the individual's necessary and ordinary personal expenses
228 incidental to such volunteer activity, provided no compensation is, directly or
229 indirectly, asked or given;

230 e. The costs incurred by any connected organization listed pursuant to
231 subdivision (4) of subsection 5 of section 130.021 for establishing, administering
232 or maintaining a committee, or for the solicitation of contributions to a committee

233 which solicitation is solely directed or related to the members, officers, directors,
234 employees or security holders of the connected organization;

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

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

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

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

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

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

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

269 (22) "Political action committee", a committee of continuing existence
270 which is not formed, controlled or directed by a candidate, and is a committee
271 other than a candidate committee, political party committee, campaign
272 committee, exploratory committee, or debt service committee, whose primary or
273 incidental purpose is to receive contributions or make expenditures to influence
274 or attempt to influence the action of voters whether or not a particular candidate
275 or candidates or a particular ballot measure or measures to be supported or

276 opposed has been determined at the time the committee is required to file any
 277 statement or report pursuant to the provisions of this chapter. Such a committee
 278 includes, but is not limited to, any committee organized or sponsored by a
 279 business entity, a labor organization, a professional association, a trade or
 280 business association, a club or other organization and whose primary purpose is
 281 to solicit, accept and use contributions from the members, employees or
 282 stockholders of such entity and any individual or group of individuals who accept
 283 and use contributions to influence or attempt to influence the action of voters.
 284 Such committee shall be formed no later than sixty days prior to the election for
 285 which the committee receives contributions or makes expenditures;

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

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

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

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

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

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

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

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

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

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

5 (2) "Ballot measure" or "measure", any proposal submitted or intended to be submitted
 6 to qualified voters for their approval or rejection, including any proposal submitted by initiative

7 petition, referendum petition, or by the general assembly or any local governmental body having
8 authority to refer proposals to the voter;

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

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

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

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

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

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

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

37 (7) "Committee", a person or any combination of persons, **including organizations**
38 **exempt from taxation under 26 U.S.C. Section 501(c)(4), as amended**, who accepts
39 contributions or makes expenditures for the primary or incidental purpose of influencing or
40 attempting to influence the action of voters for or against the nomination or election to public
41 office of one or more candidates or the qualification, passage or defeat of any ballot measure or
42 for the purpose of paying a previously incurred campaign debt or obligation of a candidate or the

43 debts or obligations of a committee or for the purpose of contributing funds to another
44 committee:

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

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

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

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

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

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

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

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

77 (8) "Campaign committee", a committee, other than a candidate committee, which shall
78 be formed by an individual or group of individuals to receive contributions or make expenditures

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

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

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

112 (11) "Connected organization", any organization such as a corporation, a labor
113 organization, a membership organization, a cooperative, or trade or professional association
114 which expends funds or provides services or facilities to establish, administer or maintain a

115 committee or to solicit contributions to a committee from its members, officers, directors,
116 employees or security holders. An organization shall be deemed to be the connected
117 organization if more than fifty percent of the persons making contributions to the committee
118 during the current calendar year are members, officers, directors, employees or security holders
119 of such organization or their spouses;

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

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

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

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

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

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

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

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

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

152 (i) "Contribution" does not include:

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

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

161 c. Interest earned on deposit of committee funds;

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

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

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

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

176 (16) "Expenditure", a payment, advance, conveyance, deposit, donation or contribution
177 of money or anything of value for the purpose of supporting or opposing the nomination or
178 election of any candidate for public office or the qualification or passage of any ballot measure
179 or for the support of any committee which in turn supports or opposes any candidate or ballot
180 measure or for the purpose of paying a previously incurred campaign debt or obligation of a
181 candidate or the debts or obligations of a committee; a payment, or an agreement or promise to
182 pay, money or anything of value, including a candidate's own money or property, for the
183 purchase of goods, services, property, facilities or anything of value for the purpose of supporting
184 or opposing the nomination or election of any candidate for public office or the qualification or

185 passage of any ballot measure or for the support of any committee which in turn supports or
186 opposes any candidate or ballot measure or for the purpose of paying a previously incurred
187 campaign debt or obligation of a candidate or the debts or obligations of a committee. An
188 expenditure of anything of value shall be deemed to have a money value equivalent to the fair
189 market value. "Expenditure" includes, but is not limited to:

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

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

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

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

200 (e) "Expenditure" does not include:

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

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

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

210 d. The rendering of voluntary personal services by an individual of the sort commonly
211 performed by volunteer campaign workers and the payment by such individual of the individual's
212 necessary and ordinary personal expenses incidental to such volunteer activity, provided no
213 compensation is, directly or indirectly, asked or given;

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

22 3. A candidate who has more than one candidate committee supporting
23 the person's candidacy shall designate one of those candidate committees as the

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

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

55 (2) A committee treasurer, deputy treasurer or candidate may withdraw
56 funds from a committee's official depository account and deposit such funds in
57 one or more savings accounts in the committee's name in any bank, savings and
58 loan association or credit union within this state, and may also withdraw funds
59 from an official depository account for investment in the committee's name in any
60 certificate of deposit, bond or security. Proceeds from interest or dividends from
61 a savings account or other investment or proceeds from withdrawals from a
62 savings account or from the sale of an investment shall not be expended or
63 reinvested, except in the case of renewals of certificates of deposit, without first
64 redepositing such proceeds in an official depository account. Investments, other
65 than savings accounts, held outside the committee's official depository account
66 at any time during a reporting period shall be disclosed by description, amount,

67 any identifying numbers and the name and address of any institution or person
68 in which or through which it is held in an attachment to disclosure reports the
69 committee is required to file.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

152 the receipt of such contribution if the contribution is received after the last
153 reporting date before the election.]

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

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

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

32 4. (1) Every committee shall have a single official fund depository within this state
33 which shall be a federally or state-chartered bank, a federally or state-chartered savings and loan
34 association, or a federally or state-chartered credit union in which the committee shall open and

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

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

68 5. The treasurer or deputy treasurer acting on behalf of any person or organization or
69 group of persons which is a committee by virtue of the definitions of committee in section
70 130.011 and any candidate who is not excluded from forming a committee in accordance with

71 the provisions of section 130.016 shall file a statement of organization with the appropriate
72 officer within twenty days after the person or organization becomes a committee but no later than
73 [the date for filing the first report required pursuant to the provisions of section 130.046] **thirty**
74 **days prior to the election for which the committee receives contributions or makes**
75 **expenditures, except that a political action committee shall file a statement of organization**
76 **with the appropriate officer no later than sixty days prior to the election for which the**
77 **committee receives contributions or makes expenditures.** The statement of organization shall
78 contain the following information:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

25 (3) In the case of candidates for elective municipal offices in
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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

14 (5) Discriminate or threaten to discriminate against any member or employee in this state
15 for contributing or refusing to contribute to any candidate, political committee or separate

16 political fund with respect to the privileges of membership or with respect to [his] **such**
17 **member's or employee's** employment and the compensation, terms, conditions or privileges
18 related thereto shall be guilty of a class E felony.

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

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

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

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

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

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

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

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

14 (5) Discriminate or threaten to discriminate against any member or employee in this state
15 for contributing or refusing to contribute to any candidate, political committee or separate
16 political fund with respect to the privileges of membership or with respect to [his] **such**

17 **member's or employee's** employment and the compensation, terms, conditions or privileges
18 related thereto shall be guilty of a misdemeanor, and upon conviction thereof be punished by a
19 fine of not more than five thousand dollars and confinement for not more than six months, or
20 both, provided, after January 1, 1979, the violation of this subsection shall be a class D felony.

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

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

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

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

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

15 3. **(1)** No contribution shall be made or accepted and no expenditure shall be made or
16 incurred, directly or indirectly, in a fictitious name, in the name of another person, or by or
17 through another person in such a manner as to, **or with the intent to**, conceal the identity of the
18 actual source of the contribution or the actual recipient and purpose of the expenditure. [Any
19 person who receives contributions for a committee shall disclose to that committee's treasurer,
20 deputy treasurer or candidate the recipient's own name and address and the name and address of
21 the actual source of each contribution such person has received for that committee. Any person
22 who makes expenditures for a committee shall disclose to that committee's treasurer, deputy
23 treasurer or candidate such person's own name and address, the name and address of each person
24 to whom an expenditure has been made and the amount and purpose of the expenditures the
25 person has made for that committee.]

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

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

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

41 **(b)** There shall be a rebuttable presumption that a contribution is made or accepted
42 with the intent to circumvent the limitations on contributions imposed in this section or
43 section 130.032 when a contribution is received from a committee that is primarily funded
44 by a single person, individual, or other committee that has already reached its contribution
45 limit under any law relating to contribution limitations on the receiving committee.

