

FIRST REGULAR SESSION

SENATE BILL NO. 227

97TH GENERAL ASSEMBLY

INTRODUCED BY SENATOR LeVOTA.

Read 1st time January 29, 2013, and ordered printed.

TERRY L. SPIELER, Secretary.

1276S.011

AN ACT

To repeal sections 104.460, 105.262, 105.450, 105.467, 105.472, 105.477, 105.483, 105.489, 105.491, 105.492, 105.956, 105.958, 105.962, 105.964, 105.973, 105.975, 105.977, 115.013, 130.016, 130.042, 130.049, 130.050, 130.054, 130.056, 130.081, 130.086, 130.150, 443.817, and 575.021, RSMo, section 105.473 as truly agreed to and finally passed by conference committee substitute no. 3 for house committee substitute no. 2 for senate bill no. 844, ninety-fifth general assembly, second regular session and section 105.473 as enacted by conference committee substitute for senate substitute for house committee substitute for house bill no. 1900, ninety-third general assembly, second regular session, section 105.485 as truly agreed to and finally passed by conference committee substitute no. 3 for house committee substitute no. 2 for senate bill no. 844, ninety-fifth general assembly, second regular session, section 105.485 as enacted by senate substitute for senate committee substitute for house bill no. 2058, ninety-fourth general assembly, second regular session, section 105.955 as truly agreed to and finally passed by conference committee substitute no. 3 for house committee substitute no. 2 for senate bill no. 844, ninety-fifth general assembly, second regular session, section 105.955 as enacted by conference committee substitute no. 2 for house committee substitute for senate committee substitute for senate bills nos. 31 & 285, ninety-second general assembly, first regular session, section 105.957 as truly agreed to and finally passed by conference committee substitute no. 3 for house committee substitute no. 2 for senate bill no. 844, ninety-fifth general assembly, second regular session, section 105.957 as enacted by conference committee substitute for senate substitute for house committee

EXPLANATION—Matter enclosed in bold-faced brackets [thus] in this bill is not enacted and is intended to be omitted in the law.

substitute for house bill no. 1900, ninety-third general assembly, second regular session, section 105.959 as truly agreed to and finally passed by conference committee substitute no. 3 for house committee substitute no. 2 for senate bill no. 844, ninety-fifth general assembly, second regular session, section 105.959 as enacted by conference committee substitute for senate substitute for house committee substitute for house bill no. 1900, ninety-third general assembly, second regular session, section 105.961 as truly agreed to and finally passed by conference committee substitute no. 3 for house committee substitute no. 2 for senate bill no. 844, ninety-fifth general assembly, second regular session, section 105.961 as enacted by conference committee substitute no. 2 for house substitute for house committee substitute for senate committee substitute for senate bill no. 16, ninety-first general assembly, first regular session, section 105.963 as truly agreed to and finally passed by conference committee substitute no. 3 for house committee substitute no. 2 for senate bill no. 844, ninety-fifth general assembly, second regular session, section 105.963 as enacted by conference committee substitute for senate substitute for house committee substitute for house bill no. 1900, ninety-third general assembly, second regular session, section 105.966 as truly agreed to and finally passed by conference committee substitute no. 3 for house committee substitute no. 2 for senate bill no. 844, section 105.966 as enacted by conference committee substitute no. 2 for house committee substitute for senate committee substitute for senate bills nos. 31 & 285, ninety-second general assembly, first regular session, section 130.011 as truly agreed to and finally passed by conference committee substitute no. 3 for house committee substitute no. 2 for senate bill no. 844, ninety-fifth general assembly, second regular session, section 130.011 as enacted by conference committee substitute for senate substitute for house committee substitute for house bill no. 1900, ninety-third general assembly, second regular session, section 130.021 as truly agreed to and finally passed by conference committee substitute no. 3 for house committee substitute no. 2 for senate bill no. 844, ninety-fifth general assembly, second regular session, section 130.021 as enacted by senate bill no. 485, ninety-fifth general assembly, first regular session, section 130.026 as truly agreed to and finally passed by conference committee substitute no. 3 for house committee substitute no. 2 for senate bill no. 844, ninety-fifth general assembly, second regular session, section 130.026 as enacted by conference committee substitute for house committee substitute for senate committee

substitute for senate bill no. 262, eighty-eighth general assembly, first regular session, section 130.041 as truly agreed to and finally passed by conference committee substitute no. 3 for house committee substitute no. 2 for senate bill no. 844, ninety-fifth general assembly, second regular session, section 130.041 as enacted by conference committee substitute no. 2 for house committee substitute for senate committee substitute for senate bills nos. 31 & 285, ninety-second general assembly, first regular session, section 130.044 as truly agreed to and finally passed by conference committee substitute no. 3 for house committee substitute no. 2 for senate bill no. 844, ninety-fifth general assembly, second regular session, section 130.044 as enacted by senate bill no. 1038, ninety-fourth general assembly, second regular session, section 130.046 as truly agreed to and finally passed by conference committee substitute no. 3 for house committee substitute no. 2 for senate bill no. 844, ninety-fifth general assembly, second regular session, section 130.046 as enacted by conference committee substitute for senate substitute for house committee substitute for house bill no. 1900, ninety-third general assembly, second regular session, section 130.057 as truly agreed to and finally passed by conference committee substitute no. 3 for house committee substitute no. 2 for senate bill no. 844, ninety-fifth general assembly, second regular session, and section 130.057 as enacted by conference committee substitute for senate substitute for senate committee substitute for house committee substitute for house bill no. 676 merged with conference committee substitute no. 2 for house committee substitute for senate committee substitute for senate bills nos. 31 & 285, ninety-second general assembly, first regular session, and to enact in lieu thereof forty-four new sections relating to ethics, with existing penalty provisions.

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

Section A. Sections 104.460, 105.262, 105.450, 105.467, 105.472, 105.477,
 2 105.483, 105.489, 105.491, 105.492, 105.956, 105.958, 105.962, 105.964, 105.973,
 3 105.975, 105.977, 115.013, 130.016, 130.042, 130.049, 130.050, 130.054, 130.056,
 4 130.081, 130.086, 130.150, 443.817, and 575.021, RSMo, section 105.473 as truly
 5 agreed to and finally passed by conference committee substitute no. 3 for house
 6 committee substitute no. 2 for senate bill no. 844, ninety-fifth general assembly,
 7 second regular session and section 105.473 as enacted by conference committee
 8 substitute for senate substitute for house committee substitute for house bill no.
 9 1900, ninety-third general assembly, second regular session, section 105.485 as

10 truly agreed to and finally passed by conference committee substitute no. 3 for
11 house committee substitute no. 2 for senate bill no. 844, ninety-fifth general
12 assembly, second regular session, section 105.485 as enacted by senate substitute
13 for senate committee substitute for house bill no. 2058, ninety-fourth general
14 assembly, second regular session, section 105.955 as truly agreed to and finally
15 passed by conference committee substitute no. 3 for house committee substitute
16 no. 2 for senate bill no. 844, ninety-fifth general assembly, second regular session,
17 section 105.955 as enacted by conference committee substitute no. 2 for house
18 committee substitute for senate committee substitute for senate bills nos. 31 &
19 285, ninety-second general assembly, first regular session, section 105.957 as
20 truly agreed to and finally passed by conference committee substitute no. 3 for
21 house committee substitute no. 2 for senate bill no. 844, ninety-fifth general
22 assembly, second regular session, section 105.957 as enacted by conference
23 committee substitute for senate substitute for house committee substitute for
24 house bill no. 1900, ninety-third general assembly, second regular session, section
25 105.959 as truly agreed to and finally passed by conference committee substitute
26 no. 3 for house committee substitute no. 2 for senate bill no. 844, ninety-fifth
27 general assembly, second regular session, section 105.959 as enacted by
28 conference committee substitute for senate substitute for house committee
29 substitute for house bill no. 1900, ninety-third general assembly, second regular
30 session, section 105.961 as truly agreed to and finally passed by conference
31 committee substitute no. 3 for house committee substitute no. 2 for senate bill no.
32 844, ninety-fifth general assembly, second regular session, section 105.961 as
33 enacted by conference committee substitute no. 2 for house substitute for house
34 committee substitute for senate committee substitute for senate bill no. 16,
35 ninety-first general assembly, first regular session, section 105.963 as truly
36 agreed to and finally passed by conference committee substitute no. 3 for house
37 committee substitute no. 2 for senate bill no. 844, ninety-fifth general assembly,
38 second regular session, section 105.963 as enacted by conference committee
39 substitute for senate substitute for house committee substitute for house bill no.
40 1900, ninety-third general assembly, second regular session, section 105.966 as
41 truly agreed to and finally passed by conference committee substitute no. 3 for
42 house committee substitute no. 2 for senate bill no. 844, section 105.966 as
43 enacted by conference committee substitute no. 2 for house committee substitute
44 for senate committee substitute for senate bills nos. 31 & 285, ninety-second
45 general assembly, first regular session, section 130.011 as truly agreed to and

46 finally passed by conference committee substitute no. 3 for house committee
47 substitute no. 2 for senate bill no. 844, ninety-fifth general assembly, second
48 regular session, section 130.011 as enacted by conference committee substitute
49 for senate substitute for house committee substitute for house bill no. 1900,
50 ninety-third general assembly, second regular session, section 130.021 as truly
51 agreed to and finally passed by conference committee substitute no. 3 for house
52 committee substitute no. 2 for senate bill no. 844, ninety-fifth general assembly,
53 second regular session, section 130.021 as enacted by senate bill no. 485, ninety-
54 fifth general assembly, first regular session, section 130.026 as truly agreed to
55 and finally passed by conference committee substitute no. 3 for house committee
56 substitute no. 2 for senate bill no. 844, ninety-fifth general assembly, second
57 regular session, section 130.026 as enacted by conference committee substitute
58 for house committee substitute for senate committee substitute for senate bill no.
59 262, eighty-eighth general assembly, first regular session, section 130.041 as truly
60 agreed to and finally passed by conference committee substitute no. 3 for house
61 committee substitute no. 2 for senate bill no. 844, ninety-fifth general assembly,
62 second regular session, section 130.041 as enacted by conference committee
63 substitute no. 2 for house committee substitute for senate committee substitute
64 for senate bills nos. 31 & 285, ninety-second general assembly, first regular
65 session, section 130.044 as truly agreed to and finally passed by conference
66 committee substitute no. 3 for house committee substitute no. 2 for senate bill no.
67 844, ninety-fifth general assembly, second regular session, section 130.044 as
68 enacted by senate bill no. 1038, ninety-fourth general assembly, second regular
69 session, section 130.046 as truly agreed to and finally passed by conference
70 committee substitute no. 3 for house committee substitute no. 2 for senate bill no.
71 844, ninety-fifth general assembly, second regular session, section 130.046 as
72 enacted by conference committee substitute for senate substitute for house
73 committee substitute for house bill no. 1900, ninety-third general assembly,
74 second regular session, section 130.057 as truly agreed to and finally passed by
75 conference committee substitute no. 3 for house committee substitute no. 2 for
76 senate bill no. 844, ninety-fifth general assembly, second regular session, and
77 section 130.057 as enacted by conference committee substitute for senate
78 substitute for senate committee substitute for house committee substitute for
79 house bill no. 676 merged with conference committee substitute no. 2 for house
80 committee substitute for senate committee substitute for senate bills nos. 31 &
81 285, ninety-second general assembly, first regular session, are repealed and forty-

82 four new sections enacted in lieu thereof, to be known as sections 104.460,
83 105.262, 105.450, 105.467, 105.472, 105.473, 105.477, 105.483, 105.485, 105.489,
84 105.491, 105.492, 105.955, 105.957, 105.958, 105.959, 105.961, 105.962, 105.963,
85 105.964, 105.966, 105.973, 105.975, 105.977, 115.013, 130.011, 130.016, 130.021,
86 130.026, 130.032, 130.041, 130.042, 130.044, 130.046, 130.049, 130.050, 130.054,
87 130.056, 130.057, 130.081, 130.086, 130.150, 443.817, and 575.021, to read as
88 follows:

104.460. 1. The board shall elect by secret ballot one member as
2 chairman and one member as vice chairman during the first board meeting of
3 each year. The chairman shall preside over meetings of the board and perform
4 such other duties as may be required by action of the board. The vice chairman
5 shall perform the duties of the chairman in the absence of the latter or upon the
6 chairman's inability or refusal to act. Each person who was elected to
7 membership on the board of trustees or who is a candidate for membership on the
8 board of trustees shall file with the [Missouri ethics commission] **division of**
9 **ethics within the office of the attorney general** a campaign finance
10 disclosure form showing:

11 (1) The amounts and sources of all contributions received for the purpose
12 of supporting such person's candidacy or for the purpose of opposing any other
13 candidate; and

14 (2) The amounts and recipients of all expenditures made for the purpose
15 of supporting such person's candidacy or for the purpose of opposing any other
16 candidate. The disclosure reports shall be filed not later than the fifteenth day
17 prior to the date of the election for the period closing on the twentieth day prior
18 to the election, and not later than the thirtieth day after the date of the election
19 for the period from the nineteenth day prior to the date of the election to the
20 twenty-fifth day after the date of the election. Such reports shall be public
21 records and shall be made available by the [Missouri ethics commission]
22 **division of ethics** during normal business hours. Any person who purposefully
23 fails or refuses to file the reports required by this subsection is guilty of a class
24 A misdemeanor.

25 2. The board shall appoint an executive director who shall be the
26 executive officer of the system and who shall have charge of the offices, records,
27 and employees of the system, subject to the direction of the board. Other
28 employees of the system shall be chosen only upon the recommendation of the
29 executive director.

30 3. All employees of the system shall be both state employees and members
31 of the system. Except by the unanimous vote of the board, no person who has
32 served as a trustee of the board may become an employee of the system until four
33 years have expired between the date of his or her resignation, termination, or
34 other removal as trustee and the date of his or her appointment as an employee
35 of the system.

36 4. Employees of the system shall receive such salaries as shall be fixed by
37 the board and their necessary travel expense within and without the state as
38 shall be authorized by the board.

39 5. Any summons or other writ issued by the courts of the state shall be
40 served upon the executive director or, in his or her absence, on the executive
41 director's designee.

105.262. 1. As a condition of continued employment with the state of
2 Missouri, all persons employed full time, part time, or on a temporary or
3 contracted basis by the executive, legislative, or judicial branch shall file all state
4 income tax returns and pay all state income taxes owed.

5 2. Each chief administrative officer or their designee of each division of
6 each branch of state government shall at least one time each year check the
7 status of every employee within the division against a database developed by the
8 director of revenue to determine if all state income tax returns have been filed
9 and all state income taxes owed have been paid. The officer or designee shall
10 notify any employee if the database shows any state income tax return has not
11 been filed or taxes are owed under that employee's name or taxpayer
12 number. Upon notification, the employee will have forty-five days to satisfy the
13 liability or provide the officer or designee with a copy of a payment plan approved
14 by the director of revenue. To satisfy this section, any approved payment plan
15 shall be in the form of a payroll deduction. Failure to satisfy the liability or
16 provide a copy of the approved payroll deduction payment plan within the
17 forty-five days will result in immediate dismissal of the employee from
18 employment by the state. Nothing in this subsection shall prohibit the director
19 of revenue from approving modifications to an approved payroll deduction
20 payment plan for good cause; however, if an employee voluntarily suspends or
21 terminates an approved payroll deduction without the agreement of the director
22 of revenue before the tax liability is satisfied, then the employee shall be in
23 violation of this section and shall be immediately dismissed as an employee of
24 this state.

25 3. The chief administrative officer of each division of the general assembly
26 or their designee shall at least one time each year provide the name and Social
27 Security number of every member of the general assembly to the director of
28 revenue to determine if all state income tax returns have been filed and all state
29 income taxes owed have been paid. The director shall notify any member of the
30 general assembly if the database shows any state income tax return has not been
31 filed or taxes are owed under that member's name or taxpayer number. Upon
32 notification, the member will have forty-five days to satisfy the liability or provide
33 the director with a copy of a payment plan approved by the director of revenue.
34 To satisfy this section, any approved payment plan shall be in the form of a
35 payroll deduction. Failure to satisfy the liability or provide a copy of the
36 approved payroll deduction payment plan within the forty-five days will result in
37 the member's name being submitted to the appropriate ethics committee for
38 disciplinary action deemed appropriate by the committee. Nothing in this
39 subsection shall prohibit the director of revenue from approving modifications to
40 an approved payroll deduction payment plan for good cause; however, if a member
41 voluntarily suspends or terminates an approved payroll deduction without the
42 agreement of the director of revenue before the tax liability is satisfied, then the
43 member shall be in violation of this section and the member's name shall be
44 immediately submitted to the appropriate ethics committee for disciplinary action
45 deemed appropriate by the committee.

46 4. The chief administrative officer of each division of the judicial branch
47 or their designee shall at least one time each year provide the name and Social
48 Security number of every elected or appointed member of the judicial branch to
49 the director of revenue to determine if all state income tax returns have been
50 filed and all state income taxes owed have been paid. The director shall notify
51 any member if the database shows any state income tax return has not been filed
52 or taxes are owed under that member's name or taxpayer number. Upon
53 notification, the member will have forty-five days to satisfy the liability or provide
54 the director with a copy of a payment plan approved by the director of revenue.
55 To satisfy this section, any approved payment plan shall be in the form of a
56 payroll deduction. Failure to satisfy the liability or provide a copy of the
57 approved payroll deduction payment plan within the forty-five days will result in
58 the member's name being submitted to the appropriate ethics body for
59 disciplinary action deemed appropriate by that body. Nothing in this subsection
60 shall prohibit the director of revenue from approving modifications to an approved

61 payroll deduction payment plan for good cause; however, if a member voluntarily
62 suspends or terminates an approved payroll deduction without the agreement of
63 the director of revenue before the tax liability is satisfied, then the member shall
64 be in violation of this section and the member's name shall be immediately
65 submitted to the appropriate ethics body for disciplinary action deemed
66 appropriate by that body.

67 5. The director of revenue shall at least one time each year check the
68 status of every statewide elected official against a database developed by the
69 director to determine if all state income tax returns have been filed and all state
70 income taxes owed have been paid. The director shall notify any elected official
71 if the database shows any state income tax return has not been filed or taxes are
72 owed under that official's name or taxpayer number. Upon notification, the
73 official will have forty-five days to satisfy the liability or agree to a payment plan
74 approved by the director of revenue. To satisfy this section, any approved
75 payment plan shall be in the form of a payroll deduction. Failure to satisfy the
76 liability or agree to the approved payroll deduction payment plan within the
77 forty-five days will result in the official's name being submitted to the [state
78 ethics commission] **division of ethics within the office of attorney**
79 **general**. Nothing in this subsection shall prohibit the director of revenue from
80 approving modifications to an approved payroll deduction payment plan for good
81 cause; however, if an official voluntarily suspends or terminates an approved
82 payroll deduction without the agreement of the director of revenue before the tax
83 liability is satisfied, then the official shall be in violation of this section and the
84 official's name shall be immediately submitted to the [state ethics commission]
85 **division of ethics**.

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

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

12 depending on the conclusion of the investigation, could lead to a judicial or
13 administrative proceeding being initiated against the party by the official,
14 department, division or agency;

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

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

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

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

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

30 (4) ["Commission", the Missouri ethics commission established in section
31 105.955;

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

35 [(6)] (5) "Decision-making public servant", an official, appointee or
36 employee of the offices or entities delineated in paragraphs (a) through (h) of this
37 subdivision who exercises supervisory authority over the negotiation of contracts,
38 or has the legal authority to adopt or vote on the adoption of rules and
39 regulations with the force of law or exercises primary supervisory responsibility
40 over purchasing decisions. The following officials or entities shall be responsible
41 for designating a decision-making public servant:

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

44 (b) A department director;

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

47 (d) Any commission empowered by interstate compact;

- 48 (e) A statewide elected official;
- 49 (f) The speaker of the house of representatives;
- 50 (g) The president pro tem of the senate;
- 51 (h) The president or chancellor of a state institution of higher education;
- 52 [(7)] **(6)** "Dependent child" or "dependent child in the person's custody",
- 53 all children, stepchildren, foster children and wards under the age of eighteen
- 54 residing in the person's household and who receive in excess of fifty percent of
- 55 their support from the person;
- 56 **(7) "Division", the division of ethics within the office of the**
- 57 **attorney general as established in section 105.955;**
- 58 (8) "Political subdivision" shall include any political subdivision of the
- 59 state, and any special district or subdistrict;
- 60 (9) "Public document", a state tax return or a document or other record
- 61 maintained for public inspection without limitation on the right of access to it and
- 62 a document filed in a juvenile court proceeding;
- 63 (10) "Substantial interest", ownership by the individual, the individual's
- 64 spouse, or the individual's dependent children, whether singularly or collectively,
- 65 directly or indirectly, of ten percent or more of any business entity, or of an
- 66 interest having a value of ten thousand dollars or more, or the receipt by an
- 67 individual, the individual's spouse or the individual's dependent children,
- 68 whether singularly or collectively, of a salary, gratuity, or other compensation or
- 69 remuneration of five thousand dollars, or more, per year from any individual,
- 70 partnership, organization, or association within any calendar year;
- 71 (11) "Substantial personal or private interest in any measure, bill, order
- 72 or ordinance", any interest in a measure, bill, order or ordinance which results
- 73 from a substantial interest in a business entity.

