

FIRST EXTRAORDINARY SESSION

# SENATE BILL NO. 5

99TH GENERAL ASSEMBLY

INTRODUCED BY SENATOR SCHAAF.

Read 1st time May 22, 2017, and ordered printed.

ADRIANE D. CROUSE, Secretary.

2413S.011

## AN ACT

To repeal section 130.041 as enacted by senate bill no. 844, ninety-fifth general assembly, second regular session, and section 130.041 as enacted by senate bills nos. 31 & 285, ninetieth general assembly, first regular session, and to enact in lieu thereof one new section relating to financial disclosure under campaign finance laws.

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

Section A. Section 130.041 as enacted by senate bill no. 844, ninety-fifth  
2 general assembly, second regular session, and section 130.041 as enacted by  
3 senate bills nos. 31 & 285, ninetieth general assembly, first regular session, are  
4 repealed and one new section enacted in lieu thereof, to be known as section  
5 130.041, to read as follows:

[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:

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

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

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 and shall include identification of the specific service or services  
130 provided including, but not limited to, public opinion polling, research on issues  
131 or opposition background, print or broadcast media production, print or broadcast  
132 media purchase, computer programming or data entry, direct mail production,  
133 postage, rent, utilities, phone solicitation, or fund raising, and the dollar amount  
134 prorated for each service.

135 **5. The provisions of subsections 5 to 17 of this section shall be**  
136 **known, and may be cited as, the "Dark Money Disclosure Act".**

137 **6. For the purposes of subsections 5 to 17 of this section, the**  
138 **term "reportable outlay" shall mean any contribution, expenditure,**  
139 **covered transfer, or elected official communication payment.**

140 **7. For the purposes of subsections 5 to 17 of this section, the**  
141 **terms "contribution" and "expenditure" shall have the meanings they are**  
142 **given in section 130.011.**

143 **8. (1) For the purposes of subsections 5 to 17 of this section, the**  
144 **term "covered transfer" shall mean any monetary or in-kind transfer or**  
145 **payment made to another person with the intention that any part of**  
146 **such transfer or payment be used to make or pay for a reportable**

147 outlay by someone other than the person making the transfer or  
148 payment. There shall be a rebuttable presumption that a transfer or  
149 payment is a covered transfer if the person making the transfer or  
150 payment:

151 (a) Designates, requests, suggests, or discusses the possibility  
152 that any part of the transfer or payment be used for:

153 a. A reportable outlay; or

154 b. Making a transfer or payment to another person for the  
155 purpose of making or paying for a reportable outlay;

156 (b) Made such transfer or payment in response to a solicitation  
157 or other request for a donation or payment for:

158 a. The making of a reportable outlay; or

159 b. Making a transfer or payment to another person for the  
160 purpose of making or paying for a reportable outlay;

161 (c) Knew or had reason to know that the person receiving the  
162 transfer or payment intended to use any part of it for:

163 a. The making of a reportable outlay; or

164 b. Making a transfer or payment to another person for the  
165 purpose of making or paying for a reportable outlay;

166 (d) Knew or had reason to know that the person receiving the  
167 transfer or payment had made reportable outlays in an aggregate  
168 amount of ten thousand dollars or more during the two-year period  
169 ending on the date of the transfer or payment, provided that it was a  
170 non-natural person who received the transfer or payment; or

171 (e) Knew or had reason to know that the person receiving the  
172 transfer or payment would make reportable outlays in an aggregate  
173 amount of ten thousand dollars or more during the two-year period  
174 beginning on the date of the transfer or payment, provided that it was  
175 a non-natural person who received the transfer or payment.

176 (2) "Covered transfer" shall not include any of the following:

177 (a) A transfer or payment made in a commercial transaction in  
178 the ordinary course of any trade or business conducted by the covered  
179 person or in the form of investments made by the covered person;

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

184 (c) A transfer or payment if:

185 a. The person making the transfer or payment prohibited, in  
186 writing, the use of such transfer or payment for reportable outlays; and

187 b. The recipient of the transfer or payment agreed to follow the  
188 prohibition and deposited the funds in an account segregated from any  
189 account used to make reportable outlays.