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

50 (d) When a committee receives a contribution from two or more committees that
51 are primarily funded by a single person, individual, or other committee, or when a
52 contribution is received from a committee that is primarily funded by a single person,
53 individual, or other committee that has already reached its contribution limit under any
54 law relating to contribution limitations on the receiving committee, the ethics commission
55 shall investigate, upon its own initiative, following the procedure for investigation in
56 section 105.959. Such investigation shall, when directed by the ethics commission, be
57 assisted by the office of the attorney general, the elections division of the office of the
58 secretary of state, or the prosecuting attorney of the county in which the violation
59 occurred. The ethics commission, office of the attorney general, elections division of the
60 office of the secretary of state, and any prosecuting attorney of any county or city not
61 within a county assisting an investigation under this paragraph may use electronic
62 communication devices for matters related to such investigation, including telephones and
63 videoconferencing, when subject to shortened time limits required for an investigation
64 under this paragraph.

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

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

74 (a) For the first violation, the ethics commission shall notify such person of such
75 contribution made or accepted or expenditure made or incurred in violation of this
76 subsection within five days of determining that a violation has occurred, and such person
77 shall be subject to a civil penalty of not less than five thousand dollars and shall return the
78 contribution made or accepted or recover the expenditure made or incurred in violation
79 of this subsection within ten days of such notification. If such contribution made or
80 accepted in violation of this subsection is not returned or expenditure made or incurred in
81 violation of this subsection is not recovered within ten days, the ethics commission may
82 impose a fine in an amount not less than the amount of the contribution made or accepted
83 or the expenditure made or incurred in violation of this subsection, but such fine shall not
84 be more than three times the amount of the contribution made or accepted or expenditure
85 made or incurred in violation of this subsection;

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

154 8. Any person publishing, circulating, or distributing any printed matter relative to any
155 candidate for public office or any ballot measure shall on the face of the printed matter identify
156 in a clear and conspicuous manner the person who paid for the printed matter with the words

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

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

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

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

185 (4) In regard to any printed matter paid for by an individual or individuals, it shall be
186 sufficient identification to print the name of the individual or individuals and the respective
187 mailing address or addresses, except that if more than five individuals join in paying for printed
188 matter it shall be sufficient identification to print the words "For a list of other sponsors contact:"
189 followed by the name and address of one such individual responsible for causing the matter to
190 be printed, and the individual identified shall maintain a record of the names and amounts paid
191 by other individuals and shall make such record available for review upon the request of any

192 person. No person shall accept for publication or printing nor shall such work be completed until
193 the printed matter is properly identified as required by this subsection.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

37 **7. Any committee that accepts or gives contributions other than those allowed shall**
38 **be subject to a surcharge of one thousand dollars plus an amount equal to the contribution**
39 **per nonallowable contribution, to be paid to the ethics commission and which shall be**
40 **transferred to the director of revenue, upon notification of such nonallowable contribution**
41 **by the ethics commission, and after the candidate has had ten business days after receipt**
42 **of notice to return the contribution to the contributor. For candidate committees, the**
43 **candidate shall be personally liable, and for all other committees, the committee treasurer**

44 **or deputy treasurer owing a surcharge shall be personally liable for the payment of the**
45 **surcharge or may pay such surcharge only from campaign funds existing on the date of the**
46 **receipt of notice. Such surcharge shall constitute a debt to the state enforceable under, but**
47 **not limited to, the provisions of chapter 143.**

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

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

24 3. Notwithstanding the provisions of section 130.041 that only contributors of more than
25 one hundred dollars shall be reported by name and address for all committees, the committee's
26 records shall contain a listing of each contribution received by the committee, including those
27 accepted and those which are rejected and either returned to the donor or transmitted to the state
28 treasurer. Each contribution, regardless of the amount, shall be recorded by date received, name
29 and address of the contributor and the amount of the contribution, except that any contributions
30 from unidentifiable persons which are received through fund-raising activities and events as
31 permitted in subsection 6 of section 130.031 shall be recorded to show the dates and amounts
32 of all such contributions received together with information contained in statements required by

33 subsection 6 of section 130.031. The procedure for recording contributions shall be of a type
34 which enables the candidate, committee treasurer or deputy treasurer to maintain a continuing
35 total of all contributions received from any one contributor.

