

SECOND REGULAR SESSION
[TRULY AGREED TO AND FINALLY PASSED]
CONFERENCE COMMITTEE SUBSTITUTE NO. 3 FOR
HOUSE COMMITTEE SUBSTITUTE NO. 2 FOR

SENATE BILL NO. 844

95TH GENERAL ASSEMBLY

2010

4135S.15T

AN ACT

To repeal sections 105.456, 105.473, 105.485, 105.955, 105.957, 105.959, 105.961, 105.963, 105.966, 130.011, 130.021, 130.026, 130.028, 130.031, 130.041, 130.044, 130.046, 130.057, 130.071, and 226.033, RSMo, and to enact in lieu thereof twenty-six new sections relating to ethics, with penalty provisions.

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

Section A. Sections 105.456, 105.473, 105.485, 105.955, 105.957, 105.959, 105.961, 105.963, 105.966, 130.011, 130.021, 130.026, 130.028, 130.031, 130.041, 130.044, 130.046, 130.057, 130.071, and 226.033, RSMo, are repealed and twenty-six new sections enacted in lieu thereof, to be known as sections 8.016, 34.048, 37.900, 105.456, 105.463, 105.473, 105.485, 105.955, 105.957, 105.959, 105.961, 105.963, 105.966, 115.364, 130.011, 130.021, 130.026, 130.028, 130.031, 130.041, 130.044, 130.046, 130.057, 130.071, 226.033, and 575.021, to read as follows:

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

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

34.048. In any contract for purchasing supplies as defined in

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

2 section 34.010 not exceeding the threshold for competitive bids set forth
3 under section 34.040, the office of administration shall not prevent any
4 department, office, board, commission, bureau, institution, political
5 subdivision, or any other agency of the state from purchasing supplies
6 from an authorized General Services Administration vendor including
7 "GSA Advantage", "GSA e-Buy", or successor sources.

37.900. 1. Any statewide elected official may request the office
2 of administration to determine the lowest and best bidder with respect
3 to any contract for purchasing, printing, or services for which the
4 official has the authority to contract.

5 2. The official shall submit the original request for proposal and
6 any pertinent information explaining the evaluation criteria
7 established in the request and any additional information the official
8 deems necessary.

9 3. The office of administration shall not be required to inquire
10 of or negotiate with any offeror submitting a bid and shall only be
11 required to reply to the elected official within forty-five days after the
12 submission of the request by naming the offeror the office of
13 administration determines to be the lowest and best bidder based on all
14 submitted documents.

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

4 (1) Perform any service for the state or any political subdivision of the
5 state or any agency of the state or any political subdivision thereof or act in his
6 or her official capacity or perform duties associated with his or her position for
7 any person for any consideration other than the compensation provided for the
8 performance of his or her official duties; or

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

16 (3) Attempt, for compensation other than the compensation provided for

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

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

45 (1) Perform any service for the state or any political subdivision thereof
46 or any agency of the state or political subdivision for any consideration in excess
47 of five hundred dollars per transaction or one thousand five hundred dollars per
48 annum unless the transaction is made pursuant to an award on a contract let or
49 sale made after public notice and competitive bidding, provided that the bid or
50 offer accepted is the lowest received; or

51 (2) Sell, rent, or lease any property to the state or any political
52 subdivision thereof or any agency of the state or political subdivision thereof for

53 consideration in excess of five hundred dollars per transaction or one thousand
54 five hundred dollars per annum unless the transaction is made pursuant to an
55 award on a contract let or a sale made after public notice and in the case of
56 property other than real property, competitive bidding, provided that the bid or
57 offer accepted is the lowest and best received.

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

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

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

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
5 commission. The forms shall include the lobbyist's name and business address,
6 the name and address of all persons such lobbyist employs for lobbying purposes,
7 the name and address of each lobbyist principal by whom such lobbyist is
8 employed or in whose interest such lobbyist appears or works. The commission

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 that a judicial, executive or
15 legislative lobbyist is no longer authorized to lobby for the principal or the
16 lobbyist and should be removed from the commission'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 on
26 standardized forms prescribed by the commission monthly reports which shall be
27 due at the close of business on the tenth day of the following month;

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

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

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

44 (c) An itemized listing of the name of the recipient and the nature and

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

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

53 a. All members of the senate, **which may or may not include senate**
54 **staff and employees under the direct supervision of a state senator;**

55 b. All members of the house of representatives, **which may or may not**
56 **include house staff and employees under the direct supervision of a**
57 **state representative;**

58 c. All members of a joint committee of the general assembly or a standing
59 committee of either the house of representatives or senate, **which may or may**
60 **not include joint and standing committee staff; [or]**

61 d. All members of a caucus of the majority party of the house of
62 representatives, minority party of the house of representatives, majority party of
63 the senate, or minority party of the senate;

64 e. **All statewide officials, which may or may not include the staff**
65 **and employees under the direct supervision of the statewide official;**

66 (e) Any expenditure made on behalf of a public official, an elected local
67 government official or such official's staff, employees, spouse or dependent
68 children, if such expenditure is solicited by such official, the official's staff,
69 employees, or spouse or dependent children, from the lobbyist or his or her
70 lobbyist principals and the name of such person or persons, except any
71 expenditures made to any not-for-profit corporation, charitable, fraternal or civic
72 organization or other association formed to provide for good in the order of
73 benevolence **and except for any expenditure reported under paragraph**
74 **(d) of this subdivision;**

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

80 4. No expenditure reported pursuant to this section shall include any

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

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

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

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

107 8. ~~[No]~~ **Any** lobbyist ~~[shall]~~ **found to** knowingly omit, conceal, or falsify
108 in any manner information required pursuant to this section **shall be guilty of**
109 **a class A misdemeanor.**

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

113 10. Any public official or other person whose name appears in any lobbyist
114 report filed pursuant to this section who contests the accuracy of the portion of
115 the report applicable to such person may petition the commission for an audit of
116 such report and shall state in writing in such petition the specific disagreement

117 with the contents of such report. The commission shall investigate such
118 allegations in the manner described in section 105.959. If the commission
119 determines that the contents of such report are incorrect, incomplete or
120 erroneous, it shall enter an order requiring filing of an amended or corrected
121 report.

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

132 12. Each lobbyist or lobbyist principal by whom the lobbyist was
133 employed, or in whose behalf the lobbyist acted, shall provide a general
134 description of the proposed legislation or action by the executive branch or
135 judicial branch which the lobbyist or lobbyist principal supported or
136 opposed. This information shall be supplied to the commission on March fifteenth
137 and May thirtieth of each year.

138 13. The provisions of this section shall supersede any contradicting
139 ordinances or charter provisions.

 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 and shall be
3 signed and verified by a written declaration that it is made under penalties of
4 perjury; provided, however, the form shall not seek information which is not
5 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 canceling, 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, RSMo; 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, RSMo, of the state of
113 Missouri;

114 (b) Is a lobbyist; or

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

116 (12) The name and address of each campaign committee, political **party**
117 committee, candidate committee, or [continuing] **political action** committee for
118 which such person or any corporation listed on such person's financial interest
119 statement received payment; and

120 (13) For members of the general assembly or any statewide elected public
121 official, their spouses, and their dependent children, whether any state tax credits

122 were claimed on the member's, spouse's, or dependent child's most recent state
123 income tax return.