190 9. (1) For the purposes of subsections 5 to 17 of this section, the  
191 term "elected official communication payment" shall mean a payment  
192 for a communication that:

193 (a) Is in the form of:

194 a. Radio, television, cable, or satellite broadcast;

195 b. Printed material such as advertisements, pamphlets, circulars,  
196 flyers, brochures, or letters;

197 c. Telephone communication; or

198 d. Paid internet advertising; and

199 (b) Is made:

200 a. In substantial consultation with or at the suggestion of an  
201 elected official or an employee of or a consultant to an elected official;

202 b. By a person who is managed, operated, or founded by an  
203 individual who, in the two years preceding the communication, served  
204 as an employee or consultant for a person who is an elected official at  
205 the time of the communication;

206 c. By or in consultation with or at the suggestion of a family  
207 member of an elected official;

208 d. By a person founded by or at the suggestion of an elected  
209 official or the family member of an elected official; or

210 e. By a person for which an elected official has raised money in  
211 the two years before the communication;

212 and

213 (c) Includes the name, likeness, or voice of or otherwise clearly  
214 identifies any Missouri elected official.

215 (2) The phrase "elected official communication payment" shall  
216 not include a payment for a communication of either of the following  
217 types:

218 (a) Communications with a professional journalist or newscaster,  
219 including an editorial board or editorial or opinion writer of a  
220 newspaper, magazine, news agency, press association, or wire service;

221 or

222 (b) A communication that is:

223 a. Directed, sent or distributed by the distributing organization  
224 only to individuals who affirmatively consent to be members of the  
225 distributing organization, contribute funds to the distributing  
226 organization, or, pursuant to the distributing organization's articles or  
227 bylaws, have the right to vote directly or indirectly for the election of  
228 directors or officers, or on changes to bylaws, disposition or all or  
229 substantially all of the distributing entity's assets or the merger or  
230 dissolution of the distributing entity; or

231 b. For the purpose of promoting or staging any candidate debate,  
232 town hall or similar forum to which at least two candidates seeking the  
233 same office, or two proponents of differing positions on a referendum  
234 or question submitted to voters, or two proponents of differing  
235 positions on a proposed official action of a governmental body, are  
236 invited as participants, and which does not promote or advance one  
237 candidate or position over another.

238 10. (1) Any person which is not a defined committee, has  
239 accepted one or more covered transfers since the most recent general  
240 election, and has made a reportable outlay or reportable outlays  
241 aggregating five thousand dollars or more since the most recent  
242 general election, shall file reports as prescribed in this subsection.

243 (2) Subsequent to each general election, a person required to file  
244 reports by subdivision (1) of this subsection shall file a report no later  
245 than fourteen days after first making a reportable outlay which by  
246 itself or when added to all other reportable outlays made since the  
247 general election equals five thousand dollars or more. After such  
248 initial report, an additional report shall be filed no later than fourteen  
249 days after any date on which the reporting person makes a reportable  
250 outlay which by itself or when added to all other reportable outlays  
251 made since the reportable outlay most recently reported equals five  
252 thousand dollars or more, except that, if such reportable outlay is made  
253 during the thirty days before an election, such additional report shall  
254 be filed within forty-eight hours after the date on which the reporting  
255 person made such reportable outlay.

256 (3) All reports filed under this subsection shall contain the  
257 following information:

258 (a) The name and address of the reporting person, and, if that  
259 person is a natural person, the name and address of that person's  
260 employer;

261 (b) If the reporting person is a non-natural person, that person's  
262 owners, partners, board members, and officers, or their equivalents. In  
263 the event that a report does not otherwise include the name of a  
264 natural person associated with the reporting person, the report shall  
265 include the name, address, and other contact information of at least one  
266 natural person with managerial control over the reporting person;

267 (c) For each reportable outlay made by the reporting person  
268 since the most recent general election:

269 a. The date and dollar value of each reportable outlay;

270 b. The name and address of the recipient of each reportable  
271 outlay; and

272 c. A description of the nature and purpose of each reportable  
273 outlay, including, in addition to any other information required by  
274 rules promulgated by the ethics commission, the name of any candidate  
275 or ballot measure supported or opposed, and, if the reportable outlay  
276 is an elected official communication payment, the name of any elected  
277 official identified by the communication and the name of any elected  
278 official in connection with whom the communication is made;

