

SECOND REGULAR SESSION

SENATE JOINT RESOLUTION NO. 16

98TH GENERAL ASSEMBLY

INTRODUCED BY SENATOR SCHAAF.

Pre-filed December 1, 2015, and ordered printed.

ADRIANE D. CROUSE, Secretary.

4620S.01I

JOINT RESOLUTION

Submitting to the qualified voters of Missouri, an amendment to article VII of the Constitution of Missouri relating to the Missouri anti-corruption amendment.

Be it resolved by the Senate, the House of Representatives concurring therein:

That at the next general election to be held in the state of Missouri, on
2 Tuesday next following the first Monday in November, 2016, or at a special
3 election to be called by the governor for that purpose, there is hereby submitted
4 to the qualified voters of this state, for adoption or rejection, the following
5 amendment to article VII of the Constitution of the state of Missouri:

Section A. Article VII, Constitution of Missouri, is amended by adding
2 thereto thirty-six new sections, to be known as sections 15, 15(a), 16, 17, 18,
3 19(a), 19(b), 20, 21, 22, 23, 24, 24(a), 24(b), 24(c), 24(d), 24(e), 24(f), 25, 26(a),
4 26(b), 26(c), 27, 28, 28(a), 28(b), 28(c), 28(d), 28(e), 28(f), 28(g), 28(h), 28(i), 29, 30,
5 and 31, to read as follows:

**Section 15. Sections 15(a) to 30 of this article shall be known and
2 may be cited as the "Missouri Anti-Corruption Amendment".**

**Section 15(a). No statewide elected officer or member of the
2 general assembly shall act or serve as a paid political consultant, act
3 or serve as a lobbyist, register as a lobbyist, or solicit clients to
4 represent as a lobbyist until three years after the expiration of any
5 term of office for which such official is elected. Any paid, full-time
6 employee of such an official shall also be barred from acting or serving
7 as a paid political consultant, acting or serving as a lobbyist,
8 registering as a lobbyist, or soliciting clients to represent as a lobbyist
9 until one year after termination of such employee's
10 employment. Notwithstanding this restriction, a statewide elected
11 officer or member of the general assembly may, without compensation,
12 act or serve as a lobbyist or solicit clients to represent as a lobbyist for
13 religious and charitable associations organized under chapter 352,**

14 RSMo, immediately upon vacating such office. For purposes of this
15 article, "paid political consultant" shall mean a person who is paid to
16 promote the election of a certain candidate or the interest of an
17 organization or committee, as defined in section 130.011, RSMo, which
18 shall include, but not be limited to, planning campaign strategies,
19 coordinating campaign staff, organizing meetings and public events to
20 publicize the candidate or cause, public opinion polling, providing
21 research on issues or opposition background, coordinating, producing,
22 or purchasing print or broadcast media, direct mail production, phone
23 solicitation, fund raising, and any other political activities.

Section 16. No statewide elected official or member of the
2 general assembly shall:

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

9 (2) Attempt, for compensation other than the compensation
10 provided for the performance of his or her official duties, to influence
11 the decision of any agency of the state on any matter, except that this
12 provision shall not be construed to prohibit such person from
13 participating for compensation in any adversary proceeding or in the
14 preparation or filing of any public document or conference thereon; or

15 (3) Solicit any registered lobbyist for any position with a hiring
16 date beginning after such person is no longer an elected official,
17 whether compensated or not, while such person holds office.

Section 17. No individual or business entity shall solicit a
2 member of the general assembly to become employed by that individual
3 or business entity as a legislative lobbyist, or as a paid political
4 consultant, while such member is holding office as a member of the
5 general assembly. No member of the general assembly shall solicit
6 clients to represent as a legislative lobbyist.

Section 18. Neither the governor nor any person acting on behalf
2 of the governor shall make, nor shall any member of the general
3 assembly accept or agree to accept, any offer or promise to confer an
4 appointment to any board, commission, committee, council, county
5 office, department directorship, fee office, judgeship, or any other
6 position, to any member of the general assembly in exchange for the

7 member's official vote on any public matter. A violation of this section
8 shall be a class E felony.

Section 19(a). No statewide elected officer, or any member of the
2 general assembly, or any of such elected official's staff, employees,
3 spouse, or dependent children shall accept any tangible or intangible
4 item, service, or thing of value from any lobbyist. This section shall not
5 be construed to prevent any public official from accepting
6 contributions to political committees under his or her control or
7 accepting informational materials such as books, reports, pamphlets,
8 calendars, or periodicals informing the public official regarding his or
9 her official duties.