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

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

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

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

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

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

2 [130.041. 1. Except as provided in subsection 5 of section 130.016, the
3 candidate, if applicable, treasurer or deputy treasurer of every committee which
4 is required to file a statement of organization, shall file a legibly printed or typed
5 disclosure report of receipts and expenditures. The reports shall be filed with the
6 appropriate officer designated in section 130.026 at the times and for the periods
7 prescribed in section 130.046. Except as provided in sections 130.049 and
8 130.050, each report shall set forth:

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

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

16 (3) Receipts for the period, including:

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

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

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

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

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

40 (f) A listing of each loan received by name and address of the lender and
41 date and amount of the loan. For each loan of more than one hundred dollars, a
42 separate statement shall be attached setting forth the name and address of the
43 lender and each person liable directly, indirectly or contingently, and the date,
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.]

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

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

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

13 (3) Receipts for the period, including:

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

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

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

28 (d) Total dollar value of **and a detailed description of the nature of** all in-kind
29 contributions received;

30 (e) A separate listing by name and address and employer, or occupation if self-employed
31 or notation of retirement, of each person from whom the committee received contributions, in

32 money or any other thing of value, aggregating more than one hundred dollars, together with the
33 date and amount of each such contribution;

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

38 (4) Expenditures for the period, including:

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

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

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

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

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

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

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

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

67 ballot measures; however, all such expenditures shall be listed pursuant to subdivision (4) of this
68 subsection;

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

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

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

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

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

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

100 (3) In the case of a political party committee or a [continuing] **political action**
101 committee, the period shall begin on the first day of January of the year in which the report or
102 statement is being filed and end on the closing date for the period for which the report or

103 statement is required; except, if the report or statement is required to be filed prior to the first day
104 of July in any given year, the period shall begin on the first day of July of the preceding year.

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

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

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

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

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

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

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

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

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

2 [130.044. 1. All individuals and committees required to file disclosure
3 reports under section 130.041 shall electronically report any contribution by any
4 single contributor which exceeds five thousand dollars to the Missouri ethics
5 commission within forty-eight hours of receiving the contribution. Such reports
6 shall contain the same content required under section 130.041 and shall be filed
7 in accordance with the standards established by the commission for electronic
8 filing and other rules the commission may deem necessary to promulgate for the
9 effective administration of this section.

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

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

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

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

12 and any candidate committee under the candidate's control before such candidate
13 takes office, and such report shall be for the period closing on the day before
14 taking office; and

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

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

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

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

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

51 3. The candidate, if applicable, treasurer or deputy treasurer of a
52 committee shall file disclosure reports pursuant to this section, except for any
53 calendar quarter in which the contributions received by the committee or the
54 expenditures or contributions made by the committee do not exceed five hundred

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

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

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

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

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

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

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

95 (a) If there are less than fifty days between a primary election and the
96 immediately succeeding general election, the disclosure report required to be
97 filed quarterly; provided that, any other report required to be filed prior to the

98 primary election and all other reports required to be filed not later than the eighth
99 day before the general election are filed no later than the final dates for filing
100 such reports;

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

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

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

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

139 7. In the case of a committee which disbands and is required to file a
140 termination statement pursuant to the provisions of section 130.021 with the

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

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

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

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

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

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

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

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

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

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

35 (2) If the measure has qualified to be on the ballot in an election and if a committee
36 subject to the requirements of subdivision (1) of this subsection is also required to file a
37 preelection disclosure report for such election any time within thirty days after the date on which
38 disclosure reports are required to be filed in accordance with subdivision (1) of this subsection,
39 the treasurer of such committee shall not be required to file the report required by subdivision
40 (1) of this subsection, but shall include in the committee's preelection report all information
41 which would otherwise have been required by subdivision (1) of this subsection.

42 3. The candidate, if applicable, treasurer or deputy treasurer of a committee shall file
43 disclosure reports pursuant to this section, except for any calendar quarter in which the
44 contributions received by the committee or the expenditures or contributions made by the
45 committee do not exceed five hundred dollars. The reporting dates and periods covered for such
46 quarterly reports shall not be later than the fifteenth day of January, April, July and October for
47 periods closing on the thirty-first day of December, the thirty-first day of March, the thirtieth day
48 of June and the thirtieth day of September. No candidate, treasurer or deputy treasurer shall be