105.467. 1. A governmental body, state agency or appointing authority

2 shall not discharge, threaten, or otherwise discriminate against a person or state

3 employee acting on behalf of a person regarding compensation, terms, conditions,

4 location, or privileges of employment because:

5 (1) The person or state employee acting on behalf of the person reports or

6 is about to report, verbally or in writing, a violation or a suspected violation of

7 sections 105.450 to 105.498; or

8 (2) A person or state employee acting on behalf of the person is requested

9 by the [commission] **division** to participate in an investigation, hearing, or

10 inquiry held by the [commission] **division** or any related court action. This

11 subsection shall not apply to a person or state employee acting on behalf of a
12 person who knowingly or recklessly makes a false report.

13 2. A person or state employee acting on behalf of a person who alleges a
14 violation of subsection 1 of this section may bring a civil action for appropriate
15 injunctive relief, or actual damages, or both.

16 3. A court, in rendering a judgment in an action brought pursuant to this
17 section, shall order, as the court considers appropriate, reinstatement of the
18 person or state employee acting on behalf of the person, the payment of back
19 wages, full reinstatement of fringe benefits and seniority rights, actual damages,
20 or any combination of these remedies. A court may also award such person all
21 or a portion of the costs of litigation, including reasonable attorney's fees and
22 witness fees, if the court determines that the award is appropriate.

105.472. All complaints against lobbyists, elected or appointed officials,
2 including judges, or employees of the state or any political subdivision thereof
3 shall be made in writing to the [Missouri ethics commission] **division**. The
4 complaints shall name the person allegedly violating the provisions of sections
5 105.450 to 105.482, the nature of the violation and the date of the commission of
6 the violation and shall be signed by the complainant and shall contain the
7 complainant's statement under oath that the complainant believes, to the best of
8 the complainant's knowledge, the truthfulness of the statements contained
9 therein.

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

16 employing another person for lobbying purposes may notify the
17 commission that a judicial, executive or legislative lobbyist is no
18 longer authorized to lobby for the principal or the lobbyist and
19 should be removed from the commission's files.

20 2. Each person shall, before giving testimony before any
21 committee of the general assembly, give to the secretary of such
22 committee such person's name and address and the identity of any
23 lobbyist or organization, if any, on whose behalf such person
24 appears. A person who is not a lobbyist as defined in section
25 105.470 shall not be required to give such person's address if the
26 committee determines that the giving of such address would
27 endanger the person's physical health.

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

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

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

46 (b) The total of all expenditures by the lobbyist or his or
47 her lobbyist principals made on behalf of all elected local
48 government officials, their staffs and employees, and their spouses
49 and children. Such expenditures shall be separated into at least
50 the following categories: printing and publication expenses; media
51 and other advertising expenses; travel; the time, venue, and nature

52 of any entertainment; honoraria; meals; food and beverages; and
53 gifts;

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

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

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

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

72 c. All members of a joint committee of the general assembly
73 or a standing committee of either the house of representatives or
74 senate, which may or may not include joint and standing committee
75 staff;

76 d. All members of a caucus of the majority party of the
77 house of representatives, minority party of the house of
78 representatives, majority party of the senate, or minority party of
79 the senate;

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

83 (e) Any expenditure made on behalf of a public official, an
84 elected local government official or such official's staff, employees,
85 spouse or dependent children, if such expenditure is solicited by
86 such official, the official's staff, employees, or spouse or dependent
87 children, from the lobbyist or his or her lobbyist principals and the

88 name of such person or persons, except any expenditures made to
89 any not-for-profit corporation, charitable, fraternal or civic
90 organization or other association formed to provide for good in the
91 order of benevolence and except for any expenditure reported under
92 paragraph (d) of this subdivision;

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

99 4. No expenditure reported pursuant to this section shall
100 include any amount expended by a lobbyist or lobbyist principal on
101 himself or herself. All expenditures disclosed pursuant to this
102 section shall be valued on the report at the actual amount of the
103 payment made, or the charge, expense, cost, or obligation, debt or
104 bill incurred by the lobbyist or the person the lobbyist
105 represents. Whenever a lobbyist principal employs more than one
106 lobbyist, expenditures of the lobbyist principal shall not be reported
107 by each lobbyist, but shall be reported by one of such lobbyists. No
108 expenditure shall be made on behalf of a state senator or state
109 representative, or such public official's staff, employees, spouse, or
110 dependent children for travel or lodging outside the state of
111 Missouri unless such travel or lodging was approved prior to the
112 date of the expenditure by the administration and accounts
113 committee of the house or the administration committee of the
114 senate.

115 5. Any lobbyist principal shall provide in a timely fashion
116 whatever information is reasonably requested by the lobbyist
117 principal's lobbyist for use in filing the reports required by this
118 section.

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

124 filed.

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

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

134 9. The prosecuting attorney of Cole County shall be
135 reimbursed only out of funds specifically appropriated by the
136 general assembly for investigations and prosecutions for violations
137 of this section.

138 10. Any public official or other person whose name appears
139 in any lobbyist report filed pursuant to this section who contests
140 the accuracy of the portion of the report applicable to such person
141 may petition the commission for an audit of such report and shall
142 state in writing in such petition the specific disagreement with the
143 contents of such report. The commission shall investigate such
144 allegations in the manner described in section 105.959. If the
145 commission determines that the contents of such report are
146 incorrect, incomplete or erroneous, it shall enter an order requiring
147 filing of an amended or corrected report.

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

160 12. Each lobbyist or lobbyist principal by whom the lobbyist
161 was employed, or in whose behalf the lobbyist acted, shall provide
162 a general description of the proposed legislation or action by the
163 executive branch or judicial branch which the lobbyist or lobbyist
164 principal supported or opposed. This information shall be supplied
165 to the commission on March fifteenth and May thirtieth of each
166 year.

167 13. The provisions of this section shall supersede any
168 contradicting ordinances or charter provisions.]

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

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

23 3. (1) During any period of time in which a lobbyist continues to act as
24 an executive lobbyist, judicial lobbyist, legislative lobbyist, or elected local
25 government official lobbyist, the lobbyist shall file with the [commission]
26 **division** on standardized forms prescribed by the [commission] **division**
27 monthly reports which shall be due at the close of business on the tenth day of

28 the following month;

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

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

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

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

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

54 a. All members of the senate;

55 b. All members of the house of representatives;

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

58 d. All members of a caucus of the majority party of the house of
59 representatives, minority party of the house of representatives, majority party of
60 the senate, or minority party of the senate;

61 (e) Any expenditure made on behalf of a public official, an elected local
62 government official or such official's staff, employees, spouse or dependent
63 children, if such expenditure is solicited by such official, the official's staff,

64 employees, or spouse or dependent children, from the lobbyist or his or her
65 lobbyist principals and the name of such person or persons, except any
66 expenditures made to any not-for-profit corporation, charitable, fraternal or civic
67 organization or other association formed to provide for good in the order of
68 benevolence;

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

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

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

90 6. All information required to be filed pursuant to the provisions of this
91 section with the [commission] **division** shall be kept available by the executive
92 director of the [commission] **division** at all times open to the public for
93 inspection and copying for a reasonable fee for a period of five years from the date
94 when such information was filed.

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

100 [commission] **division**.

101 8. No lobbyist shall knowingly omit, conceal, or falsify in any manner
102 information required pursuant to this section.

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

106 10. Any public official or other person whose name appears in any lobbyist
107 report filed pursuant to this section who contests the accuracy of the portion of
108 the report applicable to such person may petition the [commission] **division** for
109 an audit of such report and shall state in writing in such petition the specific
110 disagreement with the contents of such report. The [commission] **division** shall
111 investigate such allegations in the manner described in section 105.959. If the
112 [commission] **division** determines that the contents of such report are incorrect,
113 incomplete or erroneous, it shall enter an order requiring filing of an amended or
114 corrected report.

115 11. The [commission] **division** shall provide a report listing the total
116 spent by a lobbyist for the month and year to any member or member-elect of the
117 general assembly, judge or judicial officer, or any other person holding an elective
118 office of state government or any elected local government official on or before the
119 twentieth day of each month. For the purpose of providing accurate information
120 to the public, the [commission] **division** shall not publish information in either
121 written or electronic form for ten working days after providing the report
122 pursuant to this subsection. The [commission] **division** shall not release any
123 portion of the lobbyist report if the accuracy of the report has been questioned
124 pursuant to subsection 10 of this section unless it is conspicuously marked
125 "Under Review".

126 12. Each lobbyist or lobbyist principal by whom the lobbyist was
127 employed, or in whose behalf the lobbyist acted, shall provide a general
128 description of the proposed legislation or action by the executive branch or
129 judicial branch which the lobbyist or lobbyist principal supported or
130 opposed. This information shall be supplied to the [commission] **division** on
131 March fifteenth and May thirtieth of each year.

132 13. The provisions of this section shall supersede any contradicting
133 ordinances or charter provisions.

105.477. 1. The [commission] **division** shall supply an electronic
2 reporting system which shall be used by all lobbyists registered with the [ethics

3 commission] **division** for filing by electronic format prescribed by the
4 [commission] **division**. The electronic reporting system shall be able to operate
5 using either the Windows or Macintosh operating environment with minimum
6 standards set by the [commission] **division**.

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

11 3. All lobbyists shall file expenditure reports required by the [commission]
12 **division** electronically as prescribed by the [commission] **division**. In addition,
13 lobbyists shall file a signed form prescribed by the [commission] **division** which
14 verifies the information filed electronically within five working days; except that,
15 when a means becomes available which will allow a verifiable electronic
16 signature, the [commission] **division** may accept this in lieu of a signed form.

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

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

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

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

5 (2) Persons holding an elective office of the state, whether by election or

6 appointment, and candidates for such elective office, except those running for or
7 serving as county committee members for a political party pursuant to section
8 115.609 or section 115.611;

9 (3) The principal administrative or deputy officers or assistants serving
10 the governor, lieutenant governor, secretary of state, state treasurer, state
11 auditor and attorney general, which officers shall be designated by the respective
12 elected state official;

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

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

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

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

27 (8) Any board member of a metropolitan sewer district authorized under
28 section 30(a) of article VI of the state constitution;

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

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

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

42 section 105.485;

43 (12) Any person who is designated as a decision-making public servant by
44 any of the officials or entities listed in subdivision [(6)] (5) of section 105.450.

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

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

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

30 (2) The name and address of each sole proprietorship which
31 he owned; the name, address and the general nature of the
32 business conducted of each general partnership and joint venture
33 in which he was a partner or participant; the name and address of

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

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

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

64 (5) The name and address of each entity in which such
65 person owned stock, bonds or other equity interest with a value in
66 excess of ten thousand dollars; except that, if the entity is a
67 corporation listed on a regulated stock exchange, only the name of
68 the corporation need be listed; and provided that any member of
69 any board or commission of the state or any political subdivision

70 who does not receive any compensation for his services to the state
71 or political subdivision other than reimbursement for his actual
72 expenses or a per diem allowance as prescribed by law for each day
73 of such service need not report interests in publicly traded
74 corporations or limited partnerships which are listed on a
75 regulated stock exchange or automated quotation system pursuant
76 to this subdivision; and provided further that the provisions of this
77 subdivision shall not require reporting of any interest in any
78 qualified plan or annuity pursuant to the Employees' Retirement
79 Income Security Act;

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

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

90 (8) The name and address of each source from which such
91 person received a gift or gifts, or honorarium or honoraria in excess
92 of two hundred dollars in value per source during the year covered
93 by the statement other than gifts from persons within the third
94 degree of consanguinity or affinity of the person filing the financial
95 interest statement. For the purposes of this section, a "gift" shall
96 not be construed to mean political contributions otherwise required
97 to be reported by law or hospitality such as food, beverages or
98 admissions to social, art, or sporting events or the like, or
99 informational material. For the purposes of this section, a "gift"
100 shall include gifts to or by creditors of the individual for the
101 purpose of cancelling, reducing or otherwise forgiving the
102 indebtedness of the individual to that creditor;

103 (9) The lodging and travel expenses provided by any third
104 person for expenses incurred outside the state of Missouri whether
105 by gift or in relation to the duties of office of such official, except

106 that such statement shall not include travel or lodging expenses:
107 (a) Paid in the ordinary course of business for businesses
108 described in subdivisions (1), (2), (5) and (6) of this subsection
109 which are related to the duties of office of such official; or
110 (b) For which the official may be reimbursed as provided by
111 law; or
112 (c) Paid by persons related by the third degree of
113 consanguinity or affinity to the person filing the statement; or
114 (d) Expenses which are reported by the campaign committee
115 or candidate committee of the person filing the statement pursuant
116 to the provisions of chapter 130; or
117 (e) Paid for purely personal purposes which are not related
118 to the person's official duties by a third person who is not a
119 lobbyist, a lobbyist principal or member, or officer or director of a
120 member, of any association or entity which employs a lobbyist. The
121 statement shall include the name and address of such person who
122 paid the expenses, the date such expenses were incurred, the
123 amount incurred, the location of the travel and lodging, and the
124 nature of the services rendered or reason for the expenses;
125 (10) The assets in any revocable trust of which the
126 individual is the settlor if such assets would otherwise be required
127 to be reported under this section;
128 (11) The name, position and relationship of any relative
129 within the first degree of consanguinity or affinity to any other
130 person who:
131 (a) Is employed by the state of Missouri, by a political
132 subdivision of the state or special district, as defined in section
133 115.013, of the state of Missouri;
134 (b) Is a lobbyist; or
135 (c) Is a fee agent of the department of revenue;
136 (12) The name and address of each campaign committee,
137 political party committee, candidate committee, or political action
138 committee for which such person or any corporation listed on such
139 person's financial interest statement received payment; and
140 (13) For members of the general assembly or any statewide
141 elected public official, their spouses, and their dependent children,

142 whether any state tax credits were claimed on the member's,
143 spouse's, or dependent child's most recent state income tax return.

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

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

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

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

186 (b) The date and the identities of the parties to each
187 transaction known to the person with a total value in excess of five
188 hundred dollars, if any, that any business entity in which such
189 person had a substantial interest, had with the political
190 subdivision, other than payment of any tax, fee or penalty due to
191 the political subdivision or transactions involving payment for
192 providing utility service to the political subdivision, and other than
193 transfers for no consideration to the political subdivision;

194 (2) The chief administrative officer and chief purchasing
195 officer of such political subdivision shall disclose in writing the
196 information described in subdivisions (1), (2) and (6) of subsection
197 2 of this section;

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

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

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

6 2. Each person required to file a financial interest statement pursuant to
7 subdivisions (1) to (12) of section 105.483 shall file the following information for
8 himself, his spouse and dependent children at any time during the period covered

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

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

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

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

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

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

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

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

75 (8) The name and address of each source from which such person received
76 a gift or gifts, or honorarium or honoraria in excess of two hundred dollars in
77 value per source during the year covered by the statement other than gifts from
78 persons within the third degree of consanguinity or affinity of the person filing
79 the financial interest statement. For the purposes of this section, a "gift" shall
80 not be construed to mean political contributions otherwise required to be reported

81 by law or hospitality such as food, beverages or admissions to social, art, or
82 sporting events or the like, or informational material. For the purposes of this
83 section, a "gift" shall include gifts to or by creditors of the individual for the
84 purpose of cancelling, reducing or otherwise forgiving the indebtedness of the
85 individual to that creditor;

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

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

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

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

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

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

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

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

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

113 (b) Is a lobbyist; or

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

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

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

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

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

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

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

152 (a) For such person, and all persons within the first degree of

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

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

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

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

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

105.489. The financial interest statements required to be filed pursuant
2 to the provisions of sections 105.483 to 105.492, other than pursuant to subsection
3 4 of section 105.485, shall be filed with the appropriate filing officer or
4 officers. For the purpose of sections 105.483 to 105.492, the term "filing officer"
5 is defined as:

6 (1) In the case of state elected officials and candidates for such office, and
7 all other state officials and employees, the filing officer is the [commission]
8 **division**;

9 (2) In the case of judges of courts of law, the filing officer shall be the
10 clerk of the supreme court. Financial interest statements filed by judges shall be
11 made available for public inspection unless otherwise provided by supreme court
12 rule;

13 (3) In the case of persons holding elective office in any political

14 subdivision and candidates for such offices, and in the case of all other officers
15 or employees of a political subdivision, the filing officer shall be the [commission]
16 **division**.

105.491. 1. The executive director of the [commission] **division** shall:

2 (1) Develop and publish forms and printed instructions for use in filing
3 the statements described in section 105.485;

4 (2) Furnish the necessary forms and instructions to persons required
5 pursuant to the provisions of sections 105.483 to 105.492 to file financial
6 statements by distributing them to any other locations the executive director
7 deems necessary to accomplish the purposes of sections 105.483 to 105.492;

8 (3) Maintain a filing system for financial statements filed with the
9 executive director's office and preserve such statements for a period of not less
10 than five years;

11 (4) Make any financial statement filed with the executive director
12 available for public inspection and copying within a reasonable time after filing
13 and permit copying of any financial statement at a reasonable expense to such
14 person;

15 (5) Employ staff and retain such contract services, including legal services
16 to represent the [commission] **division** before any state agency or before the
17 courts as the executive director deems necessary within the limits authorized by
18 appropriation by the general assembly.

19 2. The executive director and each other filing officer shall keep a public
20 record of all persons inspecting or copying financial statements.

105.492. 1. Any person required in sections 105.483 to 105.492 to file a
2 financial interest statement who fails to file such statement by the times required
3 in section 105.487 shall, if such person receives any compensation or other
4 remuneration from public funds for the person's services, not be paid such
5 compensation or receive such remuneration until the person has filed a financial
6 interest statement as required by sections 105.483 to 105.492. Any person
7 required in sections 105.483 to 105.492 to file a financial statement who fails to
8 file such statement by the time required in section 105.487 and continues to fail
9 to file the required financial interest statement for thirty or more days after
10 receiving notice from the [commission] **division** shall be subject to suspension
11 from office in the manner otherwise provided by law or the constitution. The
12 attorney general [or prosecuting or circuit attorney, at the request of the
13 commission,] may take appropriate legal action to enforce the provisions of this

14 section.

15 2. If a candidate for office does not file a financial interest statement by
16 the close of business on the twenty-first day after the last day for filing for
17 election for which the person is a candidate, the [commission] **division** shall
18 notify the official who accepted such candidate's declaration of candidacy that the
19 candidate is disqualified. Such election official shall remove the candidate's name
20 from the ballot.

21 3. Failure of any elected official or judge to file a financial interest
22 statement thirty days after notice from the appropriate filing officer shall be
23 grounds for removal from office as may be otherwise provided by law or the
24 constitution.

25 4. Any person who knowingly misrepresents or omits any facts required
26 to be contained in any financial interest statement filed as required by sections
27 105.483 to 105.496 is guilty of a class B misdemeanor. Venue for any criminal
28 proceeding brought pursuant to this section shall be the county in which the
29 defendant resided at the time the defendant filed the financial interest statement.

30 5. Any lobbyist who fails to timely file a lobbying disclosure report as
31 required by section 105.473 shall be assessed a late filing fee of ten dollars for
32 every day such report is late.

[105.955. 1. A bipartisan "Missouri Ethics Commission",
2 composed of six members, is hereby established. The commission
3 shall be assigned to the office of administration with supervision
4 by the office of administration only for budgeting and reporting as
5 provided by subdivisions (4) and (5) of subsection 6 of section 1 of
6 the Reorganization Act of 1974. Supervision by the office of
7 administration shall not extend to matters relating to policies,
8 regulative functions or appeals from decisions of the commission,
9 and the commissioner of administration, any employee of the office
10 of administration, or the governor, either directly or indirectly,
11 shall not participate or interfere with the activities of the
12 commission in any manner not specifically provided by law and
13 shall not in any manner interfere with the budget request of or
14 withhold any moneys appropriated to the commission by the
15 general assembly. All members of the commission shall be
16 appointed by the governor with the advice and consent of the
17 senate from lists submitted pursuant to this section. Each

18 congressional district committee of the political parties having the
19 two highest number of votes cast for their candidate for governor
20 at the last gubernatorial election shall submit two names of eligible
21 nominees for membership on the commission to the governor, and
22 the governor shall select six members from such nominees to serve
23 on the commission.