279 (d) Each report shall include receipts of covered transfers  
280 accepted since the most recent general election, including:

281 a. The total dollar value of all covered transfers accepted;

282 b. (i) A separate listing by name and address, and employer, if  
283 any, of each person from whom the reporting person accepted covered  
284 transfers aggregating more than five thousand dollars, together with  
285 the date and dollar value of each such covered transfer, as well as a  
286 description of each such covered transfer that was in-kind;

287 (ii) The names of the owners, partners, board members, and  
288 officers, or their equivalents, of any non-natural person listed pursuant  
289 to item (i) of this subparagraph;

290 c. A listing of each covered transfer that was received in the  
291 form of a loan, such loans listed by name and address of the lender and  
292 date and amount of the loan. For each such loan of more than one  
293 hundred dollars, a separate statement shall be attached setting forth  
294 the name and address of the lender and each person liable directly,

295 indirectly or contingently, and the date, amount and terms of the loan;  
296 and

297 d. A listing of each covered transfer accepted that was restricted  
298 or designated in whole or in part for a particular purpose by the  
299 transferor, such listing including the name and address of the  
300 transferor, together with the date and dollar value of the covered  
301 transfer, together with a reasonably detailed description of the purpose  
302 for which all or part of that covered transfer was restricted or  
303 designated.

304 11. (1) If the person filing a report under subsection 10 of this  
305 section has filed any previous report under subsection 10 of this section  
306 since the most recent general election, the subsequent report need only  
307 include updated information, and need not contain information  
308 identical to that provided in previous reports.

309 (2) Reports filed under subsection 10 of this section need not  
310 include information about reportable outlays made before the date on  
311 which subsection 10 of this section becomes effective or on covered  
312 transfers accepted prior to such date.

313 (3) (a) For purposes of subsection 10 of this section, if a covered  
314 transfer accepted is a payment to an organization of bona fide  
315 membership dues that do not exceed two thousand five hundred dollars  
316 in a five-year period, the name and other identifying information of the  
317 person making the covered transfer need not be reported.

318 (b) Any report that withholds information pursuant to paragraph  
319 (a) of this subdivision shall report the aggregate value of all covered  
320 transfers for which information is so withheld, stating that full  
321 disclosure has been withheld pursuant to paragraph (a) of this  
322 subdivision.

323 (c) Notwithstanding any other provision of law to the contrary,  
324 no provision of subsections 5 to 17 of this section shall be construed in  
325 such a way as to negate the exception provided for in paragraph (a) of  
326 this subdivision or otherwise be construed in such a way as to require  
327 that any person's name or other identifying information be disclosed to  
328 any entity as a result of such person having made a payment to an  
329 organization of bona fide membership dues that do not exceed two  
330 thousand five hundred dollars in a five-year period.

331 12. (1) No reportable outlay shall be made or accepted, directly

332 or indirectly, in a fictitious name, in the name of another person, or by  
333 or through another person with the intent to conceal the original  
334 source of the reportable outlay.

335 (2) (a) The Missouri ethics commission shall promulgate rules to  
336 ensure that each person who, during the period between two general  
337 elections, is the original source of more than five thousand dollars of  
338 expenditures used to support or oppose any single candidate or ballot  
339 measure is publicly reported as such, together with the total amount of  
340 expenditures used to support or oppose that candidate or ballot  
341 measure for which such person is the original source, and together with  
342 a listing of any intermediaries that facilitated the transfer by receiving  
343 and transferring funds or items on their path between the original  
344 source and the recipient person, including the values, immediate  
345 sources, and immediate recipients of such funds or items received and  
346 transferred by each such intermediary. For the purposes of this  
347 paragraph, "expenditure" shall not include contributions or covered  
348 transfers, nor transfers or payments made prior to the date on which  
349 this paragraph takes effect as law.

350 (b) The Missouri ethics commission shall promulgate rules to  
351 ensure that each person who, during the period between two general  
352 elections, is the original source of more than five thousand dollars of  
353 contributions or covered transfers received by any single person is  
354 publicly reported as such, together with the total amount of  
355 contributions or covered transfers to such recipient for which such  
356 contributor or transferor is the original source, and together with a  
357 listing of any intermediaries that facilitated the transfer by receiving  
358 and transferring funds or items on their path between the original  
359 source and the recipient person, including the values, immediate  
360 sources, and immediate recipients of such funds or items received and  
361 transferred by each such intermediary. For the purposes of this  
362 paragraph, the terms "contribution" and "covered transfer" shall not  
363 include transfers or payments made prior to the date on which this  
364 paragraph takes effect as law.