Section 19(b). No lobbyist shall deliver any tangible or intangible
2 item, service, or thing of value to any statewide elected official, or to
3 any member of the general assembly or to any of such elected official's
4 staff, employees, spouse, or dependent children. This section shall not
5 be construed to prevent a lobbyist from delivering to a public official
6 any contribution to a political committee under the control of that
7 public official or any informational materials such as books, reports,
8 pamphlets, calendars, or periodicals informing the public official
9 regarding his or her official duties.

Section 20. Any person who engages in lobbyist activities, as
2 lobbyist is defined in section 105.470, RSMo, as it existed on January 1,
3 2015, and who knowingly fails to register as a lobbyist is guilty of
4 violating this section. Any violation of this section shall be punishable
5 as follows:

6 (1) For the first violation, the person shall be guilty of a class B
7 misdemeanor;

8 (2) For the second and subsequent violations, the person shall be
9 guilty of a class E felony.

Section 21. Within ten days of submission of an appointment
2 letter to the secretary of state for the appointment of any person to a
3 board or commission, the governor shall deliver to the president pro
4 tempore of the senate a list of any political contributions and
5 expenditures made by the appointee within the previous four years.

Section 22. No person shall intentionally offer to any elected or
2 appointed official or employee of the state or any political subdivision
3 thereof, nor shall any such official or employee accept, any item,
4 service, or thing of value, including a contribution, in direct exchange
5 for voting in favor of, voting against, or engaging in any legislative,

6 executive, or judicial course of action designed to benefit, delay, or
7 hinder the passage or failure of any specific state legislation, rule, or
8 regulation, or any specific local legislation, order, ordinance, rule, or
9 regulation. A violation of this section shall be a class E felony.

Section 23. Within one hundred twenty days of taking office, all
2 statewide elected officials and all members of the general assembly
3 shall complete four hours of ethics training that addresses, at
4 minimum, ethics laws regulating conflicts of interest and lobbying,
5 campaign finance, and offenses affecting government. Such officials
6 shall also complete such requirements once every two years.

Section 24. Except as provided to the contrary in this article, the
2 provisions of chapter 130, RSMo, as existed on January 1, 2015, relating
3 to campaign finance are hereby incorporated into this article.

Section 24(a). A person acting as a treasurer or deputy treasurer
2 for a committee shall not act as a treasurer or deputy treasurer for any
3 other committee at the same time. No person shall form a new
4 committee or serve as a treasurer or deputy treasurer of any committee
5 until the person, or the treasurer of any committee previously formed
6 by the person, or where the person served as treasurer or deputy
7 treasurer, has filed all required campaign disclosure reports or
8 statements of limited activity for all prior elections and paid
9 outstanding previously imposed fees assessed against that person by
10 the ethics commission. No candidate shall form, control, or direct a
11 continuing committee.

Section 24(b). For purposes of this article, a continuing
2 committee shall be defined as a committee of continuing existence
3 which is not formed, controlled, or directed by a candidate, and is a
4 committee other than a candidate committee, political party committee,
5 campaign committee, exploratory committee, or debt service committee,
6 whose primary or incidental purpose is to contribute funds to another
7 committee or to receive contributions or make expenditures to
8 influence or attempt to influence the action of voters whether or not a
9 particular candidate or candidates or a particular ballot measure or
10 measures to be supported or opposed has been determined at the time
11 the committee is required to file any statement or report pursuant to
12 the provisions of this article. Such a committee includes, but is not
13 limited to, any committee organized or sponsored by a business entity,
14 a labor organization, a professional association, a trade or business
15 association, a club or other organization and whose primary purpose

16 is to solicit, accept, and use contributions from the members,
17 employees, or stockholders of such entity and any individual or group
18 of individuals who accept and use contributions to influence or attempt
19 to influence the action of voters. Notwithstanding any other provision
20 of law to the contrary, such a committee also includes any organization
21 exempt from taxation under 26 U.S.C. Section 501(c)(4) or under any
22 other provision of federal law if such committee accepts contributions
23 or makes expenditures for the primary or incidental purpose of
24 influencing or attempting to influence the action of voters for or
25 against the nomination or election to public office of one or more
26 candidates or the qualification, passage, or defeat of any ballot measure
27 or for the purpose of contributing funds to another committee. No
28 continuing committee shall be formed later than sixty days prior to an
29 election for which such committee receives contributions or makes
30 expenditures.