24 2. Within thirty days of submission of the person's name to
25 the governor as provided in subsection 1 of this section, and in
26 order to be an eligible nominee for appointment to the commission,
27 a person shall file a financial interest statement in the manner
28 provided by section 105.485 and shall provide the governor, the
29 president pro tempore of the senate, and the commission with a list
30 of all political contributions and the name of the candidate or
31 committee, political party, or political action committee, as defined
32 in chapter 130, to which those contributions were made within the
33 four-year period prior to such appointment, made by the nominee,
34 the nominee's spouse, or any business entity in which the nominee
35 has a substantial interest. The information shall be maintained by
36 the commission and available for public inspection during the
37 period of time during which the appointee is a member of the
38 commission. In order to be an eligible nominee for membership on
39 the commission, a person shall be a citizen and a resident of the
40 state and shall have been a registered voter in the state for a
41 period of at least five years preceding the person's appointment.

42 3. The term of each member shall be for four years, except
43 that of the members first appointed, the governor shall select three
44 members from even-numbered congressional districts and three
45 members from odd-numbered districts. Not more than three
46 members of the commission shall be members of the same political
47 party, nor shall more than one member be from any one United
48 States congressional district. Not more than two members
49 appointed from the even-numbered congressional districts shall be
50 members of the same political party, and no more than two
51 members from the odd-numbered congressional districts shall be
52 members of the same political party. Of the members first
53 appointed, the terms of the members appointed from the

54 odd-numbered congressional districts shall expire on March 15,
55 1994, and the terms of the members appointed from the
56 even-numbered congressional districts shall expire on March 15,
57 1996. Thereafter all successor members of the commission shall be
58 appointed for four-year terms. Terms of successor members of the
59 commission shall expire on March fifteenth of the fourth year of
60 their term. No member of the commission shall serve on the
61 commission after the expiration of the member's term. No person
62 shall be appointed to more than one full four-year term on the
63 commission.

64 4. Vacancies or expired terms on the commission shall be
65 filled in the same manner as the original appointment was made,
66 except as provided in this subsection. Within thirty days of the
67 vacancy or ninety days before the expiration of the term, the names
68 of two eligible nominees for membership on the commission shall
69 be submitted to the governor by the congressional district
70 committees of the political party or parties of the vacating member
71 or members, from the even- or odd-numbered congressional
72 districts, based on the residence of the vacating member or
73 members, other than from the congressional district committees
74 from districts then represented on the commission and from the
75 same congressional district party committee or committees which
76 originally appointed the member or members whose positions are
77 vacated. Appointments to fill vacancies or expired terms shall be
78 made within forty-five days after the deadline for submission of
79 names by the congressional district committees, and shall be
80 subject to the same qualifications for appointment and eligibility
81 as is provided in subsections 2 and 3 of this section. Appointments
82 to fill vacancies for unexpired terms shall be for the remainder of
83 the unexpired term of the member whom the appointee succeeds,
84 and such appointees shall be eligible for appointment to one full
85 four-year term. If the congressional district committee does not
86 submit the required two nominees within the thirty days or if the
87 congressional district committee does not submit the two nominees
88 within an additional thirty days after receiving notice from the
89 governor to submit the nominees, then the governor may appoint

90 a person or persons who shall be subject to the same qualifications
91 for appointment and eligibility as provided in subsections 2 and 3
92 of this section.

93 5. The governor, with the advice and consent of the senate,
94 may remove any member only for substantial neglect of duty,
95 inability to discharge the powers and duties of office, gross
96 misconduct or conviction of a felony or a crime involving moral
97 turpitude. Members of the commission also may be removed from
98 office by concurrent resolution of the general assembly signed by
99 the governor. If such resolution receives the vote of two-thirds or
100 more of the membership of both houses of the general assembly,
101 the signature of the governor shall not be necessary to effect
102 removal. The office of any member of the commission who moves
103 from the congressional district from which the member was
104 appointed shall be deemed vacated upon such change of residence.

105 6. The commission shall elect biennially one of its members
106 as the chairman. The chairman may not succeed himself or herself
107 after two years. No member of the commission shall succeed as
108 chairman any member of the same political party as himself or
109 herself. At least four members are necessary to constitute a
110 quorum, and at least four affirmative votes shall be required for
111 any action or recommendation of the commission.

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

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

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

120 (1) Be employed by the state or any political subdivision of
121 the state;

122 (2) Be employed as a lobbyist;

123 (3) Serve on any other governmental board or commission;

124 (4) Be an officer of any political party or political
125 organization;

126 (5) Permit the person's name to be used, or make
127 contributions, in support of or in opposition to any candidate or
128 proposition;

129 (6) Participate in any way in any election campaign; except
130 that a member or employee of the commission shall retain the right
131 to register and vote in any election, to express the person's opinion
132 privately on political subjects or candidates, to participate in the
133 activities of a civic, community, social, labor or professional
134 organization and to be a member of a political party.

135 10. Each member of the commission shall receive, as full
136 compensation for the member's services, the sum of one hundred
137 dollars per day for each full day actually spent on work of the
138 commission, and the member's actual and necessary expenses
139 incurred in the performance of the member's official duties.

140 11. The commission shall appoint an executive director who
141 shall serve subject to the supervision of and at the pleasure of the
142 commission, but in no event for more than six years. The executive
143 director shall be responsible for the administrative operations of
144 the commission and perform such other duties as may be delegated
145 or assigned to the director by law or by rule of the
146 commission. The executive director shall employ staff and retain
147 such contract services as the director deems necessary, within the
148 limits authorized by appropriations by the general assembly.

149 12. Beginning on January 1, 1993, all lobbyist registration
150 and expenditure reports filed pursuant to section 105.473, financial
151 interest statements filed pursuant to subdivision (1) of section
152 105.489, and campaign finance disclosure reports filed other than
153 with election authorities or local election authorities as provided by
154 section 130.026 shall be filed with the commission.

155 13. Within sixty days of the initial meeting of the first
156 commission appointed, the commission shall obtain from the clerk
157 of the supreme court or the state courts administrator a list of
158 retired appellate and circuit court judges who did not leave the
159 judiciary as a result of being defeated in an election. The executive
160 director shall determine those judges who indicate their desire to
161 serve as special investigators and to investigate any and all

162 complaints referred to them by the commission. The executive
163 director shall maintain an updated list of those judges qualified
164 and available for appointment to serve as special
165 investigators. Such list shall be updated at least annually. The
166 commission shall refer complaints to such special investigators on
167 that list on a rotating schedule which ensures a random
168 assignment of each special investigator. Each special investigator
169 shall receive only one unrelated investigation at a time and shall
170 not be assigned to a second or subsequent investigation until all
171 other eligible investigators on the list have been assigned to an
172 investigation. In the event that no special investigator is qualified
173 or available to conduct a particular investigation, the commission
174 may appoint a special investigator to conduct such particular
175 investigation.

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

180 (1) Receive and review complaints regarding alleged
181 violation of sections 105.450 to 105.496 and chapter 130, conduct
182 initial reviews and investigations regarding such complaints as
183 provided herein; refer complaints to appropriate prosecuting
184 authorities and appropriate disciplinary authorities along with
185 recommendations for sanctions; and initiate judicial proceedings as
186 allowed by sections 105.955 to 105.963;

187 (2) Review and investigate any reports and statements
188 required by the campaign finance disclosure laws contained in
189 chapter 130, and financial interest disclosure laws or lobbyist
190 registration and reporting laws as provided by sections 105.470 to
191 105.492, for timeliness, accuracy and completeness of content as
192 provided in sections 105.955 to 105.963;

193 (3) Conduct investigations as provided in subsection 2 of
194 section 105.959;

195 (4) Develop appropriate systems to file and maintain an
196 index of all such reports and statements to facilitate public access
197 to such information, except as may be limited by confidentiality

198 requirements otherwise provided by law, including cross-checking
199 of information contained in such statements and reports. The
200 commission may enter into contracts with the appropriate filing
201 officers to effectuate such system. Such filing officers shall
202 cooperate as necessary with the commission as reasonable and
203 necessary to effectuate such purposes;

204 (5) Provide information and assistance to lobbyists, elected
205 and appointed officials, and employees of the state and political
206 subdivisions in carrying out the provisions of sections 105.450 to
207 105.496 and chapter 130;

208 (6) Make recommendations to the governor and general
209 assembly or any state agency on the need for further legislation
210 with respect to the ethical conduct of public officials and employees
211 and to advise state and local government in the development of
212 local government codes of ethics and methods of disclosing conflicts
213 of interest as the commission may deem appropriate to promote
214 high ethical standards among all elected and appointed officials or
215 employees of the state or any political subdivision thereof and
216 lobbyists;

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

218 (8) Promulgate rules relating to the provisions of sections
219 105.955 to 105.963 and chapter 130. All rules and regulations
220 issued by the commission shall be prospective only in operation;

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

224 15. In connection with such powers provided by sections
225 105.955 to 105.963 and chapter 130, the commission may:

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

229 (2) Administer oaths and affirmations;

230 (3) Take evidence and require by subpoena duces tecum the
231 production of books, papers, and other records relating to any
232 matter being investigated or to the performance of the commission's
233 duties or exercise of its powers. Subpoenas duces tecum shall be

234 served and enforced in the same manner provided by section
235 536.077;

236 (4) Employ such personnel, including legal counsel, and
237 contract for services including legal counsel, within the limits of its
238 appropriation, as it deems necessary provided such legal counsel,
239 either employed or contracted, represents the Missouri ethics
240 commission before any state agency or before the courts at the
241 request of the Missouri ethics commission. Nothing in this section
242 shall limit the authority of the Missouri ethics commission as
243 provided for in subsection 2 of section 105.961; and

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

249 16. (1) Upon written request for an advisory opinion
250 received by the commission, and if the commission determines that
251 the person requesting the opinion would be directly affected by the
252 application of law to the facts presented by the requesting person,
253 the commission shall issue a written opinion advising the person
254 who made the request, in response to the person's particular
255 request, regarding any issue that the commission can receive a
256 complaint on pursuant to section 105.957. The commission may
257 decline to issue a written opinion by a vote of four members and
258 shall provide to the requesting person the reason for the refusal in
259 writing. The commission shall give an approximate time frame as
260 to when the written opinion shall be issued. Such advisory
261 opinions shall be issued no later than ninety days from the date of
262 receipt by the commission. Such requests and advisory opinions,
263 deleting the name and identity of the requesting person, shall be
264 compiled and published by the commission on at least an annual
265 basis. Advisory opinions issued by the commission shall be
266 maintained and made available for public inspection and copying
267 at the office of the commission during normal business hours. Any
268 advisory opinion or portion of an advisory opinion rendered
269 pursuant to this subsection shall be withdrawn by the commission

270 if, after hearing thereon, the joint committee on administrative
271 rules finds that such advisory opinion is beyond or contrary to the
272 statutory authority of the commission or is inconsistent with the
273 legislative intent of any law enacted by the general assembly, and
274 after the general assembly, by concurrent resolution, votes to adopt
275 the findings and conclusions of the joint committee on
276 administrative rules. Any such concurrent resolution adopted by
277 the general assembly shall be published at length by the
278 commission in its publication of advisory opinions of the
279 commission next following the adoption of such resolution, and a
280 copy of such concurrent resolution shall be maintained by the
281 commission, along with the withdrawn advisory opinion, in its
282 public file of advisory opinions. The commission shall also send a
283 copy of such resolution to the person who originally requested the
284 withdrawn advisory opinion. Any advisory opinion issued by the
285 ethics commission shall act as legal direction to any person
286 requesting such opinion and no person shall be liable for relying on
287 the opinion and it shall act as a defense of justification against
288 prosecution. An advisory opinion of the commission shall not be
289 withdrawn unless:

- 290 (a) The authorizing statute is declared unconstitutional;
291 (b) The opinion goes beyond the power authorized by
292 statute; or
293 (c) The authorizing statute is changed to invalidate the
294 opinion.
- 295 (2) Upon request, the attorney general shall give the
296 attorney general's opinion, without fee, to the commission, any
297 elected official of the state or any political subdivision, any member
298 of the general assembly, or any director of any department, division
299 or agency of the state, upon any question of law regarding the
300 effect or application of sections 105.450 to 105.496 or chapter
301 130. Such opinion need be in writing only upon request of such
302 official, member or director, and in any event shall be rendered
303 within sixty days after such request is delivered to the attorney
304 general.

305 17. The state auditor and the state auditor's duly

306 authorized employees who have taken the oath of confidentiality
307 required by section 29.070 may audit the commission and in
308 connection therewith may inspect materials relating to the
309 functions of the commission. Such audit shall include a
310 determination of whether appropriations were spent within the
311 intent of the general assembly, but shall not extend to review of
312 any file or document pertaining to any particular investigation,
313 audit or review by the commission, an investigator or any staff or
314 person employed by the commission or under the supervision of the
315 commission or an investigator. The state auditor and any employee
316 of the state auditor shall not disclose the identity of any person
317 who is or was the subject of an investigation by the commission and
318 whose identity is not public information as provided by law.

319 18. From time to time but no more frequently than annually
320 the commission may request the officials and entities described in
321 subdivision (6) of section 105.450 to identify for the commission in
322 writing those persons associated with such office or entity which
323 such office or entity has designated as a decision-making public
324 servant. Each office or entity delineated in subdivision (6) of
325 section 105.450 receiving such a request shall identify those so
326 designated within thirty days of the commission's request.]

105.955. 1. [A bipartisan "Missouri Ethics Commission", composed of six
2 members,] **The "Division of Ethics" is hereby established within the office**
3 **of the attorney general for the purposes of administering and enforcing**
4 **sections 105.450 to 105.496, sections 105.955 to 105.983, and sections**
5 **130.011 to 130.160 as provided in those sections.** [The commission shall be
6 assigned to the office of administration with supervision by the office of
7 administration only for budgeting and reporting as provided by subdivisions (4)
8 and (5) of subsection 6 of section 1 of the Reorganization Act of 1974. Supervision
9 by the office of administration shall not extend to matters relating to policies,
10 regulative functions or appeals from decisions of the commission, and the
11 commissioner of administration, any employee of the office of administration, or
12 the governor, either directly or indirectly, shall not participate or interfere with
13 the activities of the commission in any manner not specifically provided by law
14 and shall not in any manner interfere with the budget request of or withhold any
15 moneys appropriated to the commission by the general assembly. All members

16 of the commission shall be appointed by the governor with the advice and consent
17 of the senate from lists submitted pursuant to this section. Each congressional
18 district committee of the political parties having the two highest number of votes
19 cast for their candidate for governor at the last gubernatorial election shall
20 submit two names of eligible nominees for membership on the commission to the
21 governor, and the governor shall select six members from such nominees to serve
22 on the commission.

23 2. Within thirty days of submission of the person's name to the governor
24 as provided in subsection 1 of this section, and in order to be an eligible nominee
25 for appointment to the commission, a person shall file a financial interest
26 statement in the manner provided by section 105.485 and shall provide the
27 governor, the president pro tempore of the senate, and the commission with a list
28 of all political contributions and the name of the candidate or committee, political
29 party, or continuing committee, as defined in chapter 130, to which those
30 contributions were made within the four-year period prior to such appointment,
31 made by the nominee, the nominee's spouse, or any business entity in which the
32 nominee has a substantial interest. The information shall be maintained by the
33 commission and available for public inspection during the period of time during
34 which the appointee is a member of the commission. In order to be an eligible
35 nominee for membership on the commission, a person shall be a citizen and a
36 resident of the state and shall have been a registered voter in the state for a
37 period of at least five years preceding the person's appointment.

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

52 shall expire on March fifteenth of the fourth year of their term. No member of
53 the commission shall serve on the commission after the expiration of the
54 member's term. No person shall be appointed to more than one full four-year
55 term on the commission.

56 4. Vacancies or expired terms on the commission shall be filled in the
57 same manner as the original appointment was made, except as provided in this
58 subsection. Within thirty days of the vacancy or ninety days before the expiration
59 of the term, the names of two eligible nominees for membership on the
60 commission shall be submitted to the governor by the congressional district
61 committees of the political party or parties of the vacating member or members,
62 from the even- or odd-numbered congressional districts, based on the residence
63 of the vacating member or members, other than from the congressional district
64 committees from districts then represented on the commission and from the same
65 congressional district party committee or committees which originally appointed
66 the member or members whose positions are vacated. Appointments to fill
67 vacancies or expired terms shall be made within forty-five days after the deadline
68 for submission of names by the congressional district committees, and shall be
69 subject to the same qualifications for appointment and eligibility as is provided
70 in subsections 2 and 3 of this section. Appointments to fill vacancies for
71 unexpired terms shall be for the remainder of the unexpired term of the member
72 whom the appointee succeeds, and such appointees shall be eligible for
73 appointment to one full four-year term. If the congressional district committee
74 does not submit the required two nominees within the thirty days or if the
75 congressional district committee does not submit the two nominees within an
76 additional thirty days after receiving notice from the governor to submit the
77 nominees, then the governor may appoint a person or persons who shall be
78 subject to the same qualifications for appointment and eligibility as provided in
79 subsections 2 and 3 of this section.

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

88 moves from the congressional district from which the member was appointed shall
89 be deemed vacated upon such change of residence.

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

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

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

101 9.] 2. No [member of the commission] **employee of the division** shall,
102 during the [member's] **person's** term of [service] **employment** or within one
103 year thereafter:

104 (1) Be employed by [the state or] any political subdivision of the state;

105 (2) Be employed as a lobbyist;

106 (3) Serve on any other governmental board or commission;

107 (4) Be an officer of any political party or political organization;

108 (5) Permit the person's name to be used, or make contributions, in support
109 of or in opposition to any candidate or proposition;

110 (6) Participate in any way in any election campaign; except that [a
111 member or] **an** employee of the [commission] **division** shall retain the right to
112 register and vote in any election, to express the person's opinion privately on
113 political subjects or candidates, to participate in the activities of a civic,
114 community, social, labor or professional organization and to be a member of a
115 political party.

116 [10. Each member of the commission shall receive, as full compensation
117 for the member's services, the sum of one hundred dollars per day for each full
118 day actually spent on work of the commission, and the member's actual and
119 necessary expenses incurred in the performance of the member's official duties.

120 11.] 3. The [commission] **attorney general** shall appoint an executive
121 director who shall [serve subject to the supervision of and at the pleasure of the
122 commission, but in no event for more than six years. The executive director
123 shall] be responsible for the administrative operations of the [commission]

124 **division** and perform such other duties as may be delegated or assigned to the
125 director by law or by rule of the [commission] **division**. [The executive director
126 shall employ staff and retain such contract services as the director deems
127 necessary, within the limits authorized by appropriations by the general
128 assembly.

129 12.] **4.** Beginning on January 1, 1993, all lobbyist registration and
130 expenditure reports filed pursuant to section 105.473, financial interest
131 statements filed pursuant to subdivision (1) of section 105.489, and campaign
132 finance disclosure reports filed other than with election authorities or local
133 election authorities as provided by section 130.026 shall be filed with the
134 [commission] **division**.

135 [13.] **5.** Within sixty days of the [initial meeting of the first commission
136 appointed, the commission] **enactment of this section, the division** shall
137 obtain from the clerk of the supreme court or the state courts administrator a list
138 of retired appellate and circuit court judges who did not leave the judiciary as a
139 result of being defeated in an election. The executive director shall determine
140 those judges who indicate their desire to serve as special investigators and to
141 investigate any and all complaints **against the attorney general or**
142 **employees of the office of the attorney general** referred to them by the
143 [commission] **division**. The executive director shall maintain an updated list of
144 those judges qualified and available for appointment to serve as special
145 investigators. Such list shall be updated at least annually. The [commission]
146 **division** shall refer complaints to such special investigators on that list
147 **pursuant to subsection 6 of section 105.957** on a rotating schedule which
148 ensures a random assignment of each special investigator. Each special
149 investigator shall receive only one unrelated investigation at a time and shall not
150 be assigned to a second or subsequent investigation until all other eligible
151 investigators on the list have been assigned to an investigation. [In the event
152 that no special investigator is qualified or available to conduct a particular
153 investigation, the commission may appoint a special investigator to conduct such
154 particular investigation.]