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

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

105.955. 1. A bipartisan "Missouri Ethics Commission", composed of six
2 members, is hereby established. The commission shall be assigned to the office
3 of administration with supervision by the office of administration only for
4 budgeting and reporting as provided by subdivisions (4) and (5) of subsection 6
5 of section 1 of the Reorganization Act of 1974. Supervision by the office of
6 administration shall not extend to matters relating to policies, regulative
7 functions or appeals from decisions of the commission, and the commissioner of
8 administration, any employee of the office of administration, or the governor,
9 either directly or indirectly, shall not participate or interfere with the activities
10 of the commission in any manner not specifically provided by law and shall not
11 in any manner interfere with the budget request of or withhold any moneys
12 appropriated to the commission by the general assembly. All members of the
13 commission shall be appointed by the governor with the advice and consent of the
14 senate from lists submitted pursuant to this section. Each congressional district
15 committee of the political parties having the two highest number of votes cast for
16 their candidate for governor at the last gubernatorial election shall submit two
17 names of eligible nominees for membership on the commission to the governor,
18 and the governor shall select six members from such nominees to serve on the

19 commission.

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

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

53 4. Vacancies or expired terms on the commission shall be filled in the
54 same manner as the original appointment was made, except as provided in this

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

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

87 6. The commission shall elect biennially one of its members as the
88 chairman. The chairman may not succeed himself or herself after two years. No
89 member of the commission shall succeed as chairman any member of the same
90 political party as himself or herself. At least four members are necessary to

91 constitute a quorum, and at least four affirmative votes shall be required for any
92 action or recommendation of the commission.

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

95 8. In the event that a retired judge is appointed as a member of the
96 commission, the judge shall not serve as a special investigator while serving as
97 a member of the commission.

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

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

101 (2) Be employed as a lobbyist;

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

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

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

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

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

115 11. The commission shall appoint an executive director who shall serve
116 subject to the supervision of and at the pleasure of the commission, but in no
117 event for more than six years. The executive director shall be responsible for the
118 administrative operations of the commission and perform such other duties as
119 may be delegated or assigned to the director by law or by rule of the
120 commission. The executive director shall employ staff and retain such contract
121 services as the director deems necessary, within the limits authorized by
122 appropriations by the general assembly.

123 12. Beginning on January 1, 1993, all lobbyist registration and
124 expenditure reports filed pursuant to section 105.473, financial interest
125 statements filed pursuant to subdivision (1) of section 105.489, and campaign
126 finance disclosure reports filed other than with election authorities or local

127 election authorities as provided by section 130.026, RSMo, shall be filed with the
128 commission.

129 13. Within sixty days of the initial meeting of the first commission
130 appointed, the commission shall obtain from the clerk of the supreme court or the
131 state courts administrator a list of retired appellate and circuit court judges who
132 did not leave the judiciary as a result of being defeated in an election. The
133 executive director shall determine those judges who indicate their desire to serve
134 as special investigators and to investigate any and all complaints referred to
135 them by the commission. The executive director shall maintain an updated list
136 of those judges qualified and available for appointment to serve as special
137 investigators. Such list shall be updated at least annually. The commission shall
138 refer complaints to such special investigators on that list on a rotating schedule
139 which ensures a random assignment of each special investigator. Each special
140 investigator shall receive only one unrelated investigation at a time and shall not
141 be assigned to a second or subsequent investigation until all other eligible
142 investigators on the list have been assigned to an investigation. In the event that
143 no special investigator is qualified or available to conduct a particular
144 investigation, the commission may appoint a special investigator to conduct such
145 particular investigation.

146 14. The commission shall have the following duties and responsibilities
147 relevant to the impartial and effective enforcement of sections 105.450 to 105.496
148 and chapter 130, RSMo, as provided in sections 105.955 to 105.963:

149 (1) Receive and review complaints regarding alleged violation of sections
150 105.450 to 105.496 and chapter 130, RSMo, conduct initial reviews and
151 investigations regarding such complaints as provided herein; refer complaints to
152 appropriate prosecuting authorities and appropriate disciplinary authorities along
153 with recommendations for sanctions; and initiate judicial proceedings as allowed
154 by sections 105.955 to 105.963;

155 (2) Review and **[audit] investigate** any reports and statements required
156 by the campaign finance disclosure laws contained in chapter 130, RSMo, and
157 financial interest disclosure laws or lobbyist registration and reporting laws as
158 provided by sections 105.470 to 105.492, for timeliness, accuracy and
159 completeness of content as provided in sections 105.955 to 105.963;

160 (3) **Conduct investigations as provided in subsection 2 of section**
161 **105.959;**

162 (4) Develop appropriate systems to file and maintain an index of all such

163 reports and statements to facilitate public access to such information, except as
164 may be limited by confidentiality requirements otherwise provided by law,
165 including cross-checking of information contained in such statements and
166 reports. The commission may enter into contracts with the appropriate filing
167 officers to effectuate such system. Such filing officers shall cooperate as
168 necessary with the commission as reasonable and necessary to effectuate such
169 purposes;

170 **[(4)] (5)** Provide information and assistance to lobbyists, elected and
171 appointed officials, and employees of the state and political subdivisions in
172 carrying out the provisions of sections 105.450 to 105.496 and chapter 130, RSMo;

173 **[(5)] (6)** Make recommendations to the governor and general assembly
174 or any state agency on the need for further legislation with respect to the ethical
175 conduct of public officials and employees and to advise state and local government
176 in the development of local government codes of ethics and methods of disclosing
177 conflicts of interest as the commission may deem appropriate to promote high
178 ethical standards among all elected and appointed officials or employees of the
179 state or any political subdivision thereof and lobbyists;

180 **[(6)] (7)** Render advisory opinions as provided by this section;

181 **[(7)] (8)** Promulgate rules relating to the provisions of sections 105.955
182 to 105.963 and chapter 130, RSMo. All rules and regulations issued by the
183 commission shall be prospective only in operation;

184 **[(8)] (9)** Request and receive from the officials and entities identified in
185 subdivision (6) of section 105.450 designations of decision-making public servants.

186 15. In connection with such powers provided by sections 105.955 to
187 105.963 and chapter 130, RSMo, the commission may:

188 (1) Subpoena witnesses and compel their attendance and
189 testimony. Subpoenas shall be served and enforced in the same manner provided
190 by section 536.077, RSMo;

191 (2) Administer oaths and affirmations;

192 (3) Take evidence and require by subpoena duces tecum the production of
193 books, papers, and other records relating to any matter being investigated or to
194 the performance of the commission's duties or exercise of its powers. Subpoenas
195 duces tecum shall be served and enforced in the same manner provided by section
196 536.077, RSMo;

197 (4) Employ such personnel, including legal counsel, and contract for
198 services including legal counsel, within the limits of its appropriation, as it deems

199 necessary provided such legal counsel, either employed or contracted, represents
200 the Missouri ethics commission before any state agency or before the courts at the
201 request of the Missouri ethics commission. Nothing in this section shall limit the
202 authority of the Missouri ethics commission as provided for in subsection 2 of
203 section 105.961; and

204 (5) Obtain information from any department, division or agency of the
205 state or any political subdivision reasonably calculated to lead to the discovery
206 of evidence which will reasonably assist the commission in carrying out the duties
207 prescribed in sections 105.955 to 105.963 and chapter 130, RSMo.