365 (c) For the purpose of identifying the original source or original  
366 sources of any reportable outlay:

367 a. When a person making a contribution or covered transfer  
368 restricts or designates it for a particular purpose, such contribution or

369 covered transfer shall be attributed to a reportable outlay the purpose  
370 of which matches that for which the covered transfer was restricted or  
371 designated, if such a reportable outlay is made by the immediate  
372 recipient of the covered transfer and if no covered transfer received  
373 earlier has already been attributed to that reportable outlay pursuant  
374 to this subparagraph.

375         **b.** In all other cases, a contribution or covered transfer shall be  
376 attributed to a reportable outlay in the same proportion in which other  
377 contributions or covered transfers received by the immediate recipient  
378 of the contribution or covered transfer and not covered by  
379 subparagraph a of this paragraph are so attributed.

380         **(d)** For purposes of this subdivision, an "original source" is a  
381 person who makes a payment or transfer from its own sources other  
382 than covered transfers, donations or gifts, such as wages, investment  
383 income, inheritance, or revenue from the sale of goods or services.

384         **13.** The disclosure thresholds described in subsection 10 of this  
385 section shall be adjusted by an amount based upon the average of the  
386 percentage change over a four-year period in the United States Bureau  
387 of Labor Statistics Consumer Price Index for Kansas City, all items, all  
388 consumers, or its successor index, rounded to the nearest lowest  
389 twenty-five dollars and the percentage change over a four-year period  
390 in the United States Bureau of Labor Statistics Consumer Price Index  
391 for St. Louis, all items, all consumers, or its successor index, rounded  
392 to the nearest lowest twenty-five dollars. The first adjustment shall be  
393 done in the first quarter of 2019, and then every four years  
394 thereafter. The secretary of state shall calculate such an adjustment in  
395 each limit and specify the limits in rules promulgated in accordance  
396 with chapter 536, as amended from time to time.

397         **14.** All reports filed with the Missouri ethics commission under  
398 this section or under section 130.047 shall be filed in an electronic  
399 format as prescribed by the commission. Within five business days of  
400 receiving any report, the commission shall make the report available  
401 to the public on its website in a searchable format. The commission  
402 shall also maintain and update at least weekly an online database of  
403 such reports' contents, cleaning the data of errors, assigning a unique  
404 identifier to each person whose identifying information is included in  
405 the database, ensuring that all appearances of each person's identifying



406 information in the database are tagged with that person's unique  
407 identifier, and making the data available to the public for easy  
408 download in file formats well-suited for manipulation and analysis of  
409 data.

410       15. Every person failing to file a report as required by this  
411 section shall receive a warning from the executive director of the  
412 Missouri ethics commission. After one warning, a person failing to file  
413 a report shall be assessed a late filing fee of one hundred dollars for  
414 each day after such report is due to the commission, provided that the  
415 total amount of such fees assessed under this subsection shall not  
416 exceed five thousand dollars per report. The executive director shall  
417 send a notice to any person who fails to file such report within seven  
418 business days of such failure to file informing such person of such  
419 failure and the fees provided by this section.

420       16. Any rule or portion of a rule, as that term is defined in  
421 section 536.010 that is created under the authority delegated in this  
422 section shall become effective only if it complies with and is subject to  
423 all of the provisions of chapter 536, and, if applicable, section  
424 536.028. This subsection and chapter 536 are nonseverable and if any  
425 of the powers vested with the general assembly pursuant to chapter  
426 536, to review, to delay the effective date, or to disapprove and annul  
427 a rule are subsequently held unconstitutional, then the grant of  
428 rulemaking authority and any rule proposed or adopted after August  
429 28, 2017, shall be invalid and void.

430       17. The provisions of this section are self-executing. All of the  
431 provisions of this section are severable. If any provision of this section  
432 is found by a court of competent jurisdiction to be invalid,  
433 unconstitutional or unconstitutionally enacted, the remaining  
434 provisions of this section shall be and remain valid.

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