155 [14.] **6.** The [commission] **division** shall have the following duties and
156 responsibilities relevant to the impartial and effective enforcement of sections
157 105.450 to 105.496 and chapter 130, as provided in sections 105.955 to 105.963:

158 (1) Receive and review complaints regarding alleged violation of sections
159 105.450 to 105.496 and chapter 130, conduct initial reviews and investigations

160 regarding such complaints as provided herein; refer complaints to appropriate
161 prosecuting authorities and appropriate disciplinary authorities along with
162 recommendations for sanctions; and initiate judicial proceedings as allowed by
163 sections 105.955 to 105.963;

164 (2) Review and audit any reports and statements required by the
165 campaign finance disclosure laws contained in chapter 130, and financial interest
166 disclosure laws or lobbyist registration and reporting laws as provided by sections
167 105.470 to 105.492, for timeliness, accuracy and completeness of content as
168 provided in sections 105.955 to 105.963;

169 (3) Develop appropriate systems to file and maintain an index of all such
170 reports and statements to facilitate public access to such information, except as
171 may be limited by confidentiality requirements otherwise provided by law,
172 including cross-checking of information contained in such statements and
173 reports. The [commission] **division** may enter into contracts with the
174 appropriate filing officers to effectuate such system. Such filing officers shall
175 cooperate as necessary with the commission as reasonable and necessary to
176 effectuate such purposes;

177 (4) Provide information and assistance to lobbyists, elected and appointed
178 officials, and employees of the state and political subdivisions in carrying out the
179 provisions of sections 105.450 to 105.496 and chapter 130;

180 (5) Make recommendations to the governor and general assembly or any
181 state agency on the need for further legislation with respect to the ethical conduct
182 of public officials and employees and to advise state and local government in the
183 development of local government codes of ethics and methods of disclosing
184 conflicts of interest as the [commission] **division** may deem appropriate to
185 promote high ethical standards among all elected and appointed officials or
186 employees of the state or any political subdivision thereof and lobbyists;

187 (6) Render advisory opinions as provided by this section;

188 (7) Promulgate rules relating to the provisions of sections 105.955 to
189 105.963 and chapter 130. All rules and regulations issued by the [commission]
190 **division** shall be prospective only in operation;

191 (8) Request and receive from the officials and entities identified in
192 subdivision [(6)] (5) of section 105.450 designations of decision-making public
193 servants.

194 [15.] 7. In connection with such powers provided by sections 105.955 to
195 105.963 and chapter 130, the [commission] **division** may:

196 (1) Subpoena witnesses **with the exception of individuals who are**
197 **the subjects of an investigation** and compel their attendance and
198 testimony. Subpoenas shall be served and enforced in the same manner provided
199 by section 536.077;

200 (2) Administer oaths and affirmations;

201 (3) Take evidence and require by subpoena duces tecum the production of
202 books, papers, and other records relating to any matter being investigated or to
203 the performance of the [commission's] **division's** duties or exercise of its
204 powers. Subpoenas duces tecum shall be served and enforced in the same manner
205 provided by section 536.077; **and**

206 (4) [Employ such personnel, including legal counsel, and contract for
207 services including legal counsel, within the limits of its appropriation, as it deems
208 necessary provided such legal counsel, either employed or contracted, represents
209 the Missouri ethics commission before any state agency or before the courts at the
210 request of the Missouri ethics commission. Nothing in this section shall limit the
211 authority of the Missouri ethics commission as provided for in subsection 2 of
212 section 105.961; and

213 (5)] Obtain information from any department, division or agency of the
214 state or any political subdivision reasonably calculated to lead to the discovery
215 of evidence which will reasonably assist the [commission] **division** in carrying
216 out the duties prescribed in sections 105.955 to 105.963 and chapter 130.

217 [16. (1) Upon written request for an advisory opinion received by the
218 commission, and if the commission determines that the person requesting the
219 opinion would be directly affected by the application of law to the facts presented
220 by the requesting person, the commission shall issue a written opinion advising
221 the person who made the request, in response to the person's particular request,
222 regarding any issue that the commission can receive a complaint on pursuant to
223 section 105.957. The commission may decline to issue a written opinion by a vote
224 of four members and shall provide to the requesting person the reason for the
225 refusal in writing. The commission shall give an approximate time frame as to
226 when the written opinion shall be issued. Such advisory opinions shall be issued
227 no later than ninety days from the date of receipt by the commission. Such
228 requests and advisory opinions, deleting the name and identity of the requesting
229 person, shall be compiled and published by the commission on at least an annual
230 basis. Advisory opinions issued by the commission shall be maintained and made
231 available for public inspection and copying at the office of the commission during

232 normal business hours. Any advisory opinion or portion of an advisory opinion
233 rendered pursuant to this subsection shall be withdrawn by the commission if,
234 after hearing thereon, the joint committee on administrative rules finds that such
235 advisory opinion is beyond or contrary to the statutory authority of the
236 commission or is inconsistent with the legislative intent of any law enacted by the
237 general assembly, and after the general assembly, by concurrent resolution, votes
238 to adopt the findings and conclusions of the joint committee on administrative
239 rules. Any such concurrent resolution adopted by the general assembly shall be
240 published at length by the commission in its publication of advisory opinions of
241 the commission next following the adoption of such resolution, and a copy of such
242 concurrent resolution shall be maintained by the commission, along with the
243 withdrawn advisory opinion, in its public file of advisory opinions. The
244 commission shall also send a copy of such resolution to the person who originally
245 requested the withdrawn advisory opinion. Any advisory opinion issued by the
246 ethics commission shall act as legal direction to any person requesting such
247 opinion and no person shall be liable for relying on the opinion and it shall act
248 as a defense of justification against prosecution. An advisory opinion of the
249 commission shall not be withdrawn unless:

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

253 (2)] 8. Upon request, the attorney general shall give the attorney
254 general's opinion, without fee, to [the commission,] any elected official of the state
255 or any political subdivision, any member of the general assembly, or any director
256 of any department, division or agency of the state, upon any question of law
257 regarding the effect or application of sections 105.450 to 105.496, or chapter
258 130. Such opinion need be in writing only upon request of such official, member
259 or director, and in any event shall be rendered within sixty days that such
260 request is delivered to the attorney general.

261 [17.] 9. The state auditor and the state auditor's duly authorized
262 employees who have taken the oath of confidentiality required by section 29.070
263 may audit the [commission] **division** and in connection therewith may inspect
264 materials relating to the functions of the [commission] **division**. Such audit
265 shall include a determination of whether appropriations were spent within the
266 intent of the general assembly, but shall not extend to review of any file or
267 document pertaining to any particular investigation, audit or review by the

268 [commission] **division**, an investigator or any staff or person employed by the
269 [commission] **division** or under the supervision of the [commission] **division** or
270 an investigator. The state auditor and any employee of the state auditor shall
271 not disclose the identity of any person who is or was the subject of an
272 investigation by the commission and whose identity is not public information as
273 provided by law.

274 [18.] **10.** From time to time but no more frequently than annually the
275 commission may request the officials and entities described in subdivision [(6)]
276 **(5)** of section 105.450 to identify for the commission in writing those persons
277 associated with such office or entity which such office or entity has designated as
278 a decision-making public servant. Each office or entity delineated in subdivision
279 [(6)] **(5)** of section 105.450 receiving such a request shall identify those so
280 designated within thirty days of the [commission's] **division's** request.

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

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

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

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

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

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

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

18 2. Complaints filed with the commission shall be in writing
19 and filed only by a natural person. The complaint shall contain all
20 facts known by the complainant that have given rise to the
21 complaint and the complaint shall be sworn to, under penalty of
22 perjury, by the complainant. No complaint shall be investigated
23 unless the complaint alleges facts which, if true, fall within the

24 jurisdiction of the commission. Within five days after receipt by
25 the commission of a complaint which is properly signed and
26 notarized, and which alleges facts which, if true, fall within the
27 jurisdiction of the commission, a copy of the complaint, including
28 the name of the complainant, shall be delivered to the alleged
29 violator.

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

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

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

105.957. 1. The [commission] **division** shall receive any complaints

2 alleging violation of the provisions of:

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

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

6 (3) The campaign finance disclosure requirements contained in chapter
7 130;

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

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

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

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

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

36 4. If the [commission] **division** finds that any complaint is frivolous in
37 nature or finds no probable cause to believe that there has been a violation, the

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

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

51 **6. A complaint alleging misconduct on the part of the attorney**
52 **general or employee of the office of attorney general shall be**
53 **immediately forwarded to a special investigator as described in**
54 **subsection 5 of section 105.955. If the special investigator concludes**
55 **that there are reasonable grounds to believe a violation of sections**
56 **105.450 to 105.496, 105.955 to 105.983, or 130.011 to 130.160 have**
57 **occurred that are not criminal violations, the special investigator shall**
58 **file a petition for review with the administrative hearing**
59 **commission. Such a hearing shall be conducted pursuant to sections**
60 **536.063 to 536.090 and shall be a contested case for the purposes of such**
61 **sections.**

105.958. 1. The [Missouri ethics commission] **division** shall notify each
2 person whose name has been submitted to the commission by the designating
3 agency as a designated decision-making public servant and who has been
4 informed by the agency of such designation. The [commission] **division** shall
5 send written notification by postcard at least ninety days before the required
6 filing date of a financial interest statement pursuant to subdivision (12) of section
7 105.483.

8 2. If the designating agency fails to notify a person that their name has
9 been submitted to the [commission] **division** by the designating agency as a
10 designated decision-making public servant, then the designating agency shall be
11 responsible for any late filing fees assessed by the [commission] **division**.

[105.959. 1. The executive director of the commission,

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

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

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

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

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

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

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

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

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

36 3. Upon findings of the appropriate filing officer which are
37 reported to the commission in accordance with the provisions of

38 section 130.056, the executive director shall investigate disclosure
39 reports, statements and records pertaining to such findings within
40 a reasonable time after receipt of the reports from the appropriate
41 filing officer.

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

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

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

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

105.959. 1. The [executive director of the commission, under the
2 supervision of the commission,] **division** shall review reports and statements
3 filed with the [commission] **division** or other appropriate officers pursuant to
4 sections 105.470, 105.483 to 105.492, and chapter 130 for completeness, accuracy
5 and timeliness of filing of the reports or statements, and upon review, if there are
6 reasonable grounds to believe that a violation has occurred, shall conduct an
7 audit of such reports and statements. All investigations by the [executive
8 director] **division** of an alleged violation shall be strictly confidential with the

9 exception of notification of the [commission] **division** and the complainant or the
10 person under investigation. All investigations by the [executive director]
11 **division** shall be limited to the information contained in the reports or
12 statements. The [commission] **division** shall notify the complainant or the
13 person under investigation, by registered mail, within five days of the decision to
14 conduct such investigation. Revealing any such confidential investigation
15 information shall be cause for removal or dismissal of the executive director or
16 [a commission member or] **division** employee.

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

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

32 4. The [commission] **division** may make such investigations and
33 inspections within or outside of this state as are necessary to determine
34 compliance.

35 5. If, during an audit or investigation, the [commission] **division**
36 determines that a formal investigation is necessary, the commission shall assign
37 the investigation to a special investigator in the manner provided by subsection
38 1 of section 105.961.

39 6. After completion of an audit or investigation, the executive director
40 shall provide a detailed report of such audit or investigation to the [commission]
41 **division**. Upon determination that there are reasonable grounds to believe that
42 a person has violated the requirements of sections 105.470, 105.483 to 105.492,
43 or chapter 130, [by a vote of four members of the commission, the commission]
44 **the division** may refer the report with the recommendations of the [commission]

45 **division** to the appropriate prosecuting authority together with a copy of the
46 audit and the details of the investigation by the [commission] **division** as is
47 provided in subsection 2 of section 105.961.

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

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

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

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

26 2. When the commission concludes, based on the report
27 from the special investigator, or based on an investigation
28 conducted pursuant to section 105.959, that there are reasonable
29 grounds to believe that a violation of any criminal law has
30 occurred, and if the commission believes that criminal prosecution
31 would be appropriate upon a vote of four members of the
32 commission, the commission shall refer the report to the Missouri
33 office of prosecution services, prosecutors coordinators training

34 council established in section 56.760, which shall submit a panel
35 of five attorneys for recommendation to the court having criminal
36 jurisdiction, for appointment of an attorney to serve as a special
37 prosecutor; except that, the attorney general of Missouri or any
38 assistant attorney general shall not act as such special
39 prosecutor. The court shall then appoint from such panel a special
40 prosecutor pursuant to section 56.110 who shall have all the
41 powers provided by section 56.130. The court shall allow a
42 reasonable and necessary attorney's fee for the services of the
43 special prosecutor. Such fee shall be assessed as costs if a case is
44 filed, or ordered by the court if no case is filed, and paid together
45 with all other costs in the proceeding by the state, in accordance
46 with rules and regulations promulgated by the state courts
47 administrator, subject to funds appropriated to the office of
48 administration for such purposes. If the commission does not have
49 sufficient funds to pay a special prosecutor, the commission shall
50 refer the case to the prosecutor or prosecutors having criminal
51 jurisdiction. If the prosecutor having criminal jurisdiction is not
52 able to prosecute the case due to a conflict of interest, the court
53 may appoint a special prosecutor, paid from county funds, upon
54 appropriation by the county or the attorney general to investigate
55 and, if appropriate, prosecute the case. The special prosecutor or
56 prosecutor shall commence an action based on the report by the
57 filing of an information or seeking an indictment within sixty days
58 of the date of such prosecutor's appointment, or shall file a written
59 statement with the commission explaining why criminal charges
60 should not be sought. If the special prosecutor or prosecutor fails
61 to take either action required by this subsection, upon request of
62 the commission, a new special prosecutor, who may be the attorney
63 general, shall be appointed. The report may also be referred to the
64 appropriate disciplinary authority over the person who is the
65 subject of the report.

66 3. When the commission concludes, based on the report
67 from the special investigator or based on an investigation
68 conducted pursuant to section 105.959, that there are reasonable
69 grounds to believe that a violation of any law has occurred which

70 is not a violation of criminal law or that criminal prosecution is not
71 appropriate, the commission shall conduct a hearing which shall be
72 a closed meeting and not open to the public. The hearing shall be
73 conducted pursuant to the procedures provided by sections 536.063
74 to 536.090 and shall be considered to be a contested case for
75 purposes of such sections. The commission shall determine, in its
76 discretion, whether or not that there is probable cause that a
77 violation has occurred. If the commission determines, by a vote of
78 at least four members of the commission, that probable cause exists
79 that a violation has occurred, the commission may refer its findings
80 and conclusions to the appropriate disciplinary authority over the
81 person who is the subject of the report, as described in subsection
82 8 of this section.

83 4. If the appropriate disciplinary authority receiving a
84 report from the commission pursuant to subsection 3 of this section
85 fails to follow, within sixty days of the receipt of the report, the
86 recommendations contained in the report, or if the commission
87 determines, by a vote of at least four members of the commission
88 that some action other than referral for criminal prosecution or for
89 action by the appropriate disciplinary authority would be
90 appropriate, the commission shall take any one or more of the
91 following actions:

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

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

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

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

105 (5) Issue a letter that no further action shall be taken,

106 which would be maintained as a public document; or

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

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

114 (1) Cease and desist violation of any provision of sections
115 105.450 to 105.496, or chapter 130, or sections 105.955 to 105.963;

116 (2) Pay any civil penalties required by sections 105.450 to
117 105.496 or chapter 130;

118 (3) File any reports, statements, or other documents or
119 information required by sections 105.450 to 105.496, or chapter
120 130; or

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

124 6. After the commission determines by a vote of at least
125 four members of the commission that a violation has occurred,
126 other than a referral for criminal prosecution, and the commission
127 has referred the findings and conclusions to the appropriate
128 disciplinary authority over the person who is the subject of the
129 report, or has taken an action under subsection 4 of this section,
130 the subject of the report may appeal the determination of the
131 commission to the circuit court of Cole County. The court shall
132 conduct a de novo review of the determination of the
133 commission. Such appeal shall stay the action of the Missouri
134 ethics commission. Such appeal shall be filed not later than the
135 fourteenth day after the subject of the commission's action receives
136 actual notice of the commission's action. If a petition for judicial
137 review of a final order is not filed as provided in this section or
138 when an order for fees under subsection 4 of this section becomes
139 final following an appeal to the circuit court of Cole County, the
140 commission may file a certified copy of the final order with the
141 circuit court of Cole County. When any order for fees under

142 subsection 4 of this section becomes final, the commission may file
143 a certified copy of the final order with the circuit court of Cole
144 County. The order so filed shall have the same effect as a
145 judgment of the court and may be recorded, enforced, or satisfied
146 in the same manner as a judgment of the court.

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

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

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

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

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

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

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

176 (6) In the case of a person holding an appointive office of
177 the state, if the alleged violation is not an impeachable offense, the

178 report shall be referred to the governor;

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

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

183 9. The special investigator having a complaint referred to
184 the special investigator by the commission shall have the following
185 powers:

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

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

193 (3) To administer oaths and affirmations;

194 (4) Upon refusal by any person to comply with a request for
195 information relevant to an investigation, an investigator may issue
196 a subpoena for any person to appear and give testimony, or for a
197 subpoena duces tecum to produce documentary or other evidence
198 which the investigator deems relevant to a matter under the
199 investigator's inquiry. The subpoenas and subpoenas duces tecum
200 may be enforced by applying to a judge of the circuit court of Cole
201 County or any county where the person or entity that has been
202 subpoenaed resides or may be found, for an order to show cause
203 why the subpoena or subpoena duces tecum should not be
204 enforced. The order and a copy of the application therefor shall be
205 served in the same manner as a summons in a civil action, and if,
206 after hearing, the court determines that the subpoena or subpoena
207 duces tecum should be sustained and enforced, the court shall
208 enforce the subpoena or subpoena duces tecum in the same manner
209 as if it had been issued by the court in a civil action; and

210 (5) To request from the commission such investigative,
211 clerical or other staff assistance or advancement of other expenses
212 which are necessary and convenient for the proper completion of an
213 investigation. Within the limits of appropriations to the

214 commission, the commission may provide such assistance, whether
215 by contract to obtain such assistance or from staff employed by the
216 commission, or may advance such expenses.

217 10. (1) Any retired judge may request in writing to have
218 the judge's name removed from the list of special investigators
219 subject to appointment by the commission or may request to
220 disqualify himself or herself from any investigation. Such request
221 shall include the reasons for seeking removal;

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

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

231 12. The provisions of sections 105.957, 105.959 and 105.961
232 are in addition to other provisions of law under which any remedy
233 or right of appeal or objection is provided for any person, or any
234 procedure provided for inquiry or investigation concerning any
235 matter. The provisions of this section shall not be construed to
236 limit or affect any other remedy or right of appeal or objection.

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

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

248 15. A respondent party who prevails in a formal judicial
249 action brought by the commission shall be awarded those

250 reasonable fees and expenses incurred by that party in the formal
251 judicial action, unless the court finds that the position of the
252 commission was substantially justified or that special
253 circumstances make such an award unjust.

254 16. The special investigator and members and staff of the
255 commission shall maintain confidentiality with respect to all
256 matters concerning a complaint, with the exception of
257 communications with any person which are necessary to the
258 investigation. Any person who violates the confidentiality
259 requirements imposed by this section or subsection 17 of section
260 105.955 required to be confidential is guilty of a class A
261 misdemeanor and shall be subject to removal from or termination
262 of employment by the commission.

263 17. Any judge of the court of appeals or circuit court who
264 ceases to hold such office by reason of the judge's retirement and
265 who serves as a special investigator pursuant to this section shall
266 receive annual compensation, salary or retirement for such services
267 at the rates of compensation provided for senior judges by
268 subsections 1, 2 and 4 of section 476.682. Such retired judges shall
269 by the tenth day of each month following any month in which the
270 judge provided services pursuant to this section certify to the
271 commission and to the state courts administrator the amount of
272 time engaged in such services by hour or fraction thereof, the dates
273 thereof, and the expenses incurred and allowable pursuant to this
274 section. The commission shall then issue a warrant to the state
275 treasurer for the payment of the salary and expenses to the extent,
276 and within limitations, provided for in this section. The state
277 treasurer upon receipt of such warrant shall pay the same out of
278 any appropriations made for this purpose on the last day of the
279 month during which the warrant was received by the state
280 treasurer.]