208 16. (1) Upon written request for an advisory opinion received by the
209 commission, and if the commission determines that the person requesting the
210 opinion would be directly affected by the application of law to the facts presented
211 by the requesting person, the commission shall issue a written opinion advising
212 the person who made the request, in response to the person's particular request,
213 regarding any issue that the commission can receive a complaint on pursuant to
214 section 105.957. The commission may decline to issue a written opinion by a vote
215 of four members and shall provide to the requesting person the reason for the
216 refusal in writing. The commission shall give an approximate time frame as to
217 when the written opinion shall be issued. Such advisory opinions shall be issued
218 no later than ninety days from the date of receipt by the commission. Such
219 requests and advisory opinions, deleting the name and identity of the requesting
220 person, shall be compiled and published by the commission on at least an annual
221 basis. Advisory opinions issued by the commission shall be maintained and made
222 available for public inspection and copying at the office of the commission during
223 normal business hours. Any advisory opinion or portion of an advisory opinion
224 rendered pursuant to this subsection shall be withdrawn by the commission if,
225 after hearing thereon, the joint committee on administrative rules finds that such
226 advisory opinion is beyond or contrary to the statutory authority of the
227 commission or is inconsistent with the legislative intent of any law enacted by the
228 general assembly, and after the general assembly, by concurrent resolution, votes
229 to adopt the findings and conclusions of the joint committee on administrative
230 rules. Any such concurrent resolution adopted by the general assembly shall be
231 published at length by the commission in its publication of advisory opinions of
232 the commission next following the adoption of such resolution, and a copy of such
233 concurrent resolution shall be maintained by the commission, along with the
234 withdrawn advisory opinion, in its public file of advisory opinions. The

235 commission shall also send a copy of such resolution to the person who originally
236 requested the withdrawn advisory opinion. Any advisory opinion issued by the
237 ethics commission shall act as legal direction to any person requesting such
238 opinion and no person shall be liable for relying on the opinion and it shall act
239 as a defense of justification against prosecution. An advisory opinion of the
240 commission shall not be withdrawn unless:

241 (a) The authorizing statute is declared unconstitutional;
242 (b) The opinion goes beyond the power authorized by statute; or
243 (c) The authorizing statute is changed to invalidate the opinion.
244 (2) Upon request, the attorney general shall give the attorney general's
245 opinion, without fee, to the commission, any elected official of the state or any
246 political subdivision, any member of the general assembly, or any director of any
247 department, division or agency of the state, upon any question of law regarding
248 the effect or application of sections 105.450 to 105.496, or chapter 130,
249 RSMo. Such opinion need be in writing only upon request of such official,
250 member or director, and in any event shall be rendered within sixty days [that]
251 **after** such request is delivered to the attorney general.

252 17. The state auditor and the state auditor's duly authorized employees
253 who have taken the oath of confidentiality required by section 29.070, RSMo, may
254 audit the commission and in connection therewith may inspect materials relating
255 to the functions of the commission. Such audit shall include a determination of
256 whether appropriations were spent within the intent of the general assembly, but
257 shall not extend to review of any file or document pertaining to any particular
258 investigation, audit or review by the commission, an investigator or any staff or
259 person employed by the commission or under the supervision of the commission
260 or an investigator. The state auditor and any employee of the state auditor shall
261 not disclose the identity of any person who is or was the subject of an
262 investigation by the commission and whose identity is not public information as
263 provided by law.

264 18. From time to time but no more frequently than annually the
265 commission may request the officials and entities described in subdivision (6) of
266 section 105.450 to identify for the commission in writing those persons associated
267 with such office or entity which such office or entity has designated as a
268 decision-making public servant. Each office or entity delineated in subdivision
269 (6) of section 105.450 receiving such a request shall identify those so designated
270 within thirty days of the commission's request.

105.957. 1. The commission shall receive any complaints alleging
2 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, RSMo;

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, RSMo; 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 shall be in writing and filed only
17 by a natural person. The complaint shall contain all facts known by the
18 complainant that have given rise to the complaint and the complaint shall be
19 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. Within five days after receipt [of a complaint] by
22 the commission **of a complaint which is properly signed and notarized,**
23 **and which alleges facts which, if true, fall within the jurisdiction of the**
24 **commission,** a copy of the complaint, including the name of the complainant,
25 shall be delivered to the alleged violator.

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

37 election.

38 4. If the commission finds that any complaint is frivolous in nature [or
39 finds no probable cause to believe that there has been a violation], the
40 commission shall dismiss the case. For purposes of this subsection, "frivolous"
41 shall mean a complaint clearly lacking any basis in fact or law. Any person who
42 submits a frivolous complaint shall be liable for actual and compensatory
43 damages to the alleged violator for holding the alleged violator before the public
44 in a false light. If the commission finds that a complaint is frivolous [or that
45 there is not probable cause to believe there has been a violation], the commission
46 shall issue a public report to the complainant and the alleged violator stating
47 with particularity its reasons for dismissal of the complaint. Upon such issuance,
48 the complaint and all materials relating to the complaint shall be a public record
49 as defined in chapter 610, RSMo.

50 5. Complaints which allege violations as described in this section which
51 are filed with the commission shall be handled as provided by section 105.961.

105.959. 1. The executive director of the commission, under the
2 supervision of the commission, shall review reports and statements filed with the
3 commission or other appropriate officers pursuant to sections 105.470, 105.483
4 to 105.492, and chapter 130, RSMo, for completeness, accuracy and timeliness of
5 filing of the reports or statements **and any records relating to the reports**
6 **or statements**, and upon review, if there are reasonable grounds to believe that
7 a violation has occurred, shall conduct an [audit] **investigation** of such reports,
8 [and] statements, **and records and assign a special investigator following**
9 **the provisions of subsection 1 of section 105.961.** [All investigations by the
10 executive director of an alleged violation shall be strictly confidential with the
11 exception of notification of the commission and the complainant or the person
12 under investigation. All investigations by the executive director shall be limited
13 to the information contained in the reports or statements. The commission shall
14 notify the complainant or the person under investigation, by registered mail,
15 within five days of the decision to conduct such investigation. Revealing any such
16 confidential investigation information shall be cause for removal or dismissal of
17 the executive director or a commission member or employee.]

18 2. **(1) If there are reasonable grounds to believe that a violation**
19 **has occurred and after the commission unanimously votes to proceed**
20 **with all six members voting, the executive director shall, without**
21 **receipt of a complaint, conduct an independent investigation of any**

22 **potential violations of the provisions of:**

23 **(a) The requirements imposed on lobbyists by section 105.470 to**
24 **105.478;**

25 **(b) The financial interest disclosure requirements contained in**
26 **sections 105.483 to 105.492;**

27 **(c) The campaign finance disclosure requirements contained in**
28 **chapter 130;**

29 **(d) Any code of conduct promulgated by any department,**
30 **division, or agency of state government, or by state institutions of**
31 **higher education, or by executive order;**

32 **(e) The conflict of interest laws contained in sections 105.450 to**
33 **105.468 and section 171.181; and**

34 **(f) The provisions of the constitution or state statute or order,**
35 **ordinance, or resolution of any political subdivision relating to the**
36 **official conduct of officials or employees of the state and political**
37 **subdivisions.**

38 **(2) If an investigation conducted under this subsection fails to**
39 **establish reasonable grounds to believe that a violation has occurred,**
40 **the investigation shall be terminated and the person who had been**
41 **under investigation shall be notified of the reasons for the disposition**
42 **of the complaint.**

43 **3.** Upon findings of the appropriate filing officer which are reported to the
44 commission in accordance with the provisions of section 130.056, RSMo, the
45 executive director shall [audit] **investigate** disclosure reports, statements and
46 records pertaining to such findings within a reasonable time after receipt of the
47 reports from the appropriate filing officer.