49 required to file the quarterly disclosure report required not later than the fifteenth day of any
50 January immediately following a November election, provided that such candidate, treasurer or
51 deputy treasurer shall file the information required on such quarterly report on the quarterly
52 report to be filed not later than the fifteenth day of April immediately following such November
53 election. Each report by such committee shall be cumulative from the date of the last report. In
54 the case of the [continuing] **political action** committee's first report, the report shall be
55 cumulative from the date of the [continuing] **political action** committee's organization. Every
56 candidate, treasurer or deputy treasurer shall file, at a minimum, the campaign disclosure reports
57 covering the quarter immediately preceding the date of the election and those required by
58 subdivisions (1) and (2) of subsection 1 of this section. A [continuing] **political action**
59 committee shall submit additional reports if it makes [aggregate] expenditures[, other than
60 contributions to a committee, of five hundred dollars or more,] within the reporting period at the
61 following times for the following periods:

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

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

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

68 4. The reports required to be filed no later than the thirtieth day after an election and any
69 subsequently required report shall be cumulative so as to reflect the total receipts and
70 disbursements of the reporting committee for the entire election campaign in question. The
71 period covered by each disclosure report shall begin on the day after the closing date of the most
72 recent disclosure report filed and end on the closing date for the period covered. If the
73 committee has not previously filed a disclosure report, the period covered begins on the date the
74 committee was formed; except that in the case of a candidate committee, the period covered
75 begins on the date the candidate became a candidate according to the definition of the term
76 candidate in [section 130.011] **this chapter**.

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

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

81 (a) If there are less than fifty days between a primary election and the immediately
82 succeeding general election, the disclosure report required to be filed quarterly **need not be filed**;
83 provided that, any other report required to be filed prior to the primary election and all other

84 reports required to be filed not later than the eighth day before the general election are filed no
85 later than the final dates for filing such reports;

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

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

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

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

118 7. In the case of a committee which disbands and is required to file a termination
119 statement pursuant to the provisions of section 130.021 with the appropriate officer not later than

120 the tenth day after the committee was dissolved, the candidate, committee treasurer or deputy
121 treasurer shall attach to the termination statement a complete disclosure report for the period
122 closing on the date of dissolution. A committee shall not utilize the provisions of subsection 8
123 of section 130.021 or the provisions of this subsection to circumvent or otherwise avoid the
124 reporting requirements of subsection 6 or 7 of this section.

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

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

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

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

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

17 elections in 1996. The reports shall be maintained and secured in the electronic
18 format by the commission.

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

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

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

58 6. All records that are in electronic format, not otherwise closed by law,
59 shall be available in electronic format to the public. The commission shall

60 maintain and provide for public inspection, a listing of all reports with a complete
61 description for each field contained on the report, that has been used to extract
62 information from their database files. The commission shall develop a report or
63 reports which contain every field in each database.

64 7. Annually, the commission shall provide, without cost, a system-wide
65 dump of information contained in the commission's electronic database files to
66 the general assembly. The information is to be copied onto a medium specified
67 by the general assembly. Such information shall not contain records otherwise
68 closed by law. It is the intent of the general assembly to provide open access to
69 the commission's records. The commission shall make every reasonable effort
70 to comply with requests for information and shall take a liberal interpretation
71 when considering such requests.]

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

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

16 3. [When the commission determines that the electronic reporting system has been
17 properly implemented, the commission shall certify to all candidates and committees required
18 to file pursuant to this chapter that such electronic reporting system has been established and
19 implemented. Beginning with the primary and general elections in 2000, or the next primary or
20 general election in which the commission has made certification pursuant to this subsection,
21 whichever is later,] Candidates and all other committees shall file reports by using [either] the
22 electronic format prescribed by the commission [or paper forms provided by the commission for
23 that purpose]. [Continuing committees shall file reports by electronic format prescribed by the
24 commission, except continuing committees which make contributions equal to or less than
25 fifteen thousand dollars in the applicable calendar year. Any continuing committee which makes

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

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

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

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

54 [7.] 6. Annually, the commission shall provide, without cost, a system-wide dump of
55 information contained in the commission's electronic database files to the general assembly. The
56 information is to be copied onto a medium specified by the general assembly. Such information
57 shall not contain records otherwise closed by law. It is the intent of the general assembly to
58 provide open access to the commission's records. The commission shall make every reasonable
59 effort to comply with requests for information and shall take a liberal interpretation when
60 considering such requests.

130.076. 1. In addition to or in lieu of any other penalty imposed in this chapter, the following violations shall be a felony as provided in subsection 2 of this section:

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

(2) The violation occurred either:

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

(b) In any year in which a special election is scheduled, from the opening of the period of candidate filing to the special election day.

2. Any person violating this section shall be guilty of a class D felony until December 31, 2016, and a class E felony beginning January 1, 2017.

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

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

(2) Serve on the board or chair any political action committee, or political party committee.]

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

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

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

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

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