105.961. 1. Upon receipt of a complaint as described by section 105.957
2 **with the exception of a complaint involving the attorney general or**
3 **employee of the office of attorney general,** the [commission] **division** shall
4 assign the complaint to a special investigator[, who may be a commission
5 employee,] **within the division** who shall investigate and determine the merits

6 of the complaint. Within ten days of such assignment, the special investigator
7 shall review such complaint and disclose, in writing, to the [commission]
8 **division** any conflict of interest which the special investigator has or might have
9 with respect to the investigation and subject thereof. Within one hundred twenty
10 days of [receipt of] **assignment to** the complaint [from the commission], the
11 special investigator shall submit the special investigator's report to the
12 [commission] **executive director**. The [commission] **executive director**, after
13 review of such report, shall determine:

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

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

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

23 2. When the [commission] **division** concludes, based on the report from
24 the special investigator, or based on an audit conducted pursuant to section
25 105.959, that there are reasonable grounds to believe that a violation of any
26 criminal law has occurred, and if the [commission] **division** believes that
27 criminal prosecution would be appropriate [upon a vote of four members of the
28 commission] **or if the division receives a complaint involving a criminal**
29 **violation involving the attorney general or employee of the office of the**
30 **attorney general**, the [commission] **division** shall refer the report to the
31 Missouri office of prosecution services, prosecutors coordinators training council
32 established in section 56.760, which shall submit a panel of five attorneys for
33 recommendation to the court having criminal jurisdiction, for appointment of an
34 attorney to serve as a special prosecutor; except that, the attorney general of
35 Missouri or any assistant attorney general shall not act as such special
36 prosecutor. The court shall then appoint from such panel a special prosecutor
37 pursuant to section 56.110 who shall have all the powers provided by section
38 56.130. The court shall allow a reasonable and necessary attorney's fee for the
39 services of the special prosecutor. Such fee shall be assessed as costs if a case is
40 filed, or ordered by the court if no case is filed, and paid together with all other
41 costs in the proceeding by the state, in accordance with rules and regulations

42 promulgated by the state courts administrator, subject to funds appropriated to
43 the office of administration for such purposes. If the [commission] **division** does
44 not have sufficient funds to pay a special prosecutor, the [commission] **division**
45 shall refer the case to the prosecutor or prosecutors having criminal jurisdiction.
46 If the prosecutor having criminal jurisdiction is not able to prosecute the case due
47 to a conflict of interest, the court may appoint a special prosecutor, paid from
48 county funds, upon appropriation by the county or the attorney general to
49 investigate and, if appropriate, prosecute the case. The special prosecutor or
50 prosecutor shall commence an action based on the report **or complaint** by the
51 filing of an information or seeking an indictment within sixty days of the date of
52 such prosecutor's appointment, or shall file a written statement with the
53 [commission] **division** explaining why criminal charges should not be sought. If
54 the special prosecutor or prosecutor fails to take either action required by this
55 subsection, upon request of the [commission] **division**, a new special prosecutor,
56 who may be the attorney general, shall be appointed. The report may also be
57 referred to the appropriate disciplinary authority over the person who is the
58 subject of the report.

59 3. When the [commission] **executive director** concludes, based on the
60 report from the special investigator or based on an audit conducted pursuant to
61 section 105.959, that there are reasonable grounds to believe that a violation of
62 any law has occurred which is not a violation of criminal law or that criminal
63 prosecution is not appropriate, the [commission] **division** shall conduct a hearing
64 which shall be a closed meeting and not open to the public. The hearing shall be
65 conducted pursuant to the procedures provided by sections 536.063 to 536.090
66 and shall be considered to be a contested case for purposes of such sections. The
67 [commission] **executive director** shall determine, in its discretion, whether or
68 not that there is probable cause that a violation has occurred. If the
69 [commission] **executive director** determines[, by a vote of at least four
70 members of the commission,] that probable cause exists that a violation has
71 occurred, the [commission] **division** may refer its findings and conclusions to the
72 appropriate disciplinary authority over the person who is the subject of the
73 report, as described in subsection 7 of this section. After the [commission]
74 **executive director** determines [by a vote of at least four members of the
75 commission] that probable cause exists that a violation has occurred, and the
76 [commission] **division** has referred the findings and conclusions to the
77 appropriate disciplinary authority over the person subject of the report, the

78 subject of the report may appeal the determination of the [commission] **division**
79 to the administrative hearing commission. Such appeal shall stay the action of
80 the [Missouri ethics commission] **division**. Such appeal shall be filed not later
81 than the fourteenth day after the subject of the [commission's] **division's** action
82 receives actual notice of the [commission's] **division's** action.

83 4. If the appropriate disciplinary authority receiving a report from the
84 [commission] **division** pursuant to subsection 3 of this section fails to follow,
85 within sixty days of the receipt of the report, the recommendations contained in
86 the report, or if the [commission] **division** determines[, by a vote of at least four
87 members of the commission] that some action other than referral for criminal
88 prosecution or for action by the appropriate disciplinary authority would be
89 appropriate, the [commission] **division** shall take any one or more of the
90 following actions:

91 (1) Notify the person to cease and desist violation of any provision of law
92 which the report concludes was violated and that the [commission] **division** may
93 seek judicial enforcement of its decision pursuant to subsection 5 of this section;

94 (2) Notify the person of the requirement to file, amend or correct any
95 report, statement, or other document or information required by sections 105.473,
96 105.483 to 105.492, or chapter 130 and that the [commission] **division** may seek
97 judicial enforcement of its decision pursuant to subsection 5 of this section; and

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

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

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

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

107 5. [Upon vote of at least four members, the commission] **The division**
108 may initiate formal judicial proceedings seeking to obtain any of the following
109 orders:

110 (1) Cease and desist violation of any provision of sections 105.450 to
111 105.496, or chapter 130, or sections 105.955 to 105.963;

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

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

116 (4) Pay restitution for any unjust enrichment the violator obtained as a
117 result of any violation of any criminal statute as described in subsection 6 of this
118 section. The [Missouri ethics commission] **division** shall give actual notice to
119 the subject of the complaint of the proposed action as set out in this section. The
120 subject of the complaint may appeal the action of the [Missouri ethics
121 commission] **division**, other than a referral for criminal prosecution, to the
122 administrative hearing commission. Such appeal shall stay the action of the
123 [Missouri ethics commission] **division**. Such appeal shall be filed no later than
124 fourteen days after the subject of the [commission's] **division's** actions receives
125 actual notice of the [commission's] **division's** actions.

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

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

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

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

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

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

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

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

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

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

157 8. The special investigator having a complaint referred to the special
158 investigator by the [commission] **division** shall have the following powers:

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

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

164 (3) To administer oaths and affirmations;

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

179 (5) To request from the [commission] **division** such investigative, clerical
180 or other staff assistance or advancement of other expenses which are necessary
181 and convenient for the proper completion of an investigation. Within the limits
182 of appropriations to the [commission] **division**, the [commission] **division** may
183 provide such assistance, whether by contract to obtain such assistance or from
184 staff employed by the [commission] **division**, or may advance such expenses.

185 9. [(1)] Any retired judge may request in writing to have the judge's

186 name removed from the list of special investigators subject to appointment by the
187 **[commission] division pursuant to subsection 5 of section 105.955** or may
188 request to disqualify himself or herself from any investigation. Such request
189 shall include the reasons for seeking removal[;

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

194 10. Any person who is the subject of any investigation pursuant to this
195 section shall be entitled to be represented by counsel at any proceeding before the
196 special investigator or the **[commission] division**.

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

202 12. No person shall be required to make or file a complaint to the
203 **[commission] division** as a prerequisite for exhausting the person's
204 administrative remedies before pursuing any civil cause of action allowed by law.

205 13. If, in the opinion of the **[commission] division**, the complaining party
206 was motivated by malice or reason contrary to the spirit of any law on which such
207 complaint was based, in filing the complaint without just cause, this finding shall
208 be reported to appropriate law enforcement authorities. Any person who
209 knowingly files a complaint without just cause, or with malice, is guilty of a class
210 A misdemeanor.

211 14. A respondent party who prevails in a formal judicial action brought
212 by the **[commission] division** shall be awarded those reasonable fees and
213 expenses incurred by that party in the formal judicial action, unless the court
214 finds that the position of the **[commission] division** was substantially justified
215 or that special circumstances make such an award unjust.

216 15. The special investigator and members and staff of the **[commission]**
217 **division** shall maintain confidentiality with respect to all matters concerning a
218 complaint until and if a report is filed with the **[commission] division**, with the
219 exception of communications with any person which are necessary to the
220 investigation. The report filed with the **[commission] division** resulting from a
221 complaint acted upon under the provisions of this section shall not contain the

222 name of the complainant or other person providing information to the
223 investigator, if so requested in writing by the complainant or such other
224 person. Any person who violates the confidentiality requirements imposed by this
225 section or subsection 17 of section 105.955 required to be confidential is guilty of
226 a class A misdemeanor and shall be subject to removal from or termination of
227 employment by the commission.

228 16. Any judge of the court of appeals or circuit court who ceases to hold
229 such office by reason of the judge's retirement and who serves as a special
230 investigator pursuant to [this] **subsection 5 of section 105.955** shall receive
231 annual compensation, salary or retirement for such services at the rates of
232 compensation provided for senior judges by subsections 1, 2 and 4 of section
233 476.682. Such retired judges shall by the tenth day of each month following any
234 month in which the judge provided services pursuant to this section certify to the
235 [commission] **division** and to the state courts administrator the amount of time
236 engaged in such services by hour or fraction thereof, the dates thereof, and the
237 expenses incurred and allowable pursuant to this section. The [commission]
238 **division** shall then issue a warrant to the state treasurer for the payment of the
239 salary and expenses to the extent, and within limitations, provided for in this
240 section. The state treasurer upon receipt of such warrant shall pay the same out
241 of any appropriations made for this purpose on the last day of the month during
242 which the warrant was received by the state treasurer.

105.962. There is hereby created a position within the [Missouri ethics
2 commission] **division** which shall administer and be responsible for the
3 establishment, implementation, and maintenance of any electronic reporting
4 system required by law. Prerequisites for such position shall include, at a
5 minimum, a baccalaureate degree from an accredited institution of higher
6 education with a major in computer science, computer engineering, or computer
7 programming. In addition to the baccalaureate degree, prerequisites for the
8 position shall also include appropriate work experience in the field of computer
9 science, computer engineering, or computer programming. The person employed
10 in this position shall be employed pursuant to subsection 11 of section 105.955.

[105.963. 1. The executive director shall assess every
2 committee, as defined in section 130.011, failing to file with a filing
3 officer other than a local election authority as provided by section
4 130.026 a campaign disclosure report or statement of limited
5 activity as required by chapter 130, other than the report required

6 pursuant to subdivision (1) of subsection 1 of section 130.046, a late
7 filing fee of fifty dollars for each day after such report is due to the
8 commission, provided that the total amount of such fees assessed
9 under this subsection per report shall not exceed three thousand
10 dollars. The executive director shall send a notice to any candidate
11 and the treasurer of any committee who fails to file such report
12 within seven business days of such failure to file informing such
13 person of such failure and the fees provided by this section.

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

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

39 4. Any person assessed a late filing fee may seek review of
40 such assessment or the amount of late filing fees assessed, at the
41 person's option, by filing a petition within fourteen days after

42 receiving notice of assessment with the circuit court of Cole
43 County.

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

60 6. The late filing fees provided by this section shall be in
61 addition to any penalty provided by law for violations of sections
62 105.483 to 105.492 or chapter 130.

63 7. If any lobbyist fails to file a lobbyist report in a timely
64 manner and that lobbyist is assessed a late fee, or if any individual
65 who is required to file a personal financial disclosure statement
66 fails to file such disclosure statement in a timely manner and is
67 assessed a late fee, or if any candidate or the treasurer of any
68 committee fails to file a campaign disclosure report or a statement
69 of limited activity in a timely manner and that candidate or
70 treasurer of any committee who fails to file a disclosure statement
71 in a timely manner and is assessed a late filing fee, the lobbyist,
72 individual, candidate, or the treasurer of any committee may file
73 an appeal of the assessment of the late filing fee with the
74 commission. The commission may forgive the assessment of the
75 late filing fee upon a showing of good cause. Such appeal shall be
76 filed within ten days of the receipt of notice of the assessment of
77 the late filing fee.]

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

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

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

31 3. The executive director shall assess every person required to file a
32 financial interest statement pursuant to sections 105.483 to 105.492 failing to file
33 such a financial interest statement with the [commission] **division** a late filing
34 fee of ten dollars for each day after such statement is due to the [commission]
35 **division**. The executive director shall mail a notice, by certified mail, to any
36 person who fails to file such statement informing the individual required to file

37 of such failure and the fees provided by this section. If the person persists in
38 such failure for a period in excess of thirty days beyond receipt of such notice, the
39 amount of the late filing fee shall increase to one hundred dollars for each day
40 thereafter that the statement is late, provided that the total amount of such fees
41 assessed pursuant to this subsection per statement shall not exceed six thousand
42 dollars.

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

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

58 6. The late filing fees provided by this section shall be in addition to any
59 penalty provided by law for violations of sections 105.483 to 105.492 or chapter
60 130.

61 7. If any candidate fails to file a campaign disclosure report in a timely
62 manner and that candidate is assessed a late filing fee, the candidate, candidate
63 committee treasurer or assistant treasurer may file an appeal of the assessment
64 of the late filing fee with the [commission] **division**. The [commission] **division**
65 may forgive the assessment of the late filing fee upon a showing of good
66 cause. Such appeal shall be filed within ten days of the receipt of notice of the
67 assessment of the late filing fee.

105.964. 1. When the last day of filing any report, statement or other
2 document required to be filed with the [commission] **division** pursuant to the
3 provisions of this chapter or chapter 130 falls on a Saturday or Sunday or on an
4 official state holiday, the deadline for filing is extended to 5:00 p.m. on the next
5 day which is not a Saturday or Sunday or official holiday.

6 2. The provisions of subsection 1 of this section shall not apply to any
7 report or disclosure required to be filed less than eight days prior to an election
8 when such report or disclosure contains information relating to such election.

9 3. The provisions of this section shall also apply to any report, statement
10 or other document required to be filed with an appropriate officer, other than the
11 **[ethics commission] division**, as indicated pursuant to the provisions of section
12 130.026.

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

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

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

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

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

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

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

 105.973. 1. The **[ethics commission] division** shall print and make
2 available a summary of all laws over which the **[commission] division** has
3 enforcement powers pursuant to chapter 105 and chapter 130. The summary
4 shall be in plain English and compiled to put individuals on notice of such laws.

5 2. A candidate shall sign a statement verifying that such candidate has
6 received the summary when filing for an office.

105.975. Notwithstanding any provision of law to the contrary, no
2 signature shall be required by the [ethics commission] **division** to view any
3 public document not otherwise closed by law after the [ethics commission]
4 **division** has published all reports via the internet.

105.977. Notwithstanding any provision of law to the contrary, the
2 attorney general shall represent the [ethics commission] **division** in all
3 **administrative actions and all circuit courts**, state appellate or federal
4 appellate [or] **courts, and** supreme courts[, unless the attorney general refuses
5 to pursue such action, in which case, the ethics commission may retain competent
6 counsel for such action].

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

3 (1) "Automatic tabulating equipment", the apparatus necessary to examine
4 and automatically count votes, and the data processing machines which are used
5 for counting votes and tabulating results;

6 (2) "Ballot", the ballot card, paper ballot or ballot designed for use with
7 an electronic voting system on which each voter may cast all votes to which he or
8 she is entitled at an election;

9 (3) "Ballot card", a ballot which is voted by making a punch or sensor
10 mark which can be tabulated by automatic tabulating equipment;

11 (4) "Ballot label", the card, paper, booklet, page or other material
12 containing the names of all offices and candidates and statements of all questions
13 to be voted on;

14 (5) "Counting location", a location selected by the election authority for
15 the automatic processing or counting, or both, of ballots;

16 (6) "County", any one of the several counties of this state or the City of St.
17 Louis;

18 (7) "Disqualified", a determination made by a court of competent
19 jurisdiction, the [Missouri ethics commission] **division of ethics within the**
20 **office of attorney general**, an election authority or any other body authorized
21 by law to make such a determination that a candidate is ineligible to hold office
22 or not entitled to be voted on for office;

23 (8) "District", an area within the state or within a political subdivision of
24 the state from which a person is elected to represent the area on a policy-making
25 body with representatives of other areas in the state or political subdivision;

26 (9) "Electronic voting system", a system of casting votes by use of marking

27 devices, and counting votes by use of automatic tabulating or data processing
28 equipment, and includes computerized voting systems;

29 (10) "Established political party" for the state, a political party which, at
30 either of the last two general elections, polled for its candidate for any statewide
31 office, more than two percent of the entire vote cast for the office. "Established
32 political party" for any district or political subdivision shall mean a political party
33 which polled more than two percent of the entire vote cast at either of the last
34 two elections in which the district or political subdivision voted as a unit for the
35 election of officers or representatives to serve its area;

36 (11) "Federal office", the office of presidential elector, United States
37 senator, or representative in Congress;

38 (12) "Independent", a candidate who is not a candidate of any political
39 party and who is running for an office for which party candidates may run;

40 (13) "Major political party", the political party whose candidates received
41 the highest or second highest number of votes at the last general election;

42 (14) "Marking device", either an apparatus in which ballots are inserted
43 and voted by use of a punch apparatus, or any approved device which will enable
44 the votes to be counted by automatic tabulating equipment;

45 (15) "Municipal" or "municipality", a city, village, or incorporated town of
46 this state;

47 (16) "New party", any political group which has filed a valid petition and
48 is entitled to place its list of candidates on the ballot at the next general or
49 special election;

50 (17) "Nonpartisan", a candidate who is not a candidate of any political
51 party and who is running for an office for which party candidates may not run;

52 (18) "Political party", any established political party and any new party;

53 (19) "Political subdivision", a county, city, town, village, or township of a
54 township organization county;

55 (20) "Polling place", the voting place designated for all voters residing in
56 one or more precincts for any election;

57 (21) "Precincts", the geographical areas into which the election authority
58 divides its jurisdiction for the purpose of conducting elections;

59 (22) "Public office", any office established by constitution, statute or
60 charter and any employment under the United States, the state of Missouri, or
61 any political subdivision or special district, but does not include any office in the
62 reserve forces or the National Guard or the office of notary public or city attorney

63 in cities of the third classification or cities of the fourth classification;

64 (23) "Question", any measure on the ballot which can be voted "YES" or
65 "NO";

66 (24) "Relative within the first degree by consanguinity or affinity", a
67 spouse, parent, or child of a person;

68 (25) "Relative within the second degree by consanguinity or affinity", a
69 spouse, parent, child, grandparent, brother, sister, grandchild, mother-in-law,
70 father-in-law, daughter-in-law, or son-in-law;

71 (26) "Special district", any school district, water district, fire protection
72 district, hospital district, health center, nursing district, or other districts with
73 taxing authority, or other district formed pursuant to the laws of Missouri to
74 provide limited, specific services;

75 (27) "Special election", elections called by any school district, water
76 district, fire protection district, or other district formed pursuant to the laws of
77 Missouri to provide limited, specific services; and

78 (28) "Voting district", the one or more precincts within which all voters
79 vote at a single polling place for any election.