48 [3. Upon a sworn written complaint of any natural person filed with the
49 commission pursuant to section 105.957, the commission shall audit and
50 investigate alleged violations. Within sixty days after receipt of a sworn written
51 complaint alleging a violation, the executive director shall notify the complainant
52 in writing of the action, if any, the executive director has taken and plans to take
53 on the complaint. If an investigation conducted pursuant to this subsection fails
54 to establish reasonable grounds to believe that a violation has occurred, the
55 investigation shall be terminated and the complainant and the person who had
56 been under investigation shall be notified of the reasons for the disposition of the
57 complaint.]

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

60 5. [If, during an audit or investigation, the commission determines that
61 a formal investigation is necessary, the commission shall assign the investigation
62 to a special investigator in the manner provided by subsection 1 of section
63 105.961.] **The commission shall notify the person under investigation**
64 **under this section, by registered mail, within five days of the decision**
65 **to conduct such investigation and assign a special investigator**
66 **following the provisions of subsection 1 of section 105.961.**

67 6. After completion of an [audit or] investigation, the executive director
68 shall provide a detailed report of such [audit or] investigation to the
69 commission. Upon determination that there are reasonable grounds to believe
70 that a person has violated the requirements of sections 105.470, 105.483 to
71 105.492, or chapter 130, RSMo, by a vote of four members of the commission, the
72 commission may refer the report with the recommendations of the commission to
73 the appropriate prosecuting authority together with [a copy of the audit and] the
74 details of the investigation by the commission as is provided in subsection 2 of
75 section 105.961.

76 7. **All investigations by the executive director of an alleged**
77 **violation shall be strictly confidential with the exception of notification**
78 **of the commission and the complainant and the person under**
79 **investigation. Revealing any such confidential investigation**
80 **information shall be cause for removal or dismissal of the executive**
81 **director or a commission member or employee.**

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

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

15 (2) That there are no reasonable grounds for belief that a violation exists
16 and the complaint **or investigation** [should] **shall** be dismissed; or

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

23 2. When the commission concludes, based on the report from the special
24 investigator, or based on an [audit] **investigation** 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 believes that criminal
27 prosecution would be appropriate upon a vote of four members of the commission,
28 the commission shall refer the report to the Missouri office of prosecution
29 services, prosecutors coordinators training council established in section 56.760,
30 RSMo, which shall submit a panel of five attorneys for recommendation to the
31 court having criminal jurisdiction, for appointment of an attorney to serve as a
32 special prosecutor; except that, the attorney general of Missouri or any assistant
33 attorney general shall not act as such special prosecutor. The court shall then
34 appoint from such panel a special prosecutor pursuant to section 56.110, RSMo,
35 who shall have all the powers provided by section 56.130, RSMo. The court shall
36 allow a reasonable and necessary attorney's fee for the services of the special
37 prosecutor. Such fee shall be assessed as costs if a case is filed, or ordered by the
38 court if no case is filed, and paid together with all other costs in the proceeding
39 by the state, in accordance with rules and regulations promulgated by the state
40 courts administrator, subject to funds appropriated to the office of administration
41 for such purposes. If the commission does not have sufficient funds to pay a
42 special prosecutor, the commission shall refer the case to the prosecutor or
43 prosecutors having criminal jurisdiction. If the prosecutor having criminal
44 jurisdiction is not able to prosecute the case due to a conflict of interest, the court
45 may appoint a special prosecutor, paid from county funds, upon appropriation by
46 the county or the attorney general to investigate and, if appropriate, prosecute
47 the case. The special prosecutor or prosecutor shall commence an action based
48 on the report by the filing of an information or seeking an indictment within sixty

49 days of the date of such prosecutor's appointment, or shall file a written
50 statement with the commission explaining why criminal charges should not be
51 sought. If the special prosecutor or prosecutor fails to take either action required
52 by this subsection, upon request of the commission, a new special prosecutor, who
53 may be the attorney general, shall be appointed. The report may also be referred
54 to the appropriate disciplinary authority over the person who is the subject of the
55 report.

56 3. When the commission concludes, based on the report from the special
57 investigator or based on an **[audit] investigation** conducted pursuant to section
58 105.959, that there are reasonable grounds to believe that a violation of any law
59 has occurred which is not a violation of criminal law or that criminal prosecution
60 is not appropriate, the commission shall conduct a hearing which shall be a closed
61 meeting and not open to the public. The hearing shall be conducted pursuant to
62 the procedures provided by sections 536.063 to 536.090, RSMo, and shall be
63 considered to be a contested case for purposes of such sections. The commission
64 shall determine, in its discretion, whether or not that there is probable cause that
65 a violation has occurred. If the commission determines, by a vote of at least four
66 members of the commission, that probable cause exists that a violation has
67 occurred, the commission may refer its findings and conclusions to the
68 appropriate disciplinary authority over the person who is the subject of the
69 report, as described in subsection **[7] 8** of this section. **[After the commission**
70 **determines by a vote of at least four members of the commission that probable**
71 **cause exists that a violation has occurred, and the commission has referred the**
72 **findings and conclusions to the appropriate disciplinary authority over the person**
73 **subject of the report, the subject of the report may appeal the determination of**
74 **the commission to the administrative hearing commission. Such appeal shall stay**
75 **the action of the Missouri ethics commission. Such appeal shall be filed not later**
76 **than the fourteenth day after the subject of the commission's action receives**
77 **actual notice of the commission's action.]**

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

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

88 (2) Notify the person of the requirement to file, amend or correct any
89 report, statement, or other document or information required by sections 105.473,
90 105.483 to 105.492, or chapter 130, RSMo, and that the commission may seek
91 judicial enforcement of its decision pursuant to subsection 5 of this section; and

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

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

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

98 (6) Through reconciliation agreements or **[civil action] action of the**
99 **commission**, the power to seek fees for violations in an amount not greater than
100 one thousand dollars or double the amount involved in the violation.

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

104 (1) Cease and desist violation of any provision of sections 105.450 to
105 105.496, or chapter 130, RSMo, or sections 105.955 to 105.963;

106 (2) Pay any civil penalties required by sections 105.450 to 105.496 or
107 chapter 130, RSMo;

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

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

120 **6. After the commission determines by a vote of at least four**

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

141 [6.] 7. In the proceeding in **the circuit court of Cole County**, the
142 commission may seek restitution against any person who has obtained unjust
143 enrichment as a result of violation of any provision of sections 105.450 to 105.496,
144 or chapter 130, RSMo, and may recover on behalf of the state or political
145 subdivision with which the alleged violator is associated, damages in the amount
146 of any unjust enrichment obtained and costs and attorney's fees as ordered by the
147 court.

148 [7.] 8. The appropriate disciplinary authority to whom a report shall be
149 sent pursuant to subsection 2 or 3 of this section shall include, but not be limited
150 to, the following:

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

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

156 (3) In the case of a person holding an elective office of a political

157 subdivision, the report shall be referred to the governing body of the political
158 subdivision;

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

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

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

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

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

173 **[8.] 9.** The special investigator having a complaint referred to the special
174 investigator by the commission shall have the following powers:

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

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

180 (3) To administer oaths and affirmations;

181 (4) Upon refusal by any person to comply with a request for information
182 relevant to an investigation, an investigator may issue a subpoena for any person
183 to appear and give testimony, or for a subpoena duces tecum to produce
184 documentary or other evidence which the investigator deems relevant to a matter
185 under the investigator's inquiry. The subpoenas and subpoenas duces tecum may
186 be enforced by applying to a judge of the circuit court of Cole County or any
187 county where the person or entity that has been subpoenaed resides or may be
188 found, for an order to show cause why the subpoena or subpoena duces tecum
189 should not be enforced. The order and a copy of the application therefor shall be
190 served in the same manner as a summons in a civil action, and if, after hearing,
191 the court determines that the subpoena or subpoena duces tecum should be
192 sustained and enforced, the court shall enforce the subpoena or subpoena duces

193 tecum in the same manner as if it had been issued by the court in a civil action;
194 and

195 (5) To request from the commission such investigative, clerical or other
196 staff assistance or advancement of other expenses which are necessary and
197 convenient for the proper completion of an investigation. Within the limits of
198 appropriations to the commission, the commission may provide such assistance,
199 whether by contract to obtain such assistance or from staff employed by the
200 commission, or may advance such expenses.

201 [9.] 10. (1) Any retired judge may request in writing to have the judge's
202 name removed from the list of special investigators subject to appointment by the
203 commission or may request to disqualify himself or herself from any
204 investigation. Such request shall include the reasons for seeking removal;

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

209 [10.] 11. Any person who is the subject of any investigation pursuant to
210 this section shall be entitled to be represented by counsel at any proceeding
211 before the special investigator or the commission.

212 [11.] 12. The provisions of sections 105.957, 105.959 and 105.961 are in
213 addition to other provisions of law under which any remedy or right of appeal or
214 objection is provided for any person, or any procedure provided for inquiry or
215 investigation concerning any matter. The provisions of this section shall not be
216 construed to limit or affect any other remedy or right of appeal or objection.

217 [12.] 13. No person shall be required to make or file a complaint to the
218 commission as a prerequisite for exhausting the person's administrative remedies
219 before pursuing any civil cause of action allowed by law.

220 [13.] 14. If, in the opinion of the commission, the complaining party was
221 motivated by malice or reason contrary to the spirit of any law on which such
222 complaint was based, in filing the complaint without just cause, this finding shall
223 be reported to appropriate law enforcement authorities. Any person who
224 knowingly files a complaint without just cause, or with malice, is guilty of a class
225 A misdemeanor.

226 [14.] 15. A respondent party who prevails in a formal judicial action
227 brought by the commission shall be awarded those reasonable fees and expenses
228 incurred by that party in the formal judicial action, unless the court finds that

229 the position of the commission was substantially justified or that special
230 circumstances make such an award unjust.

231 [15.] 16. The special investigator and members and staff of the
232 commission shall maintain confidentiality with respect to all matters concerning
233 a complaint [until and if a report is filed with the commission], with the
234 exception of communications with any person which are necessary to the
235 investigation. [The report filed with the commission resulting from a complaint
236 acted upon under the provisions of this section shall not contain the name of the
237 complainant or other person providing information to the investigator, if so
238 requested in writing by the complainant or such other person.] Any person who
239 violates the confidentiality requirements imposed by this section or subsection 17
240 of section 105.955 required to be confidential is guilty of a class A misdemeanor
241 and shall be subject to removal from or termination of employment by the
242 commission.

243 [16.] 17. Any judge of the court of appeals or circuit court who ceases to
244 hold such office by reason of the judge's retirement and who serves as a special
245 investigator pursuant to this section shall receive annual compensation, salary
246 or retirement for such services at the rates of compensation provided for senior
247 judges by subsections 1, 2 and 4 of section 476.682, RSMo. Such retired judges
248 shall by the tenth day of each month following any month in which the judge
249 provided services pursuant to this section certify to the commission and to the
250 state courts administrator the amount of time engaged in such services by hour
251 or fraction thereof, the dates thereof, and the expenses incurred and allowable
252 pursuant to this section. The commission shall then issue a warrant to the state
253 treasurer for the payment of the salary and expenses to the extent, and within
254 limitations, provided for in this section. The state treasurer upon receipt of such
255 warrant shall pay the same out of any appropriations made for this purpose on
256 the last day of the month during which the warrant was received by the state
257 treasurer.

105.963. 1. The executive director shall assess every committee, as
2 defined in section 130.011, RSMo, failing to file with a filing officer other than a
3 local election authority as provided by section 130.026, RSMo, a campaign
4 disclosure report **or statement of limited activity** as required by chapter 130,
5 RSMo, other than the report required pursuant to subdivision (1) of subsection
6 1 of section 130.046, RSMo, a late filing fee of [ten] **fifty** dollars for each day
7 after such report is due to the commission, **provided that the total amount**

8 **of such fees assessed under this subsection per report shall not exceed**
9 **three thousand dollars.** The executive director shall [mail] **send** a notice[, by
10 registered mail,] to any candidate and the treasurer of any committee who fails
11 to file such report **within seven business days of such failure to file**
12 informing such person of such failure and the fees provided by this section. [If
13 the candidate or treasurer of any committee persists in such failure for a period
14 in excess of thirty days beyond receipt of such notice, the amount of the late filing
15 fee shall increase to one hundred dollars for each day that the report is not filed,
16 provided that the total amount of such fees assessed pursuant to this subsection
17 per report shall not exceed three thousand dollars.]

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

27 (2)] **provided that the total amount of such fees assessed under**
28 **this subsection per report shall not exceed three thousand dollars.** The
29 executive director shall [mail] **send** a notice[, by certified mail or other means
30 to give actual notice,] to any candidate **and the treasurer of any committee**
31 who fails to file the report described in [subdivision (1) of] this subsection **within**
32 **seven business days of such failure to file** informing such person of such
33 failure and the fees provided by this section. [If the candidate persists in such
34 failure for 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 for each day
36 that the report is not filed, provided that the total amount of such fees assessed
37 pursuant to this subsection per report shall not exceed six thousand dollars.]

38 3. The executive director shall assess every person required to file a
39 financial interest statement pursuant to sections 105.483 to 105.492 failing to file
40 such a financial interest statement with the commission a late filing fee of ten
41 dollars for each day after such statement is due to the commission. The executive
42 director shall [mail] **send** a notice[, by certified mail,] to any person who fails
43 to file such statement informing the individual required to file of such failure and

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

49 4. Any person assessed a late filing fee may seek review of such
50 assessment or the amount of late filing fees assessed, at the person's option, by
51 filing a petition within fourteen days after receiving [actual] notice of assessment
52 with [the administrative hearing commission, or without exhausting the person's
53 administrative remedies may seek review of such issues with] the circuit court
54 of Cole County.

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

69 6. The late filing fees provided by this section shall be in addition to any
70 penalty provided by law for violations of sections 105.483 to 105.492 or chapter
71 130, RSMo.

72 7. If any **lobbyist fails to file a lobbyist report in a timely manner**
73 **and that lobbyist is assessed a late fee, or if any individual who is**
74 **required to file a personal financial disclosure statement fails to file**
75 **such disclosure statement in a timely manner and is assessed a late fee,**
76 **or if any candidate or the treasurer of any committee fails to file a**
77 **campaign disclosure report or a statement of limited activity in a timely**
78 **manner and that candidate or treasurer of any committee who fails to file**
79 **a disclosure statement in a timely manner and is assessed a late filing fee,**

80 the **lobbyist, individual**, candidate, [candidate committee treasurer or assistant
81 treasurer] **or the treasurer of any committee** may file an appeal of the
82 assessment of the late filing fee with the commission. The commission may
83 forgive the assessment of the late filing fee upon a showing of good cause. Such
84 appeal shall be filed within ten days of the receipt of notice of the assessment of
85 the late filing fee.