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

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

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

11 (3) "Campaign committee", a committee, other than a
12 candidate committee, which shall be formed by an individual or
13 group of individuals to receive contributions or make expenditures
14 and whose sole purpose is to support or oppose the qualification
15 and passage of one or more particular ballot measures in an
16 election or the retention of judges under the nonpartisan court
17 plan, such committee shall be formed no later than thirty days
18 prior to the election for which the committee receives contributions
19 or makes expenditures, and which shall terminate the later of

20 either thirty days after the general election or upon the satisfaction
21 of all committee debt after the general election, except that no
22 committee retiring debt shall engage in any other activities in
23 support of a measure for which the committee was formed;

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

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

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

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

54 (5) "Candidate committee", a committee which shall be
55 formed by a candidate to receive contributions or make

56 expenditures in behalf of the person's candidacy and which shall
57 continue in existence for use by an elected candidate or which shall
58 terminate the later of either thirty days after the general election
59 for a candidate who was not elected or upon the satisfaction of all
60 committee debt after the election, except that no committee retiring
61 debt shall engage in any other activities in support of the candidate
62 for which the committee was formed. Any candidate for elective
63 office shall have only one candidate committee for the elective office
64 sought, which is controlled directly by the candidate for the
65 purpose of making expenditures. A candidate committee is
66 presumed to be under the control and direction of the candidate
67 unless the candidate files an affidavit with the appropriate officer
68 stating that the committee is acting without control or direction on
69 the candidate's part;

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

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

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

79 (9) "Committee", a person or any combination of persons,
80 who accepts contributions or makes expenditures for the primary
81 or incidental purpose of influencing or attempting to influence the
82 action of voters for or against the nomination or election to public
83 office of one or more candidates or the qualification, passage or
84 defeat of any ballot measure or for the purpose of paying a
85 previously incurred campaign debt or obligation of a candidate or
86 the debts or obligations of a committee or for the purpose of
87 contributing funds to another committee:

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

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

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

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

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

107 d. A labor organization organized or operated for a primary
108 or principal purpose other than that of influencing or attempting
109 to influence the action of voters for or against the nomination or
110 election to public office of one or more candidates, or the
111 qualification, passage, or defeat of any ballot measure, and it
112 accepts no contributions, and expenditures made by the
113 organization are from its own funds or property received from
114 membership dues or membership fees which were given or solicited
115 for the purpose of supporting the normal and usual activities and
116 functions of the organization and which are not contributions as
117 defined by subdivision (11) of this section;

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

126 f. Any department, agency, board, institution or other entity
127 of the state or any of its subdivisions or any officer or employee

128 thereof, acting in the person's official capacity;

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

133 (10) "Connected organization", any organization such as a
134 corporation, a labor organization, a membership organization, a
135 cooperative, or trade or professional association which expends
136 funds or provides services or facilities to establish, administer or
137 maintain a committee or to solicit contributions to a committee
138 from its members, officers, directors, employees or security
139 holders. An organization shall be deemed to be the connected
140 organization if more than fifty percent of the persons making
141 contributions to the committee during the current calendar year
142 are members, officers, directors, employees or security holders of
143 such organization or their spouses;

144 (11) "Contribution", a payment, gift, loan, advance, deposit,
145 or donation of money or anything of value for the purpose of
146 supporting or opposing the nomination or election of any candidate
147 for public office or the qualification, passage or defeat of any ballot
148 measure, or for the support of any committee supporting or
149 opposing candidates or ballot measures or for paying debts or
150 obligations of any candidate or committee previously incurred for
151 the above purposes. A contribution of anything of value shall be
152 deemed to have a money value equivalent to the fair market
153 value. "Contribution" includes, but is not limited to:

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

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

161 (c) Receipts from the sale of goods and services, including
162 the sale of advertising space in a brochure, booklet, program or
163 pamphlet of a candidate or committee and the sale of tickets or

164 political merchandise;

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

167 (e) Any loan, guarantee of a loan, cancellation or
168 forgiveness of a loan or debt or other obligation by a third party, or
169 payment of a loan or debt or other obligation by a third party if the
170 loan or debt or other obligation was contracted, used, or intended,
171 in whole or in part, for use in an election campaign or used or
172 intended for the payment of such debts or obligations of a
173 candidate or committee previously incurred, or which was made or
174 received by a committee;

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

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

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

191 (i) "Contribution" does not include:

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

198 b. An offer or tender of a contribution which is expressly
199 and unconditionally rejected and returned to the donor within ten

200 business days after receipt or transmitted to the state treasurer;

201 c. Interest earned on deposit of committee funds;

202 d. The costs incurred by any connected organization listed

203 pursuant to subdivision (4) of subsection 5 of section 130.021 for

204 establishing, administering or maintaining a committee, or for the

205 solicitation of contributions to a committee which solicitation is

206 solely directed or related to the members, officers, directors,

207 employees or security holders of the connected organization;

208 (12) "County", any one of the several counties of this state

209 or the city of St. Louis;

210 (13) "Disclosure report", an itemized report of receipts,

211 expenditures and incurred indebtedness which is prepared on

212 forms approved by the Missouri ethics commission and filed at the

213 times and places prescribed;

214 (14) "Election", any primary, general or special election held

215 to nominate or elect an individual to public office, to retain or

216 recall an elected officeholder or to submit a ballot measure to the

217 voters, and any caucus or other meeting of a political party or a

218 political party committee at which that party's candidate or

219 candidates for public office are officially selected. A primary

220 election and the succeeding general election shall be considered

221 separate elections;

222 (15) "Expenditure", a payment, advance, conveyance,

223 deposit, donation or contribution of money or anything of value for

224 the purpose of supporting or opposing the nomination or election

225 of any candidate for public office or the qualification or passage of

226 any ballot measure or for the support of any committee which in

227 turn supports or opposes any candidate or ballot measure or for the

228 purpose of paying a previously incurred campaign debt or

229 obligation of a candidate or the debts or obligations of a committee;

230 a payment, or an agreement or promise to pay, money or anything

231 of value, including a candidate's own money or property, for the

232 purchase of goods, services, property, facilities or anything of value

233 for the purpose of supporting or opposing the nomination or

234 election of any candidate for public office or the qualification or

235 passage of any ballot measure or for the support of any committee

236 which in turn supports or opposes any candidate or ballot measure
237 or for the purpose of paying a previously incurred campaign debt
238 or obligation of a candidate or the debts or obligations of a
239 committee. An expenditure of anything of value shall be deemed
240 to have a money value equivalent to the fair market
241 value. "Expenditure" includes, but is not limited to:

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

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

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

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

256 (e) "Expenditure" does not include:

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

261 b. The internal dissemination by any membership
262 organization, proprietorship, labor organization, corporation,
263 association or other entity of information advocating the election or
264 defeat of a candidate or candidates or the passage or defeat of a
265 ballot measure or measures to its directors, officers, members,
266 employees or security holders, provided that the cost incurred is
267 reported pursuant to subsection 2 of section 130.051;

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

270 d. The rendering of voluntary personal services by an
271 individual of the sort commonly performed by volunteer campaign

272 workers and the payment by such individual of the individual's
273 necessary and ordinary personal expenses incidental to such
274 volunteer activity, provided no compensation is, directly or
275 indirectly, asked or given;

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

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

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

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

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

300 (19) "Labor organization", any organization of any kind, or
301 any agency or employee representation committee or plan, in which
302 employees participate and which exists for the purpose, in whole
303 or in part, of dealing with employers concerning grievances, labor
304 disputes, wages, rates of pay, hours of employment, or conditions
305 of work;

306 (20) "Loan", a transfer of money, property or anything of
307 ascertainable monetary value in exchange for an obligation,

308 conditional or not, to repay in whole or in part and which was
309 contracted, used, or intended for use in an election campaign, or
310 which was made or received by a committee or which was
311 contracted, used, or intended to pay previously incurred campaign
312 debts or obligations of a candidate or the debts or obligations of a
313 committee;

314 (21) "Person", an individual, group of individuals,
315 corporation, partnership, committee, proprietorship, joint venture,
316 any department, agency, board, institution or other entity of the
317 state or any of its political subdivisions, union, labor organization,
318 trade or professional or business association, association, political
319 party or any executive committee thereof, or any other club or
320 organization however constituted or any officer or employee of such
321 entity acting in the person's official capacity;

322 (22) "Political action committee", a committee of continuing
323 existence which is not formed, controlled or directed by a
324 candidate, and is a committee other than a candidate committee,
325 political party committee, campaign committee, exploratory
326 committee, or debt service committee, whose primary or incidental
327 purpose is to receive contributions or make expenditures to
328 influence or attempt to influence the action of voters whether or
329 not a particular candidate or candidates or a particular ballot
330 measure or measures to be supported or opposed has been
331 determined at the time the committee is required to file any
332 statement or report pursuant to the provisions of this
333 chapter. Such a committee includes, but is not limited to, any
334 committee organized or sponsored by a business entity, a labor
335 organization, a professional association, a trade or business
336 association, a club or other organization and whose primary
337 purpose is to solicit, accept and use contributions from the
338 members, employees or stockholders of such entity and any
339 individual or group of individuals who accept and use contributions
340 to influence or attempt to influence the action of voters. Such
341 committee shall be formed no later than sixty days prior to the
342 election for which the committee receives contributions or makes
343 expenditures;

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

75 e. A person who acts as an authorized agent for a committee in soliciting
76 or receiving contributions or in making expenditures or incurring indebtedness
77 on behalf of the committee if such person renders to the committee treasurer or
78 deputy treasurer or candidate, if applicable, an accurate account of each receipt

79 or other transaction in the detail required by the treasurer to comply with all
80 record-keeping and reporting requirements of this chapter;

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

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

87 (8) "Campaign committee", a committee, other than a candidate
88 committee, which shall be formed by an individual or group of individuals to
89 receive contributions or make expenditures and whose sole purpose is to support
90 or oppose the qualification and passage of one or more particular ballot measures
91 in an election or the retention of judges under the nonpartisan court plan, such
92 committee shall be formed no later than thirty days prior to the election for which
93 the committee receives contributions or makes expenditures, and which shall
94 terminate the later of either thirty days after the general election or upon the
95 satisfaction of all committee debt after the general election, except that no
96 committee retiring debt shall engage in any other activities in support of a
97 measure for which the committee was formed;

98 (9) "Candidate committee", a committee which shall be formed by a
99 candidate to receive contributions or make expenditures in behalf of the person's
100 candidacy and which shall continue in existence for use by an elected candidate
101 or which shall terminate the later of either thirty days after the general election
102 for a candidate who was not elected or upon the satisfaction of all committee debt
103 after the election, except that no committee retiring debt shall engage in any
104 other activities in support of the candidate for which the committee was
105 formed. Any candidate for elective office shall have only one candidate committee
106 for the elective office sought, which is controlled directly by the candidate for the
107 purpose of making expenditures. A candidate committee is presumed to be under
108 the control and direction of the candidate unless the candidate files an affidavit
109 with the appropriate officer stating that the committee is acting without control
110 or direction on the candidate's part;

111 (10) "Continuing committee", a committee of continuing existence which
112 is not formed, controlled or directed by a candidate, and is a committee other
113 than a candidate committee or campaign committee, whose primary or incidental
114 purpose is to receive contributions or make expenditures to influence or attempt

115 to influence the action of voters whether or not a particular candidate or
116 candidates or a particular ballot measure or measures to be supported or opposed
117 has been determined at the time the committee is required to file any statement
118 or report pursuant to the provisions of this chapter. "Continuing committee"
119 includes, but is not limited to, any committee organized or sponsored by a
120 business entity, a labor organization, a professional association, a trade or
121 business association, a club or other organization and whose primary purpose is
122 to solicit, accept and use contributions from the members, employees or
123 stockholders of such entity and any individual or group of individuals who accept
124 and use contributions to influence or attempt to influence the action of
125 voters. Such committee shall be formed no later than sixty days prior to the
126 election for which the committee receives contributions or makes expenditures;

127 (11) "Connected organization", any organization such as a corporation, a
128 labor organization, a membership organization, a cooperative, or trade or
129 professional association which expends funds or provides services or facilities to
130 establish, administer or maintain a committee or to solicit contributions to a
131 committee from its members, officers, directors, employees or security holders. An
132 organization shall be deemed to be the connected organization if more than fifty
133 percent of the persons making contributions to the committee during the current
134 calendar year are members, officers, directors, employees or security holders of
135 such organization or their spouses;

136 (12) "Contribution", a payment, gift, loan, advance, deposit, or donation
137 of money or anything of value for the purpose of supporting or opposing the
138 nomination or election of any candidate for public office or the qualification,
139 passage or defeat of any ballot measure, or for the support of any committee
140 supporting or opposing candidates or ballot measures or for paying debts or
141 obligations of any candidate or committee previously incurred for the above
142 purposes. A contribution of anything of value shall be deemed to have a money
143 value equivalent to the fair market value. "Contribution" includes, but is not
144 limited to:

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

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

150 (c) Receipts from the sale of goods and services, including the sale of

151 advertising space in a brochure, booklet, program or pamphlet of a candidate or
152 committee and the sale of tickets or political merchandise;

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

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

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

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

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

174 (i) "Contribution" does not include:

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

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

183 c. Interest earned on deposit of committee funds;

184 d. The costs incurred by any connected organization listed pursuant to
185 subdivision (4) of subsection 5 of section 130.021 for establishing, administering
186 or maintaining a committee, or for the solicitation of contributions to a committee

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

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

191 (14) "Disclosure report", an itemized report of receipts, expenditures and
192 incurred indebtedness which is prepared on forms approved by the [Missouri
193 ethics commission] **division of ethics within the office of the attorney**
194 **general** and filed at the times and places prescribed;

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

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

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

220 (b) The purchase of tickets, goods, services or political merchandise in
221 connection with any testimonial affair or fund-raising event of or for candidates
222 or committees, or the purchase of advertising in a brochure, booklet, program or

223 pamphlet of a candidate or committee;

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

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

229 (e) "Expenditure" does not include:

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

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

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

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

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

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

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

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

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

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

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

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

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

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 state, district, county, city, or area
294 committee of a political party, as defined in section 115.603, which may be

295 organized as a not-for-profit corporation under Missouri law, and which
296 committee is of continuing existence, and has the primary or incidental purpose
297 of receiving contributions and making expenditures to influence or attempt to
298 influence the action of voters on behalf of the political party;

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

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

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

130.016. 1. No candidate for statewide elected office, general assembly,
2 or municipal office in a city with a population of more than one hundred thousand
3 shall be required to comply with the requirements to file a statement of
4 organization or disclosure reports of contributions and expenditures for any
5 election in which neither the aggregate of contributions received nor the
6 aggregate of expenditures made on behalf of such candidate exceeds five hundred
7 dollars and no single contributor, other than the candidate, has contributed more
8 than three hundred twenty-five dollars, provided that:

9 (1) The candidate files a sworn exemption statement with the appropriate
10 officer that the candidate does not intend to either receive contributions or make
11 expenditures in the aggregate of more than five hundred dollars or receive
12 contributions from any single contributor, other than the candidate, that
13 aggregate more than three hundred twenty-five dollars, and that the total of all
14 contributions received or expenditures made by the candidate and all committees
15 or any other person with the candidate's knowledge and consent in support of the
16 candidacy will not exceed five hundred dollars and that the aggregate of
17 contributions received from any single contributor will not exceed the amount of
18 the limitation on contributions to elect an individual to the office of state
19 representative as calculated in subsection 2 of section 130.032. Such exemption
20 statement shall be filed no later than the date set forth in section 130.046 on
21 which a disclosure report would otherwise be required if the candidate does not
22 file the exemption statement. The exemption statement shall be filed on a form
23 furnished to each appropriate officer by the executive director of the [Missouri

24 ethics commission] **division of ethics within the office of the attorney**
25 **general.** Each appropriate officer shall make the exemption statement available
26 to candidates and shall direct each candidate's attention to the exemption
27 statement and explain its purpose to the candidate; and

28 (2) The sworn exemption statement includes a statement that the
29 candidate understands that records of contributions and expenditures must be
30 maintained from the time the candidate first receives contributions or makes
31 expenditures and that an exemption from filing a statement of organization or
32 disclosure reports does not exempt the candidate from other provisions of this
33 chapter. Each candidate described in this subsection who files a statement of
34 exemption shall file a statement of limited activity for each reporting period
35 described in section 130.046.

36 2. Any candidate who has filed an exemption statement as provided in
37 subsection 1 of this section shall not accept any contribution or make any
38 expenditure in support of the person's candidacy, either directly or indirectly or
39 by or through any committee or any other person acting with the candidate's
40 knowledge and consent, which would cause such contributions or expenditures to
41 exceed the limits specified in subdivision (1) of subsection 1 of this section unless
42 the candidate later rejects the exemption pursuant to subsection 3 of this
43 section. Any contribution received in excess of such limits shall be returned to
44 the donor or transmitted to the state treasurer to escheat to the state.

45 3. If, after filing the exemption statement provided for in this section, the
46 candidate subsequently determines the candidate wishes to exceed any of the
47 limits in subdivision (1) of subsection 1 of this section, the candidate shall file a
48 notice of rejection of the exemption with the appropriate officer; however, such
49 rejection shall not be filed later than thirty days before election. A notice of
50 rejection of exemption shall be accompanied by a statement of organization as
51 required by section 130.021 and any other statements and reports which would
52 have been required if the candidate had not filed an exemption statement.

53 4. A primary election and the immediately succeeding general election are
54 separate elections, and restrictions on contributions and expenditures set forth
55 in subsection 2 of this section shall apply to each election; however, if a successful
56 primary candidate has correctly filed an exemption statement prior to the
57 primary election and has not filed a notice of rejection prior to the date on which
58 the first disclosure report applicable to the succeeding general election is required
59 to be filed, the candidate shall not be required to file an exemption statement for

60 that general election if the limitations set forth in subsection 1 of this section
61 apply to the succeeding general election.

62 5. A candidate who has an existing candidate committee formed for a prior
63 election for which all statements and reports required by this chapter have been
64 properly filed shall be eligible to file the exemption statement as provided in
65 subsection 1 of this section and shall not be required to file the disclosure reports
66 pertaining to the election for which the candidate is eligible to file the exemption
67 statement if the candidate and the treasurer or deputy treasurer of such existing
68 candidate committee continue to comply with the requirements, limitations and
69 restrictions set forth in subsections 1, 2, 3 and 4 of this section. The exemption
70 permitted by this subsection does not exempt a candidate or the treasurer of the
71 candidate's existing candidate committee from complying with the requirements
72 of subsections 6 and 7 of section 130.046 applicable to a prior election.

73 6. No candidate for supreme court, circuit court, or associate circuit court,
74 or candidate for political party office, or for county office or municipal office in a
75 city of one hundred thousand or less, or for any special purpose district office
76 shall be required to file an exemption statement pursuant to this section in order
77 to be exempted from forming a committee and filing disclosure reports required
78 of committees pursuant to this chapter if the aggregate of contributions received
79 or expenditures made by the candidate and any other person with the candidate's
80 knowledge and consent in support of the person's candidacy does not exceed one
81 thousand dollars and the aggregate of contributions from any single contributor
82 does not exceed three hundred twenty-five dollars. No candidate for any office
83 listed in this subsection shall be excused from complying with the provisions of
84 any section of this chapter, other than the filing of an exemption statement under
85 the conditions specified in this subsection.

86 7. If any candidate for an office listed in subsection 6 of this section
87 exceeds the limits specified in subsection 6 of this section, the candidate shall
88 form a committee no later than thirty days prior to the election for which the
89 contributions were received or expended which shall comply with all provisions
90 of this chapter for committees.

91 8. No member of or candidate for the general assembly shall form a
92 candidate committee for the office of speaker of the house of representatives or
93 president pro tem of the senate.

 [130.021. 1. Every committee shall have a treasurer who,
2 except as provided in subsection 10 of this section, shall be a

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

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

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

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

67 (2) A committee treasurer, deputy treasurer or candidate
68 may withdraw funds from a committee's official depository account
69 and deposit such funds in one or more savings accounts in the
70 committee's name in any bank, savings and loan association or
71 credit union within this state, and may also withdraw funds from
72 an official depository account for investment in the committee's
73 name in any certificate of deposit, bond or security. Proceeds from
74 interest or dividends from a savings account or other investment

75 or proceeds from withdrawals from a savings account or from the
76 sale of an investment shall not be expended or reinvested, except
77 in the case of renewals of certificates of deposit, without first
78 redepositing such proceeds in an official depository
79 account. Investments, other than savings accounts, held outside
80 the committee's official depository account at any time during a
81 reporting period shall be disclosed by description, amount, any
82 identifying numbers and the name and address of any institution
83 or person in which or through which it is held in an attachment to
84 disclosure reports the committee is required to file. Proceeds from
85 an investment such as interest or dividends or proceeds from its
86 sale, shall be reported by date and amount. In the case of the sale
87 of an investment, the names and addresses of the persons involved
88 in the transaction shall also be stated. Funds held in savings
89 accounts and investments, including interest earned, shall be
90 included in the report of money on hand as required by section
91 130.041.

92 5. The treasurer or deputy treasurer acting on behalf of any
93 person or organization or group of persons which is a committee by
94 virtue of the definitions of committee in section 130.011 and any
95 candidate who is not excluded from forming a committee in
96 accordance with the provisions of section 130.016 shall file a
97 statement of organization with the appropriate officer within
98 twenty days after the person or organization becomes a committee
99 but no later than the date for filing the first report required
100 pursuant to the provisions of section 130.046. The statement of
101 organization shall contain the following information:

102 (1) The name, mailing address and telephone number, if
103 any, of the committee filing the statement of organization. If the
104 committee is deemed to be affiliated with a connected organization
105 as provided in subdivision (10) of section 130.011, the name of the
106 connected organization, or a legally registered fictitious name
107 which reasonably identifies the connected organization, shall
108 appear in the name of the committee. If the committee is a
109 candidate committee, the name of the candidate shall be a part of
110 the committee's name;

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

113 (3) The name, mailing address and telephone number of the
114 committee treasurer, and the name, mailing address and telephone
115 number of its deputy treasurer if the committee has named a
116 deputy treasurer;

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

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

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

125 (7) Identification of the major nature of the committee such
126 as a candidate committee, campaign committee, political action
127 committee, political party committee, incumbent committee, or any
128 other committee according to the definition of committee in section
129 130.011;

130 (8) In the case of the candidate committee designated in
131 subsection 3 of this section, the full name and address of each other
132 candidate committee which is under the control and direction of the
133 same candidate, together with the name, address and telephone
134 number of the treasurer of each such other committee;

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

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

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

144 7. A committee which has filed a statement of organization
145 and has not terminated shall not be required to file another
146 statement of organization, except that when there is a change in

147 any of the information previously reported as required by
148 subdivisions (1) to (8) of subsection 5 of this section an amended
149 statement of organization shall be filed within twenty days after
150 the change occurs, but no later than the date of the filing of the
151 next report required to be filed by that committee by section
152 130.046.