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

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

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

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

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

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

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 **political action** committee, **exploratory committee**, and political party
87 committee;

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

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

112 (10) ["Continuing committee", a committee of continuing existence which
113 is not formed, controlled or directed by a candidate, and is a committee other

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

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

137 [(12)] (11) "Contribution", a payment, gift, loan, advance, deposit, or
138 donation of money or anything of value for the purpose of supporting or opposing
139 the nomination or election of any candidate for public office or the qualification,
140 passage or defeat of any ballot measure, or for the support of any committee
141 supporting or opposing candidates or ballot measures or for paying debts or
142 obligations of any candidate or committee previously incurred for the above
143 purposes. A contribution of anything of value shall be deemed to have a money
144 value equivalent to the fair market value. "Contribution" includes, but is not
145 limited to:

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

149 (b) Payment by any person, other than a candidate or committee, to

150 compensate another person for services rendered to that candidate or committee;

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

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

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

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

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

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

175 (i) "Contribution" does not include:

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

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

184 c. Interest earned on deposit of committee funds;

185 d. The costs incurred by any connected organization listed pursuant to

186 subdivision (4) of subsection 5 of section 130.021 for establishing, administering
187 or maintaining a committee, or for the solicitation of contributions to a committee
188 which solicitation is solely directed or related to the members, officers, directors,
189 employees or security holders of the connected organization;

190 ~~[(13)]~~ **(12)** "County", any one of the several counties of this state or the
191 city of St. Louis;

192 ~~[(14)]~~ **(13)** "Disclosure report", an itemized report of receipts,
193 expenditures and incurred indebtedness which is prepared on forms approved by
194 the Missouri ethics commission and filed at the times and places prescribed;

195 ~~[(15)]~~ **(14)** "Election", any primary, general or special election held to
196 nominate or elect an individual to public office, to retain or recall an elected
197 officeholder or to submit a ballot measure to the voters, and any caucus or other
198 meeting of a political party or a political party committee at which that party's
199 candidate or candidates for public office are officially selected. A primary election
200 and the succeeding general election shall be considered separate elections;

201 ~~[(16)]~~ **(15)** "Expenditure", a payment, advance, conveyance, deposit,
202 donation or contribution of money or anything of value for the purpose of
203 supporting or opposing the nomination or election of any candidate for public
204 office or the qualification or passage of any ballot measure or for the support of
205 any committee which in turn supports or opposes any candidate or ballot measure
206 or for the purpose of paying a previously incurred campaign debt or obligation of
207 a candidate or the debts or obligations of a committee; a payment, or an
208 agreement or promise to pay, money or anything of value, including a candidate's
209 own money or property, for the purchase of goods, services, property, facilities or
210 anything of value for the purpose of supporting or opposing the nomination or
211 election of any candidate for public office or the qualification or passage of any
212 ballot measure or for the support of any committee which in turn supports or
213 opposes any candidate or ballot measure or for the purpose of paying a previously
214 incurred campaign debt or obligation of a candidate or the debts or obligations of
215 a committee. An expenditure of anything of value shall be deemed to have a
216 money value equivalent to the fair market value. "Expenditure" includes, but is
217 not 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)] (16) "Exploratory committees", a committee which shall be formed
257 by an individual to receive contributions and make expenditures on behalf of this

258 individual in determining whether or not the individual seeks elective
259 office. Such committee shall terminate no later than December thirty-first of the
260 year prior to the general election for the possible office;

261 [(18)] (17) "Fund-raising event", an event such as a dinner, luncheon,
262 reception, coffee, testimonial, rally, auction or similar affair through which
263 contributions are solicited or received by such means as the purchase of tickets,
264 payment of attendance fees, donations for prizes or through the purchase of
265 goods, services or political merchandise;

266 [(19)] (18) "In-kind contribution" or "in-kind expenditure", a contribution
267 or expenditure in a form other than money;

268 [(20)] (19) "Labor organization", any organization of any kind, or any
269 agency or employee representation committee or plan, in which employees
270 participate and which exists for the purpose, in whole or in part, of dealing with
271 employers concerning grievances, labor disputes, wages, rates of pay, hours of
272 employment, or conditions of work;

273 [(21)] (20) "Loan", a transfer of money, property or anything of
274 ascertainable monetary value in exchange for an obligation, conditional or not,
275 to repay in whole or in part and which was contracted, used, or intended for use
276 in an election campaign, or which was made or received by a committee or which
277 was 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)] (21) "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 (22) "Political action committee", a committee of continuing
287 existence which is not formed, controlled or directed by a candidate,
288 and is a committee other than a candidate committee, political party
289 committee, campaign committee, exploratory committee, or debt service
290 committee, whose primary or incidental purpose is to receive
291 contributions or make expenditures to influence or attempt to influence
292 the action of voters whether or not a particular candidate or
293 candidates or a particular ballot measure or measures to be supported

294 **or opposed has been determined at the time the committee is required**
295 **to file any statement or report pursuant to the provisions of this**
296 **chapter. Such a committee includes, but is not limited to, any**
297 **committee organized or sponsored by a business entity, a labor**
298 **organization, a professional association, a trade or business**
299 **association, a club or other organization and whose primary purpose**
300 **is to solicit, accept and use contributions from the members, employees**
301 **or stockholders of such entity and any individual or group of**
302 **individuals who accept and use contributions to influence or attempt**
303 **to influence the action of voters. Such committee shall be formed no**
304 **later than sixty days prior to the election for which the committee**
305 **receives contributions or makes expenditures;**

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

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

313 (25) "Political party committee", [a state, district, county, city, or area
314 committee of a political party, as defined in section 115.603, RSMo, which may
315 be organized as a not-for-profit corporation under Missouri law, and which
316 committee is of continuing existence, and has the primary or incidental purpose
317 of receiving contributions and making expenditures to influence or attempt to
318 influence the action of voters on behalf of the political party] **a committee of a**
319 **political party which may be organized as a not-for-profit corporation**
320 **under Missouri law and has the primary or incidental purpose of**
321 **receiving contributions and making expenditures to influence or**
322 **attempt to influence the action of voters on behalf of the political**
323 **party. Political party committees shall only take the following forms:**

324 (a) **One congressional district committee per political party for**
325 **each congressional district in the state; and**

326 (b) **One state party committee per political party;**

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

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

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

130.021. 1. Every committee shall have a treasurer who, except as
2 provided in subsection 10 of this section, shall be a resident of this state [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. **No person shall form a new committee or serve as a deputy**
29 **treasurer of any committee as defined in section 130.011 until the**
30 **person or the treasurer of any committee previously formed by the**

31 **person or where the person served as treasurer or deputy treasurer has**
32 **filed all required campaign disclosure reports and statements of limited**
33 **activity for all prior elections and paid outstanding previously imposed**
34 **fees assessed against that person by the ethics commission.**

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

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

67 redepositing such proceeds in an official depository account. Investments, other
68 than savings accounts, held outside the committee's official depository account at
69 any time during a reporting period shall be disclosed by description, amount, any
70 identifying numbers and the name and address of any institution or person in
71 which or through which it is held in an attachment to disclosure reports the
72 committee is required to file. Proceeds from an investment such as interest or
73 dividends or proceeds from its sale, shall be reported by date and amount. In the
74 case of the sale of an investment, the names and addresses of the persons
75 involved in the transaction shall also be stated. Funds held in savings accounts
76 and investments, including interest earned, shall be included in the report of
77 money on hand as required by section 130.041.

78 5. The treasurer or deputy treasurer acting on behalf of any person or
79 organization or group of persons which is a committee by virtue of the definitions
80 of committee in section 130.011 and any candidate who is not excluded from
81 forming a committee in accordance with the provisions of section 130.016 shall
82 file a statement of organization with the appropriate officer within twenty days
83 after the person or organization becomes a committee but no later than the date
84 for filing the first report required pursuant to the provisions of section
85 130.046. The statement of organization shall contain the following information:

86 (1) The name, mailing address and telephone number, if any, of the
87 committee filing the statement of organization. If the committee is deemed to be
88 affiliated with a connected organization as provided in subdivision (11) of section
89 130.011, the name of the connected organization, or a legally registered fictitious
90 name which reasonably identifies the connected organization, shall appear in the
91 name of the committee. If the committee is a candidate committee, the name of
92 the candidate shall be a part of the committee's name;

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

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

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

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

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

103 statement to the public;

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

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

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

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

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

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

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

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

137 10. A committee domiciled outside this state shall be required to file a
138 statement of organization and appoint a treasurer residing in this state and open

139 an account in a depository within this state; provided that either of the following
140 conditions prevails:

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

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

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

155 [12. Each legislative and senatorial district committee shall retain only
156 one address in the district it sits for the purpose of receiving contributions.]

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;

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

18 (5) Discriminate or threaten to discriminate against any member or
19 employee in this state for contributing or refusing to contribute to any candidate,
20 political committee or separate political fund with respect to the privileges of
21 membership or with respect to his employment and the compensation, terms,
22 conditions or privileges related thereto shall be guilty of a misdemeanor, and
23 upon conviction thereof be punished by a fine of not more than five thousand

24 dollars and confinement for not more than six months, or both, provided, after
25 January 1, 1979, the violation of this subsection shall be a class D felony.

26 2. No employer, corporation, [continuing] **political action** committee, or
27 labor organization shall receive or cause to be made contributions from its
28 members or employees except on the advance voluntary permission of the
29 members or employees. Violation of this section by the corporation, employer,
30 [continuing] **political action** committee or labor organization shall be a class
31 A misdemeanor.

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

39 4. Any person aggrieved by any act prohibited by this section shall, in
40 addition to any other remedy provided by law, be entitled to maintain within one
41 year from the date of the prohibited act, a civil action in the courts of this state,
42 and if successful, he shall be awarded civil damages of not less than one hundred
43 dollars and not more than one thousand dollars, together with his costs, including
44 reasonable attorney's fees. Each violation shall be a separate cause of action.

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

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

16 replenish a petty cash fund.

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

30 4. No anonymous contribution of more than twenty-five dollars shall be
31 made by any person, and no anonymous contribution of more than twenty-five
32 dollars shall be accepted by any candidate or committee. If any anonymous
33 contribution of more than twenty-five dollars is received, it shall be returned
34 immediately to the contributor, if the contributor's identity can be ascertained,
35 and if the contributor's identity cannot be ascertained, the candidate, committee
36 treasurer or deputy treasurer shall immediately transmit that portion of the
37 contribution which exceeds twenty-five dollars to the state treasurer and it shall
38 escheat to the state.

39 5. The maximum aggregate amount of anonymous contributions which
40 shall be accepted in any calendar year by any committee shall be the greater of
41 five hundred dollars or one percent of the aggregate amount of all contributions
42 received by that committee in the same calendar year. If any anonymous
43 contribution is received which causes the aggregate total of anonymous
44 contributions to exceed the foregoing limitation, it shall be returned immediately
45 to the contributor, if the contributor's identity can be ascertained, and, if the
46 contributor's identity cannot be ascertained, the committee treasurer, deputy
47 treasurer or candidate shall immediately transmit the anonymous contribution
48 to the state treasurer to escheat to the state.

49 6. Notwithstanding the provisions of subsection 5 of this section,
50 contributions from individuals whose names and addresses cannot be ascertained
51 which are received from a fund-raising activity or event, such as defined in

52 section 130.011, shall not be deemed anonymous contributions, provided the
53 following conditions are met:

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

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

61 (3) The person responsible for conducting the activity or event does not
62 knowingly accept payment from any single person of more than one hundred
63 dollars unless the name and address of the person making such payment is
64 obtained and recorded pursuant to the record-keeping requirements of section
65 130.036;

66 (4) A statement describing the event shall be prepared by the candidate
67 or the treasurer of the committee for whom the funds were raised or by the
68 person responsible for conducting the activity or event and attached to the
69 disclosure report of contributions and expenditures required by section
70 130.041. The following information to be listed in the statement is in addition to,
71 not in lieu of, the requirements elsewhere in this chapter relating to the recording
72 and reporting of contributions and expenditures:

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

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

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

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

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

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

87 (g) The total dollar amount of contributions received from contributing

88 participants in the event who are identified by name and address in the records
89 required to be maintained pursuant to section 130.036.

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

95 8. Any person publishing, circulating, or distributing any printed matter
96 relative to any candidate for public office or any ballot measure shall on the face
97 of the printed matter identify in a clear and conspicuous manner the person who
98 paid for the printed matter with the words "Paid for by" followed by the proper
99 identification of the sponsor pursuant to this section. For the purposes of this
100 section, "printed matter" shall be defined to include any pamphlet, circular,
101 handbill, sample ballot, advertisement, including advertisements in any
102 newspaper or other periodical, sign, including signs for display on motor vehicles,
103 or other imprinted or lettered material; but "printed matter" is defined to exclude
104 materials printed and purchased prior to May 20, 1982, if the candidate or
105 committee can document that delivery took place prior to May 20, 1982; any sign
106 personally printed and constructed by an individual without compensation from
107 any other person and displayed at that individual's place of residence or on that
108 individual's personal motor vehicle; any items of personal use given away or sold,
109 such as campaign buttons, pins, pens, pencils, book matches, campaign jewelry,
110 or clothing, which is paid for by a candidate or committee which supports a
111 candidate or supports or opposes a ballot measure and which is obvious in its
112 identification with a specific candidate or committee and is reported as required
113 by this chapter; and any news story, commentary, or editorial printed by a
114 regularly published newspaper or other periodical without charge to a candidate,
115 committee or any other person.

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

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

123 (3) In regard to any printed matter paid for by a corporation or other

124 business entity, labor organization, or any other organization not defined to be
125 a committee by subdivision (7) of section 130.011 and not organized especially for
126 influencing one or more elections, it shall be sufficient identification to print the
127 name of the entity, the name of the principal officer of the entity, by whatever
128 title known, and the mailing address of the entity, or if the entity has no mailing
129 address, the mailing address of the principal officer.

130 (4) In regard to any printed matter paid for by an individual or
131 individuals, it shall be sufficient identification to print the name of the individual
132 or individuals and the respective mailing address or addresses, except that if
133 more than five individuals join in paying for printed matter it shall be sufficient
134 identification to print the words "For a list of other sponsors contact:" followed by
135 the name and address of one such individual responsible for causing the matter
136 to be printed, and the individual identified shall maintain a record of the names
137 and amounts paid by other individuals and shall make such record available for
138 review upon the request of any person. No person shall accept for publication or
139 printing nor shall such work be completed until the printed matter is properly
140 identified as required by this subsection.