153 8. Upon termination of a committee, a termination
154 statement indicating dissolution shall be filed not later than ten
155 days after the date of dissolution with the appropriate officer or
156 officers with whom the committee's statement of organization was
157 filed. The termination statement shall include:

158 the distribution made of any remaining surplus funds and the
159 disposition of any deficits; and the name, mailing address and
160 telephone number of the individual responsible for preserving the
161 committee's records and accounts as required in section 130.036.

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

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

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

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

177 11. If a committee domiciled in this state receives a
178 contribution of one thousand five hundred dollars or more from any
179 committee domiciled outside of this state, the committee domiciled
180 in this state shall file a disclosure report with the commission. The
181 report shall disclose the full name, mailing address, telephone
182 numbers and domicile of the contributing committee and the date

183 and amount of the contribution. The report shall be filed within
184 forty-eight hours of the receipt of such contribution if the
185 contribution is received after the last reporting date before the
186 election.]

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 and
3 reside in the district or county in which the committee sits. A committee may
4 also have a deputy treasurer who, except as provided in subsection 10 of this
5 section, shall be a resident of this state and reside in the district or county in
6 which the committee sits, to serve in the capacity of committee treasurer in the
7 event the committee treasurer is unable for any reason to perform the treasurer's
8 duties.

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

24 3. A candidate who has more than one candidate committee supporting
25 the person's candidacy shall designate one of those candidate committees as the
26 committee responsible for consolidating the aggregate contributions to all such
27 committees under the candidate's control and direction as required by section
28 130.041.

29 4. (1) Every committee shall have a single official fund depository within
30 this state which shall be a federally or state-chartered bank, a federally or
31 state-chartered savings and loan association, or a federally or state-chartered
32 credit union in which the committee shall open and thereafter maintain at least

33 one official depository account in its own name. An "official depository account"
34 shall be a checking account or some type of negotiable draft or negotiable order
35 of withdrawal account, and the official fund depository shall, regarding an official
36 depository account, be a type of financial institution which provides a record of
37 deposits, cancelled checks or other cancelled instruments of withdrawal
38 evidencing each transaction by maintaining copies within this state of such
39 instruments and other transactions. All contributions which the committee
40 receives in money, checks and other negotiable instruments shall be deposited in
41 a committee's official depository account. Contributions shall not be accepted and
42 expenditures shall not be made by a committee except by or through an official
43 depository account and the committee treasurer, deputy treasurer or
44 candidate. Contributions received by a committee shall not be commingled with
45 any funds of an agent of the committee, a candidate or any other person, except
46 that contributions from a candidate of the candidate's own funds to the person's
47 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
49 when the office of committee treasurer is vacant except that when the office of a
50 candidate committee treasurer is vacant, the candidate shall be the treasurer
51 until the candidate appoints a new treasurer.

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

69 involved in the transaction shall also be stated. Funds held in savings accounts
70 and investments, including interest earned, shall be included in the report of
71 money on hand as required by section 130.041.

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

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

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

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

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

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

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

98 (7) Identification of the major nature of the committee such as a candidate
99 committee, campaign committee, continuing committee, political party committee,
100 incumbent committee, or any other committee according to the definition of
101 committee in section 130.011;

102 (8) In the case of the candidate committee designated in subsection 3 of
103 this section, the full name and address of each other candidate committee which
104 is under the control and direction of the same candidate, together with the name,

105 address and telephone number of the treasurer of each such other committee;

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

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

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

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

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

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

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

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

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

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

149 12. Each legislative and senatorial district committee shall retain only one
150 address in the district it sits for the purpose of receiving contributions.

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

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

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

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

27 of residence of the candidate;

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

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

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

39 (a) The Missouri ethics commission for a statewide
40 measure;

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

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

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

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

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

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

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

63 (2) If the committee makes or anticipates making
64 expenditures other than direct contributions which aggregate more
65 than five hundred dollars to support or oppose one or more
66 candidates or ballot measures in the same political subdivision or
67 district for which the appropriate officer is an election authority
68 other than the one for the county in which the committee is
69 domiciled, the appropriate officers for that committee shall include
70 such other election authority or authorities, except that committees
71 covered by this subsection need not file statements required by
72 section 130.021 and reports required by subsections 6, 7 and 8 of
73 section 130.046 with any appropriate officer other than those set
74 forth in subdivision (1) of this subsection.

75 6. The term "domicile" or "domiciled" means the address of
76 the committee listed on the statement of organization required to
77 be filed by that committee in accordance with the provisions of
78 section 130.021.]

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

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

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

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] **division of ethics within the**
24 **office of the attorney general** and the election authority for the place of
25 residence of the candidate;

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

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

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

36 (a) The [Missouri ethics commission] **division of ethics within the**
37 **office of the attorney general** for a statewide measure;

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

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

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

48 (1) In the case of state party committees, the appropriate officer shall be
49 the [Missouri ethics commission] **division of ethics within the office of the**
50 **attorney general**;

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

54 5. The appropriate officers for a continuing committee and for any other
55 committee not named in subsections 3, 4 and 5 of this section shall be as follows:

56 (1) The [Missouri ethics commission] **division of ethics within the**

57 **office of the attorney general** and the election authority for the county in
58 which the committee is domiciled; and

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

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

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

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

8 (2) **To elect an individual to the office of state senator, five
9 thousand dollars;**

10 (3) **To elect an individual to the office of state representative,
11 two thousand dollars;**

12 (4) **To elect an individual to any other office, including judicial
13 office, two thousand dollars.**

14 2. **For purposes of this subsection "base year amount" shall be the
15 contribution limits prescribed in this section on January 1, 2014. Such
16 limits shall be increased on the first day of January in each
17 even-numbered year by multiplying the base year amount by the
18 cumulative consumer price index, as defined in section 104.010 and
19 rounded to the nearest twenty-five-dollar amount.**

20 3. **Contributions from persons under fourteen years of age shall
21 be considered made by the parents or guardians of such person and**

22 shall be attributed toward any contribution limits prescribed in this
23 chapter. Where the contributor under fourteen years of age has two
24 custodial parents or guardians, fifty percent of the contribution shall
25 be attributed to each parent or guardian, and where such contributor
26 has one custodial parent or guardian, all such contributions shall be
27 attributed to the custodial parent or guardian.

28 4. Contributions received and expenditures made prior to August
29 28, 2013, shall be reported as a separate account and pursuant to the
30 laws in effect at the time such contributions are received or
31 expenditures made. Contributions received and expenditures made
32 after August 28, 2013, shall be reported as a separate account from the
33 aforementioned account and pursuant to the provisions of this
34 chapter. The account reported pursuant to the prior law shall be
35 retained as a separate account and any remaining funds in such
36 account may be used pursuant to this chapter and section 130.034.

37 5. Any committee which accepts or gives contributions other
38 than those allowed shall be subject to a surcharge of one thousand
39 dollars plus an amount equal to the contribution per nonallowable
40 contribution, to be paid to the ethics commission and which shall be
41 transferred to the director of revenue, upon notification of such
42 nonallowable contribution by the ethics commission, and after the
43 candidate has had ten business days after receipt of notice to return
44 the contribution to the contributor. The candidate and the candidate
45 committee treasurer or deputy treasurer owing a surcharge shall be
46 personally liable for the payment of the surcharge or may pay such
47 surcharge only from campaign funds existing on the date of the receipt
48 of notice. Such surcharge shall constitute a debt to the state
49 enforceable under, but not limited to, the provisions of chapter 143.

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

9 (1) The full name, as required in the statement of

10 organization pursuant to subsection 5 of section 130.021, and
11 mailing address of the committee filing the report and the full
12 name, mailing address and telephone number of the committee's
13 treasurer and deputy treasurer if the committee has named a
14 deputy treasurer;

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

17 (3) Receipts for the period, including:

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

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

32 (c) Total amount of all monetary contributions received
33 through fund-raising events or activities from participants whose
34 names and addresses were not obtained with such contributions,
35 with an attached statement or copy of the statement describing
36 each fund-raising event as required in subsection 6 of section
37 130.031;

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

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

45 (f) A listing of each loan received by name and address of

46 the lender and date and amount of the loan. For each loan of more
47 than one hundred dollars, a separate statement shall be attached
48 setting forth the name and address of the lender and each person
49 liable directly, indirectly or contingently, and the date, amount and
50 terms of the loan;

51 (4) Expenditures for the period, including:

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

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

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

56 (d) The full name and mailing address of each person to
57 whom an expenditure of money or any other thing of value in the
58 amount of more than one hundred dollars has been made,
59 contracted for or incurred, together with the date, amount and
60 purpose of each expenditure. Expenditures of one hundred dollars
61 or less may be grouped and listed by categories of expenditure
62 showing the total dollar amount of expenditures in each category,
63 except that the report shall contain an itemized listing of each
64 payment made to campaign workers by name, address, date,
65 amount and purpose of each payment and the aggregate amount
66 paid to each such worker;

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

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

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

75 (7) The amount of expenditures for or against a candidate
76 or ballot measure during the period covered and the cumulative
77 amount of expenditures for or against that candidate or ballot
78 measure, with each candidate being listed by name, mailing
79 address and office sought. For the purpose of disclosure reports,
80 expenditures made in support of more than one candidate or ballot
81 measure or both shall be apportioned reasonably among the

82 candidates or ballot measure or both. In apportioning expenditures
83 to each candidate or ballot measure, political party committees and
84 political action committees need not include expenditures for
85 maintaining a permanent office, such as expenditures for salaries
86 of regular staff, office facilities and equipment or other
87 expenditures not designed to support or oppose any particular
88 candidates or ballot measures; however, all such expenditures shall
89 be listed pursuant to subdivision (4) of this subsection;

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

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

100 (10) Each committee that receives a contribution which is
101 restricted or designated in whole or in part by the contributor for
102 transfer to a particular candidate, committee or other person shall
103 include a statement of the name and address of that contributor in
104 the next disclosure report required to be filed after receipt of such
105 contribution, together with the date and amount of any such
106 contribution which was so restricted or designated by that
107 contributor, together with the name of the particular candidate or
108 committee to whom such contribution was so designated or
109 restricted by that contributor and the date and amount of such
110 contribution.

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

117 (1) In the case of a candidate committee, the period shall

118 begin on the date on which the candidate became a candidate
119 according to the definition of the term "candidate" in section
120 130.011 and end at 11:59 p.m. on the day of the primary election,
121 if the candidate has such an election or at 11:59 p.m. on the day of
122 the general election. If the candidate has a general election held
123 after a primary election, the next aggregating period shall begin at
124 12:00 midnight on the day after the primary election day and shall
125 close at 11:59 p.m. on the day of the general election. Except that
126 for contributions received during the thirty-day period immediately
127 following a primary election, the candidate shall designate whether
128 such contribution is received as a primary election contribution or
129 a general election contribution;

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

134 (3) In the case of a political party committee or a political
135 action committee, the period shall begin on the first day of January
136 of the year in which the report or statement is being filed and end
137 on the closing date for the period for which the report or statement
138 is required; except, if the report or statement is required to be filed
139 prior to the first day of July in any given year, the period shall
140 begin on the first day of July of the preceding year.

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

144 4. The words "consulting or consulting services, fees, or
145 expenses", or similar words, shall not be used to describe the
146 purpose of a payment as required in this section. The reporting of
147 any payment to such an independent contractor shall be on a form
148 supplied by the appropriate officer, established by the ethics
149 commission and shall include identification of the specific service
150 or services provided including, but not limited to, public opinion
151 polling, research on issues or opposition background, print or
152 broadcast media production, print or broadcast media purchase,
153 computer programming or data entry, direct mail production,

154 postage, rent, utilities, phone solicitation, or fund raising, and the
155 dollar amount prorated for each service.]

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

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

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

15 (3) Receipts for the period, including:

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

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

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

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

34 (e) A separate listing by name and address and employer, or occupation

35 if self-employed or notation of retirement, of each person from whom the
36 committee received contributions, in money or any other thing of value,
37 aggregating more than one hundred dollars, together with the date and amount
38 of each such contribution;

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

44 (4) Expenditures for the period, including:

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

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

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

49 (d) The full name and mailing address of each person to whom an
50 expenditure of money or any other thing of value in the amount of more than one
51 hundred dollars has been made, contracted for or incurred, together with the
52 date, amount and purpose of each expenditure. Expenditures of one hundred
53 dollars or less may be grouped and listed by categories of expenditure showing
54 the total dollar amount of expenditures in each category, except that the report
55 shall contain an itemized listing of each payment made to campaign workers by
56 name, address, date, amount and purpose of each payment and the aggregate
57 amount 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
74 for salaries of regular staff, office facilities and equipment or other expenditures
75 not 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
120 is required to be filed prior to the first day of July in any given year, the period
121 shall 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] **division of ethics within the office of the attorney general**
130 and shall include identification of the specific service or services provided
131 including, but not limited to, public opinion polling, research on issues or
132 opposition background, print or broadcast media production, print or broadcast
133 media purchase, computer programming or data entry, direct mail production,
134 postage, rent, utilities, phone solicitation, or fund raising, and the dollar amount
135 prorated for each service.

130.042. The [Missouri ethics commission] **division of ethics within**
2 **the office of the attorney general** shall post on its website in an easily
3 accessible and conspicuous manner a listing organized by candidate showing all
4 expenditures required to be disclosed by sections 130.041 and 130.050, made in
5 support of and against each candidate, together with the date and amount of each
6 expenditure. The [commission] **division** shall post each expenditure within
7 seven days of notification of the expenditure. The list underlying each candidate

8 shall be further organized into the following two categories:

- 9 (1) Expenditures in support of the candidate; and
10 (2) Expenditures in opposition to the candidate.

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

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

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

22 4. Reports required under this section shall contain the
23 same content required under section 130.041 and shall be filed in
24 accordance with the standards established by the commission for
25 electronic filing and other rules the commission may deem
26 necessary to promulgate for the effective administration of this
27 section.

28 5. Any rule or portion of a rule, as that term is defined in
29 section 536.010, that is created under the authority delegated in
30 this section shall become effective only if it complies with and is
31 subject to all of the provisions of chapter 536 and, if applicable,
32 section 536.028. This section and chapter 536 are nonseverable
33 and if any of the powers vested with the general assembly pursuant

34 to chapter 536 to review, to delay the effective date, or to
35 disapprove and annul a rule are subsequently held
36 unconstitutional, then the grant of rulemaking authority and any
37 rule proposed or adopted after August 28, 2008, shall be invalid
38 and void.]

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

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

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

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

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

15 by such candidate and any candidate committee under the
16 candidate's control before such candidate takes office, and such
17 report shall be for the period closing on the day before taking
18 office; and

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

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

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

51 (2) If the measure has qualified to be on the ballot in an
52 election and if a committee subject to the requirements of
53 subdivision (1) of this subsection is also required to file a
54 preelection disclosure report for such election any time within
55 thirty days after the date on which disclosure reports are required
56 to be filed in accordance with subdivision (1) of this subsection, the
57 treasurer of such committee shall not be required to file the report
58 required by subdivision (1) of this subsection, but shall include in
59 the committee's preelection report all information which would
60 otherwise have been required by subdivision (1) of this subsection.

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

87 committee, of five hundred dollars or more, within the reporting
88 period at the following times for the following periods:

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

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

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

96 4. The reports required to be filed no later than the
97 thirtieth day after an election and any subsequently required
98 report shall be cumulative so as to reflect the total receipts and
99 disbursements of the reporting committee for the entire election
100 campaign in question. The period covered by each disclosure report
101 shall begin on the day after the closing date of the most recent
102 disclosure report filed and end on the closing date for the period
103 covered. If the committee has not previously filed a disclosure
104 report, the period covered begins on the date the committee was
105 formed; except that in the case of a candidate committee, the period
106 covered begins on the date the candidate became a candidate
107 according to the definition of the term candidate in section 130.011.

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

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

114 (a) If there are less than fifty days between a primary
115 election and the immediately succeeding general election, the
116 disclosure report required to be filed quarterly; provided that, any
117 other report required to be filed prior to the primary election and
118 all other reports required to be filed not later than the eighth day
119 before the general election are filed no later than the final dates for
120 filing such reports;

121 (b) If there are less than eighty-five days between a
122 primary election and the immediately succeeding general election,

123 the disclosure report required to be filed not later than the
124 thirtieth day after the primary election need not be filed; provided
125 that any report required to be filed prior to the primary election
126 and any other report required to be filed prior to the general
127 election are filed no later than the final dates for filing such
128 reports; and

129 (2) No disclosure report needs to be filed for any reporting
130 period if during that reporting period the committee has neither
131 received contributions aggregating more than five hundred dollars
132 nor made expenditure aggregating more than five hundred dollars
133 and has not received contributions aggregating more than three
134 hundred dollars from any single contributor and if the committee's
135 treasurer files a statement with the appropriate officer that the
136 committee has not exceeded the identified thresholds in the
137 reporting period. Any contributions received or expenditures made
138 which are not reported because this statement is filed in lieu of a
139 disclosure report shall be included in the next disclosure report
140 filed by the committee. This statement shall not be filed in lieu of
141 the report for two or more consecutive disclosure periods if either
142 the contributions received or expenditures made in the aggregate
143 during those reporting periods exceed five hundred dollars. This
144 statement shall not be filed, in lieu of the report, later than the
145 thirtieth day after an election if that report would show a deficit of
146 more than one thousand dollars.

147 6. (1) If the disclosure report required to be filed by a
148 committee not later than the thirtieth day after an election shows
149 a deficit of unpaid loans and other outstanding obligations in
150 excess of five thousand dollars, semiannual supplemental
151 disclosure reports shall be filed with the appropriate officer for
152 each succeeding semiannual period until the deficit is reported in
153 a disclosure report as being reduced to five thousand dollars or
154 less; except that, a supplemental semiannual report shall not be
155 required for any semiannual period which includes the closing date
156 for the reporting period covered in any regular disclosure report
157 which the committee is required to file in connection with an
158 election. The reporting dates and periods covered for semiannual

159 reports shall be not later than the fifteenth day of January and
160 July for periods closing on the thirty-first day of December and the
161 thirtieth day of June.

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

168 7. In the case of a committee which disbands and is
169 required to file a termination statement pursuant to the provisions
170 of section 130.021 with the appropriate officer not later than the
171 tenth day after the committee was dissolved, the candidate,
172 committee treasurer or deputy treasurer shall attach to the
173 termination statement a complete disclosure report for the period
174 closing on the date of dissolution. A committee shall not utilize the
175 provisions of subsection 8 of section 130.021 or the provisions of
176 this subsection to circumvent or otherwise avoid the reporting
177 requirements of subsection 6 or 7 of this section.

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

185 9. Each candidate for the office of state representative,
186 state senator, and for statewide elected office shall file all
187 disclosure reports described in section 130.041 electronically with
188 the Missouri ethics commission. The Missouri ethics commission
189 shall promulgate rules establishing the standard for electronic
190 filings with the commission and shall propose such rules for the
191 importation of files to the reporting program.

192 10. Any rule or portion of a rule, as that term is defined in
193 section 536.010, that is created under the authority delegated in
194 this section shall become effective only if it complies with and is

195 subject to all of the provisions of chapter 536 and, if applicable,
196 section 536.028. This section and chapter 536 are nonseverable
197 and if any of the powers vested with the general assembly pursuant
198 to chapter 536 to review, to delay the effective date, or to
199 disapprove and annul a rule are subsequently held
200 unconstitutional, then the grant of rulemaking authority and any
201 rule proposed or adopted after August 28, 2006, shall be invalid
202 and void.]