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

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

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

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

158 **13. Political action committees shall only receive contributions**
159 **from individuals; unions; federal political action committees; and**

160 corporations, associations, and partnerships formed under chapters 347
161 to 360, and shall be prohibited from receiving contributions from other
162 political action committees, candidate committees, political party
163 committees, campaign committees, exploratory committees, or debt
164 service committees. However, candidate committees, political party
165 committees, campaign committees, exploratory committees, and debt
166 service committees shall be allowed to return contributions to a donor
167 political action committee that is the origin of the contribution.

168 14. The prohibited committee transfers described in subsection
169 13 of this section shall not apply to the following committees:

170 (1) The state house committee per political party designated by
171 the respective majority or minority floor leader of the house of
172 representatives or the chair of the state party if the party does not
173 have majority or minority party status;

174 (2) The state senate committee per political party designated by
175 the respective majority or minority floor leader of the senate or the
176 chair of the state party if the party does not have majority or minority
177 party status.

178 15. No person shall transfer anything of value to any committee
179 with the intent to conceal, from the ethics commission, the identity of
180 the actual source. Any violation of this subsection shall be punishable
181 as follows:

182 (1) For the first violation, the ethics commission shall notify such
183 person that the transfer to the committee is prohibited under this
184 section within five days of determining that the transfer is prohibited,
185 and that such person shall notify the committee to which the funds
186 were transferred that the funds must be returned within ten days of
187 such notification;

188 (2) For the second violation, the person transferring the funds
189 shall be guilty of a class C misdemeanor;

190 (3) For the third and subsequent violations, the person
191 transferring the funds shall be guilty of a class D felony.

192 16. Beginning January 1, 2011, all committees required to file
193 campaign financial disclosure reports with the Missouri ethics
194 commission shall file any required disclosure report in an electronic
195 format as prescribed by the ethics commission.

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 [continuing] **political action**
73 committees need not include expenditures for maintaining a permanent office,

74 such as expenditures for salaries of regular staff, office facilities and equipment
75 or other expenditures not designed to support or oppose any particular candidates
76 or ballot measures; however, all such expenditures shall be listed pursuant to
77 subdivision (4) of this 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 [continuing] **political**
117 **action** committee, the period shall begin on the first day of January of the year
118 in which the report or statement is being filed and end on the closing date for the
119 period for which the report or statement is required; except, if the report or
120 statement is required to be filed prior to the first day of July in any given year,
121 the period 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.

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 within forty-eight hours of receiving the contribution. [Such]

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

12 **3. Any individual currently holding office as the governor,**
13 **lieutenant governor, treasurer, attorney general, secretary of state or**
14 **auditor or any candidate for such office or such person's campaign**
15 **committee shall electronically report any contribution exceeding five**
16 **hundred dollars made by any contributor to his or her campaign**
17 **committee during the regular legislative session or any time when**
18 **legislation from the regular legislative session awaits gubernatorial**
19 **action, within forty-eight hours of receiving the contribution.**

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

25 **[2.] 5.** Any rule or portion of a rule, as that term is defined in section
26 536.010, RSMo, that is created under the authority delegated in this section shall
27 become effective only if it complies with and is subject to all of the provisions of
28 chapter 536, RSMo, and, if applicable, section 536.028, RSMo. This section and
29 chapter 536, RSMo, are nonseverable and if any of the powers vested with the
30 general assembly pursuant to chapter 536, RSMo, to review, to delay the effective
31 date, or to disapprove and annul a rule are subsequently held unconstitutional,
32 then the grant of rulemaking authority and any rule proposed or adopted after
33 August 28, 2008, shall be invalid 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
29 [continuing] **political action** committee, supporting or opposing a petition effort
30 to qualify a measure to appear on the ballot or to remove an incumbent from
31 office shall file an initial disclosure report fifteen days after the committee begins
32 the process of raising or spending money. After such initial report, the committee
33 shall file quarterly disclosure reports as required by subdivision (3) of subsection
34 1 of this section until such time as the reports required by subdivisions (1) and
35 (2) of subsection 1 of this section are to be filed. In addition the committee shall
36 file a second disclosure report no later than the fifteenth day after the deadline
37 date for submitting such petition. The period covered in the initial report shall
38 begin on the day the committee first accepted contributions or made expenditures
39 to support or oppose the petition effort for qualification of the measure and shall
40 close on the fifth day 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. In the case of the [continuing] **political action**
65 committee's first report, the report shall be cumulative from the date of the
66 [continuing] **political action** committee's organization. Every candidate,
67 treasurer or deputy treasurer shall file, at a minimum, the campaign disclosure
68 reports covering the quarter immediately preceding the date of the election and
69 those required by subdivisions (1) and (2) of subsection 1 of this section. A
70 [continuing] **political action** committee shall submit additional reports if it
71 makes aggregate expenditures, other than contributions to a committee, of five
72 hundred dollars or more, within the reporting period at the following times for
73 the following periods:

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

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

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

81 4. The reports required to be filed no later than the thirtieth day after an
82 election and any subsequently required report shall be cumulative so as to reflect
83 the total receipts and disbursements of the reporting committee for the entire
84 election campaign in question. The period covered by each disclosure report 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. The Missouri ethics
156 commission shall promulgate rules establishing the standard for electronic filings
157 with the commission and shall propose such rules for the importation of files to
158 the reporting program.

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

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 to receive and store reports in an
4 efficient and economical method, and for the general public and news media to
5 access information contained in such reports, the commission shall establish and
6 maintain an electronic reporting system pursuant to this section.

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

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

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

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

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

58 6. All records that are in electronic format, not otherwise closed by law,
59 shall be available in electronic format to the public. The commission shall
60 maintain and provide for public inspection, a listing of all reports with a complete
61 description for each field contained on the report, that has been used to extract
62 information from their database files. The commission shall develop a report or
63 reports which contain every field in each database.

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

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

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

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

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

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

 575.021. 1. **A person commits the crime of obstruction of an**
2 **ethics investigation if such person, for the purpose of obstructing or**
3 **preventing an ethics investigation, knowingly commits any of the**
4 **following acts:**

5 (1) **Confers or agrees to confer anything of pecuniary benefit to**
6 **any person in direct exchange for that person's concealing or**
7 **withholding any information concerning any violation of sections**
8 **105.450 to 105.496 and chapter 130;**

9 (2) **Accepting or agreeing to accept anything of pecuniary benefit**
10 **in direct exchange for concealing or withholding any information**
11 **concerning any violation of sections 105.450 to 105.496 or chapter 130;**

12 **(3) Utters or submits a false statement that the person does not**
13 **believe to be true to any member or employee of the Missouri ethics**
14 **commission or to any official investigating any violation of sections**
15 **105.450 to 105.496 or chapter 130; or**

16 **(4) Submits any writing or other documentation that is**
17 **inaccurate and that the person does not believe to be true to any**
18 **member or employee of the Missouri ethics commission or to any**
19 **official investigating any violation of sections 105.450 to 105.496 or**
20 **chapter 130.**

21 **2. It is a defense to a prosecution under subdivisions (3) and (4)**
22 **of subsection 1 of this section that the person retracted the false**
23 **statement, writing, or other documentation, but this defense shall not**
24 **apply if the retraction was made after:**

25 **(1) The falsity of the statement, writing, or other documentation**
26 **was exposed; or**

27 **(2) Any member or employee of the Missouri ethics commission**
28 **or any official investigating any violation of sections 105.450 to 105.496**
29 **or chapter 130 took substantial action in reliance on the statement,**
30 **writing, or other documentation.**

31 **3. The defendant shall have the burden of injecting the issue of**
32 **retraction under this section.**

33 **4. Obstruction of an ethics investigation under this section is a**
34 **class A misdemeanor.**

✓

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