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

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

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

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

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

27 (1) In addition to the disclosure reports required to be filed pursuant to
28 subsection 1 of this section the treasurer of a committee, other than a continuing

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

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

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

65 In the case of the continuing committee's first report, the report shall be
66 cumulative from the date of the continuing committee's organization. Every
67 candidate, treasurer or deputy treasurer shall file, at a minimum, the campaign
68 disclosure reports covering the quarter immediately preceding the date of the
69 election and those required by subdivisions (1) and (2) of subsection 1 of this
70 section. A continuing committee shall submit additional reports if it makes
71 aggregate expenditures, other than contributions to a committee, of five hundred
72 dollars or more, within the reporting period at the following times for the
73 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 shall
85 begin on the day after the closing date of the most recent disclosure report filed
86 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 filed
97 quarterly; provided that, any other report required to be filed prior to the primary
98 election and all other reports required to be filed not later than the eighth day
99 before the general election are filed no later than the final dates for filing such
100 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
106 than the final dates for filing such reports; and

107 (2) No disclosure report needs to be filed for any reporting period if during
108 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
114 period. Any contributions received or expenditures made which are not reported
115 because this statement is filed in lieu of a disclosure report shall be included in
116 the next disclosure report filed by the committee. This statement shall not be
117 filed in lieu of the report for two or more consecutive disclosure periods if either
118 the 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 later
123 than the thirtieth day after an election shows a deficit of unpaid loans and other
124 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
133 of 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
142 dissolved, the candidate, committee treasurer or deputy treasurer shall attach to
143 the termination statement a complete disclosure report for the period closing on
144 the date of dissolution. A committee shall not utilize the provisions of subsection
145 8 of section 130.021 or the provisions of this subsection to circumvent or
146 otherwise 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] **division of**
156 **ethics**. The [Missouri ethics commission] **division** shall promulgate rules
157 establishing the standard for electronic filings with the [commission] **division**
158 and shall propose such rules for the importation of files to 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
161 become effective only if it complies with and is subject to all of the provisions of
162 chapter 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
167 invalid and void.

130.049. An out-of-state committee which according to the provisions of
2 subsection 10 of section 130.021 is not required to file a statement of organization
3 and is not required to file the full disclosure reports required by section 130.041
4 shall file reports with the [Missouri ethics commission] **division of ethics**
5 according to the provisions of such sections if the committee makes contributions

6 or expenditures in support of or in opposition to candidates or ballot measures in
7 this state in any election covered by this chapter or makes contributions to any
8 committee domiciled in this state. An initial report shall be filed no later than
9 fourteen days prior to the date such out-of-state committee first makes a
10 contribution or expenditure in this state. Such initial report shall state the name
11 and address of the committee receiving such contributions or expenditures. The
12 contributions or expenditures shall be made no later than thirty days prior to the
13 election. The out-of-state committee thereafter shall file copies of the campaign
14 disclosure report required to be filed in the domicile of the committee with the
15 [Missouri ethics commission] **division** as required by subsections 1 to 3 of
16 section 130.046. No candidate or committee may accept any contribution made
17 by a committee domiciled outside this state unless the provisions of this section
18 are met.

130.050. 1. An out-of-state committee which, according to the provisions
2 of subsection 10 of section 130.021, is not required to file a statement of
3 organization and is not required to file the full disclosure reports required by
4 section 130.041 shall file reports with the [Missouri ethics commission] **division**
5 **of ethics** according to the provisions of this subsection if the committee makes
6 contributions or expenditures in support of or in opposition to candidates or ballot
7 measures in this state in any election covered by this chapter or makes
8 contributions to any committee domiciled in this state. An initial report shall be
9 filed on or within fourteen days prior to the date such out-of-state committee first
10 makes a contribution or expenditure in this state, and thereafter reports shall be
11 filed at the times and for the reporting periods prescribed in subsection 1 of
12 section 130.046. Each report shall contain:

13 (1) The full name, address and domicile of the committee making the
14 report and the name, residential and business addresses, domicile and telephone
15 numbers of the committee's treasurer;

16 (2) The name and address of any entity such as a labor union, trade or
17 business or professional association, club or other organization or any business
18 entity with which the committee is affiliated;

19 (3) A statement of the total dollar amount of all funds received by the
20 committee in the current calendar year and a statement of the total contributions
21 in the same period from persons domiciled in this state and a list by name,
22 address, date and amount of each Missouri resident who contributed an aggregate
23 of more than two hundred dollars in the current calendar year;

24 (4) A list by name, address, date and amount regarding any contributor
25 to the out-of-state committee, regardless of state of residency, who made a
26 contribution during the reporting period;

27 (5) A statement as to whether the committee is required to file reports
28 with the Federal Election Commission, and a listing of agencies in other states
29 with which the committee files reports, if any;

30 (6) A separate listing showing contributions made in support of or
31 opposition to each candidate or ballot measure in this state, together with the
32 date and amount of each contribution;

33 (7) A separate listing showing contributions made to any committee
34 domiciled in this state with the date and amount of each contribution.

35 2. In the case of a political party committee's selection of an individual to
36 be the party's nominee for public office in an election covered by this chapter, any
37 individual who seeks such nomination and who is a candidate according to the
38 definition of the term candidate in section 130.011 shall be required to comply
39 with all requirements of this chapter; except that, for the purposes of this
40 subsection, the reporting dates and reporting periods in section 130.046 shall not
41 apply, and the first reporting date shall be no later than the fifteenth day after
42 the date on which a nomination covered by this subsection was made and for the
43 period beginning on the date the individual became a candidate, as the term
44 candidate is defined in section 130.011, and closing on the tenth day after the
45 date the nomination was made, with subsequent reports being made as closely as
46 practicable to the times required in section 130.046.

47 3. The receipt of any late contribution or loan of more than two hundred
48 fifty dollars by a candidate committee supporting a candidate for statewide office
49 or by any other committee shall be reported to the appropriate officer no later
50 than twenty-four hours after receipt. For purposes of this subsection the term
51 "late contribution or loan" means a contribution or loan received after the closing
52 date of the last disclosure report required to be filed before an election but
53 received prior to the date of the election itself. The disclosure report of a late
54 contribution may be made by any written means of communication, setting forth
55 the name and address of the contributor or lender and the amount of the
56 contribution or loan and need not contain the signatures and certification
57 required for a full disclosure report described in section 130.041. A late
58 contribution or loan shall be included in subsequent disclosure reports without
59 regard to any special reports filed pursuant to this subsection.

130.054. 1. Notwithstanding the provisions of subsection 3 of section
2 105.957, any natural person may file a complaint with the [Missouri ethics
3 commission] **division of ethics** alleging failure to timely or accurately file a
4 personal financial disclosure statement, a campaign finance disclosure report or
5 a violation of the provisions of this chapter by any candidate for elective office,
6 within sixty days prior to the primary election at which such candidate is running
7 for office, until after the general election. Any such complaint shall be in writing,
8 shall state all facts known by the complainant which have given rise to the
9 complaint, and shall be sworn to, under penalty of perjury, by the complainant.

10 2. Within the first business day after receipt of a complaint pursuant to
11 this section, the executive director shall supply a copy of the complaint to the
12 person or entity named in the complaint, deleting any material identifying the
13 name of the complainant. The executive director shall notify the complainant and
14 the person or entity named in the complaint of the date and time at which the
15 [commission] **division** shall audit and investigate the allegations contained in
16 the complaint pursuant to subsection 3 of this section.

17 3. Within fifteen business days of receipt of a complaint pursuant to this
18 section, the [commission] **division** shall audit and investigate the allegations
19 contained in the complaint and shall determine by a vote of at least four members
20 of the [commission] **division** that there are reasonable grounds to believe that
21 a violation of law has occurred within the jurisdiction of the [commission]
22 **division**. The respondent may reply in writing or in person to the allegations
23 contained in the complaint and may state justifications to dismiss the
24 complaint. The complainant may also present evidence in support of the
25 allegations contained in the complaint, but such evidence shall be limited in scope
26 to the allegations contained in the original complaint, and such complaint may
27 not be supplemented or otherwise enlarged in scope.

28 4. If, after audit and investigation of the complaint and upon a vote of at
29 least four members of the [commission] **division**, the commission determines
30 that there are reasonable grounds to believe that a violation of law has occurred
31 within the jurisdiction of the [commission] **division**, the [commission] **division**
32 shall proceed with such complaint as provided by sections 105.957 to 105.963. If
33 the [commission] **division** does not determine that there are reasonable grounds
34 to believe that such a violation of law has occurred, the complaint shall be
35 dismissed. If a complaint is dismissed, the fact that such complaint was
36 dismissed, with a statement of the nature of the complaint, shall be made public

37 within twenty-four hours of the [commission's] **division's** action.

38 5. Any complaint made pursuant to this section, and all proceedings and
39 actions concerning such a complaint, shall be subject to the provisions of
40 subsection 15 of section 105.961.

41 6. No complaint shall be accepted by the [commission] **division** within
42 fifteen days prior to the primary or general election at which such candidate is
43 running for office.

 130.056. 1. The executive director of the [Missouri ethics commission]
2 **division of ethics** shall:

3 (1) Take such steps as are necessary to disseminate among the general
4 public such information as may serve to guide all persons who are or may become
5 subject to the provisions of this chapter for the purpose of facilitating voluntary
6 compliance with the purposes and provisions of this chapter;

7 (2) Be responsible for expediting the filing of all reports, statements and
8 other information required to be filed pursuant to the provisions of this chapter
9 and, in connection therewith, be responsible for developing procedures whereby
10 all candidates shall be informed of the provisions of section 130.016 so as to
11 assure the timely filing of statements which some candidates are eligible to file
12 as provided in section 130.016;

13 (3) Develop and publish forms and printed instructional material and
14 furnish such forms and instructions to persons required to file reports and
15 statements pursuant to the provisions of this chapter, together with a summary
16 of the provisions of chapter 115, which apply to candidates and committees
17 covered by this chapter, provided, however, such forms shall not seek information
18 which is not specifically required by this chapter. All forms furnished pursuant
19 to this chapter shall clearly state in readable type on the face of the form the date
20 on which the form became effective. The forms published by the executive
21 director shall provide for compliance with reporting and other provisions of this
22 chapter. Any report form published by the executive director for purposes of
23 compliance with section 130.041 shall provide for reporting contributions from
24 individuals, corporations, labor organizations and fictitious entities and
25 contributions from committees on the same form. Contributions from committees
26 shall be listed first on each report form. All expenditures shall also be reported
27 on a single report form;

28 (4) Develop a filing, coding and cross-indexing system for reports and
29 statements required to be filed with the [Missouri ethics commission] **division,**

30 and preserve such reports and statements for a period of not less than five years
31 from date of receipt;

32 (5) Make the reports and statements filed with the [Missouri ethics
33 commission] **division** available for public inspection and copying, commencing
34 as soon as practicable but not later than the end of the second day after which a
35 report was received, and permit copying of any such report or statement by hand
36 or by duplicating machine, as requested by any person, at the expense of such
37 person, but no information obtained from such reports and statements shall be
38 sold or utilized by any person for any commercial purpose;

39 (6) Examine each report and statement filed with the [Missouri ethics
40 commission] **division** pursuant to the requirements of this chapter to determine
41 if the statements are properly completed and filed within the time required by
42 this chapter;

43 (7) Notify a person required to file a report or statement pursuant to this
44 chapter with the [Missouri ethics commission] **division** immediately if, upon
45 examination of the official ballot or other circumstances surrounding any election,
46 it appears that the person has failed to file a report or statement as required by
47 law;

48 (8) From reports filed with the [Missouri ethics commission] **division**,
49 prepare and publish an annual report including compilations of amounts
50 contributed and expended for the influencing of nominations and elections;

51 (9) Prepare and publish such other reports as the [Missouri ethics
52 commission] **division** deems appropriate;

53 (10) Disseminate statistics, summaries, and reports prepared under this
54 chapter;

55 (11) Employ staff and retain such contract services, including legal
56 services to represent the [commission] **division** before any state agency or before
57 the courts as the executive director deems necessary within the limits authorized
58 by appropriation by the general assembly.

59 2. Each appropriate officer other than the executive director of the
60 [Missouri ethics commission] **division** shall:

61 (1) Assist the executive director in furnishing forms and printed
62 instructional material to persons required to file reports and statements pursuant
63 to the provisions of this chapter;

64 (2) Accept reports and statements required to be filed with the person's
65 office;

66 (3) Develop for the officer's constituency a filing, coding, and
67 cross-indexing system consonant with the purposes of this chapter;

68 (4) Make the reports and statements filed with the officer available for
69 public inspection and copying, commencing as soon as practicable but not later
70 than the end of the second day after which a report was received, and permit
71 copying of any such report or statement by hand or by duplicating machine, as
72 requested by any person, at the expense of such person, but no information
73 obtained from such reports and statements shall be sold or utilized by any person
74 for any commercial purpose;

75 (5) Preserve such reports and statements for a period of not less than five
76 years from the date of receipt;

77 (6) Examine each report and statement filed with the person's office
78 pursuant to the requirements of this chapter to determine if the reports and
79 statements appear to be complete and filed within the required time;

80 (7) Notify a person required to file a report or statement pursuant to this
81 chapter immediately if, upon examination of the circumstances surrounding any
82 election, it appears that the person has failed to file a report or statement as
83 required by law;

84 (8) Notify the [Missouri ethics commission] **division** if the person has
85 reasonable cause to believe that a violation of this chapter has occurred;

86 (9) Assess every candidate for state or local office failing to file with a
87 local election authority pursuant to section 130.026, a campaign disclosure report
88 as required by this chapter other than the report required pursuant to
89 subdivision (1) of subsection 1 of section 130.046, a late filing fee of ten dollars
90 for each day such report is due to the election authority. The local election
91 authority shall mail a notice, by registered mail, to any candidate and candidate
92 committee treasurer and deputy treasurer who fails to file such report informing
93 such person of such failure and the fees provided by this subdivision. If the
94 candidate persists in such failure for a period in excess of thirty days beyond the
95 receipt of such notice, the amount of the late filing fee shall increase to one
96 hundred dollars for each day that the report is not filed, provided that the total
97 amount of such fees assessed pursuant to this subsection per report shall not
98 exceed three hundred dollars.

99 3. Any person receiving from an appropriate officer a copy of, or who is
100 permitted to inspect or make a copy of, any report or statement filed pursuant to
101 the requirements of this chapter shall sign a statement that the person will not

102 utilize the reports or statements or any information thereon for any commercial
103 use, except for public news reporting, whatsoever and will not transfer the
104 information obtained to any other persons for such purposes. It shall be the
105 responsibility of each appropriate officer to instruct any person making a request
106 to inspect, copy or receive a copy of any report or statement or any portion of a
107 report or statement filed pursuant to this chapter that the utilization of any
108 information obtained from such reports for any commercial purpose is a violation
109 of this chapter.

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

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

23 3. When the commission determines that the electronic
24 reporting system has been properly implemented, the commission
25 shall certify to all candidates and committees required to file
26 pursuant to this chapter that such electronic reporting system has
27 been established and implemented. Beginning with the primary
28 and general elections in 2000, or the next primary or general

29 election in which the commission has made certification pursuant
30 to this subsection, whichever is later, candidates and all other
31 committees shall file reports by using either the electronic format
32 prescribed by the commission or paper forms provided by the
33 commission for that purpose. Political action committees shall file
34 reports by electronic format prescribed by the commission, except
35 political action committees which make contributions equal to or
36 less than fifteen thousand dollars in the applicable calendar
37 year. Any political action committee which makes contributions in
38 support of or opposition to any measure or candidate equal to or
39 less than fifteen thousand dollars in the applicable calendar year
40 shall file reports on paper forms provided by the commission for
41 that purpose or by electronic format prescribed by the commission,
42 whichever reporting method the political action committee
43 chooses. The commission shall supply a computer program which
44 shall be used for filing by modem or by a common magnetic media
45 chosen by the commission. In the event that filings are performed
46 electronically, the candidate shall file a signed original written
47 copy within five working days; except that, if a means becomes
48 available which will allow a verifiable electronic signature, the
49 commission may also accept this in lieu of a written statement.

50 4. Beginning January 1, 2000, or on the date the
51 commission makes the certification pursuant to subsection 3 of this
52 section, whichever is later, all reports filed with the commission by
53 any candidate for a statewide office, or such candidate's committee,
54 shall be filed in electronic format as prescribed by the commission;
55 provided however, that if a candidate for statewide office, or such
56 candidate's committee receives or spends five thousand dollars or
57 less for any reporting period, the report for that reporting period
58 shall not be required to be filed electronically.

59 5. A copy of all reports filed in the state campaign finance
60 electronic reporting system shall be placed on a public electronic
61 access system so that the general public may have open access to
62 the reports filed pursuant to this section. The access system shall
63 be organized and maintained in such a manner to allow an
64 individual to obtain information concerning all contributions made

65 to or on behalf of, and all expenditures made on behalf of, any
66 public official described in subsection 2 of this section in formats
67 that will include both written and electronically readable formats.

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

76 7. Annually, the commission shall provide, without cost, a
77 system-wide dump of information contained in the commission's
78 electronic database files to the general assembly. The information
79 is to be copied onto a medium specified by the general
80 assembly. Such information shall not contain records otherwise
81 closed by law. It is the intent of the general assembly to provide
82 open access to the commission's records. The commission shall
83 make every reasonable effort to comply with requests for
84 information and shall take a liberal interpretation when
85 considering such requests.]

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

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

16 primary and general elections in 1996 and all elections thereafter, except that the
17 system may require maintenance of a paper backup system for the primary and
18 general elections in 1996. The reports shall be maintained and secured in the
19 electronic format by the [commission] **division**.

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

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

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

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

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

 130.081. 1. Any person who purposely violates the provisions of this
2 chapter is guilty of a class A misdemeanor.

3 2. Any person who fails to file any report or statement required by this
4 chapter within the time periods specified in sections 130.011 to 130.051 is guilty
5 of an infraction.

6 3. Notwithstanding any other provision of law which bars prosecutions for
7 any offenses other than a felony unless commenced within one year after the
8 [commission] **division** of the offense, any offense under the provisions of this
9 chapter may be prosecuted if the indictment be found or prosecution be instituted
10 within three years after the [commission] **division** of the alleged offense.

11 4. Any prohibition to the contrary notwithstanding, no person shall be
12 deprived of the rights, guarantees, protections or privileges accorded by sections
13 130.011 to 130.026, 130.031 to 130.068, 130.072, and 130.081 by any person,

14 corporation, entity or political subdivision.

130.086. Notwithstanding any of the other provisions of this chapter,
2 national political party committees, candidates for elective federal offices and any
3 committee formed for the sole purpose of supporting a candidate or candidates for
4 elective federal office shall be deemed to have fully complied with the provisions
5 of this chapter if they have complied with all the reporting requirements of the
6 federal election laws, and if copies of all election reports which are required by
7 federal law to be filed with appropriate federal officials are filed with the
8 [Missouri ethics commission] **division** at the same time that they are filed with
9 federal officials, and if all books and records relating thereto are kept in
10 accordance with federal law.

130.150. Complaints Concerning Violations

2 (1) Any person may file a complaint alleging violations of the contribution
3 limits set forth above with the [Missouri Ethics Commission] **division** which
4 complaint shall be acted upon promptly by the [commission] **division** in the
5 same manner and with the same effect as other complaints over which the
6 [commission] **division** has jurisdiction.

7 (2) Instead of filing a complaint with the [Missouri Ethics Commission]
8 **division**, any person may file a civil action in summary process in the circuit
9 court for the circuit in which the alleged violation occurred, against the alleged
10 violator or violators, seeking a forfeiture to the General Revenue of the State of
11 any amount of contributions in excess of the limits set forth above.

443.817. Each member of the residential mortgage board shall file
2 annually, no later than February first, with the [Missouri ethics commission]
3 **division of ethics within the office of attorney general** a statement of the
4 member's current business transactions or other affiliations with any residential
5 mortgage loan broker under the provisions of sections 443.701 to 443.893 or such
6 report as the [Missouri ethics commission] **division** otherwise directs. The board
7 may adopt any rules or regulations regarding the conduct of board members to
8 avoid conflicts of interest on the part of the members of the residential mortgage
9 board in connection with their positions on the board.

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

4 (1) Confers or agrees to confer anything of pecuniary benefit to any person
5 in direct exchange for that person's concealing or withholding any information

6 concerning any violation of sections 105.450 to 105.496 and chapter 130;

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

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

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

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

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

24 (2) Any member or employee of the [Missouri ethics commission] **division**
25 **of ethics** or any official investigating any violation of sections 105.450 to 105.496
26 or chapter 130 took substantial action in reliance on the statement, writing, or
27 other documentation.

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

30 4. Obstruction of an ethics investigation under this section is a class A
31 misdemeanor.

[105.956. No advisory opinion issued before August 28,
2 1997, by the ethics commission shall be withdrawn except pursuant
3 to the provisions of section 105.955.]

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