Section 24(c). A campaign committee shall terminate either
2 thirty days after the general election or upon the satisfaction of all
3 committee debt after the general election, whichever is later, except
4 that no committee retiring debt shall engage in any other activities in
5 support of a measure for which the committee was formed. A candidate
6 committee shall continue in existence for use by an elected candidate
7 who has publicly declared the specific office for which he or she
8 intends to run in a subsequent election cycle or shall terminate on the
9 later of either thirty days after the general election for a candidate who
10 was not elected or upon the satisfaction of all committee debt after the
11 election, except that no committee retiring debt shall engage in any
12 activities in support of the candidate for which the committee was
13 formed.

Section 24(d). No contribution shall be made or accepted, and no
2 expenditure shall be made or incurred, with the intent to circumvent
3 the limitations on contributions or expenditures imposed in this article.

4 (1) There shall be a rebuttable presumption that a contribution
5 is made or accepted with the intent to circumvent the limitations on
6 contributions imposed in this article when a committee receives a
7 contribution from two or more committees that are primarily funded
8 by a single person, individual, or other committee.

9 (2) There shall be a rebuttable presumption that a contribution
10 is made or accepted with the intent to circumvent the limitations on
11 contributions imposed in this article when a contribution is received

12 from a committee that is primarily funded by a single person,
13 individual, or other committee that has already reached its
14 contribution limit under any law relating to contribution limitations on
15 the receiving committee.

16 (3) For purposes of this subdivision, a committee shall be deemed
17 to be primarily funded by a single person, individual, or other
18 committee when the committee receives more than fifty percent of its
19 annual funding from that single person, individual, or other committee.

20 (4) When a committee receives a contribution from two or more
21 committees that are primarily funded by a single person, individual, or
22 other committee, or when a contribution is received from a committee
23 that is primarily funded by a single person, individual, or other
24 committee that has already reached its contribution limit under any
25 law relating to contribution limitations on the receiving committee, the
26 ethics commission shall investigate. Such investigation shall, when
27 directed by the ethics commission, be assisted by the office of the
28 attorney general, the elections division of the office of the secretary of
29 state, or the prosecuting attorney of the county in which the violation
30 occurred. The ethics commission, office of the attorney general,
31 elections division of the office of the secretary of state, and any
32 prosecuting attorney of any county or city not within a county assisting
33 an investigation under this paragraph may use electronic
34 communication devices for matters related to such investigation,
35 including telephones and videoconferencing, when subject to shortened
36 time limits required for an investigation under this paragraph.

Section 24(e). Beginning on January 1, 2017, all committees
2 required to file campaign financial disclosure reports with the Missouri
3 ethics commission shall file any required disclosure report in an
4 electronic format as prescribed by the ethics commission.

Section 24(f). No committee shall transfer any funds to another
2 committee if the treasurer of the committee receiving the funds, or any
3 other person acting as an agent for such committee in receiving
4 contributions, making expenditures, or incurring indebtedness for such
5 committee, is the treasurer or acts as an agent in receiving
6 contributions, making expenditures, or incurring indebtedness for the
7 committee transferring the funds.

Section 25. 1. No contribution of cash in an amount of more than
2 one hundred dollars shall be made by or accepted from any single
3 contributor for any election by any single committee.

4 2. No contribution shall be made or accepted and no expenditure
5 shall be made or incurred, directly or indirectly, in a fictitious name,
6 in the name of another person, or by or through another person in such
7 a manner as to, or with the intent to, conceal the identity of the actual
8 source of the contribution or the actual recipient and purpose of the
9 expenditure.

10 3. No contribution shall be made or accepted, and no expenditure
11 shall be made or incurred, with the intent to conceal the identity of the
12 actual source of the contribution or the actual recipient and purpose
13 of the expenditure. There shall be a rebuttable presumption that a
14 contribution is made or accepted or an expenditure is made or incurred
15 with the intent to conceal the identity of the actual source of the
16 contribution or the actual recipient and purpose of the expenditure
17 when the source of a contribution or the recipient and purpose of an
18 expenditure is misreported to the ethics commission through a
19 repeated misspelling of such source or recipient or purpose.

20 4. Any person who receives contributions for a committee shall
21 disclose to that committee's treasurer, deputy treasurer, or candidate
22 the recipient's own name and address and the name and address of the
23 actual source of each contribution such person has received for the
24 committee. The ethics commission may require further information be
25 disclosed as it deems necessary. Any person who makes expenditures
26 for a committee shall disclose to that committee's treasurer, deputy
27 treasurer, or candidate such person's own name and address, the name
28 and address of each person to whom an expenditure has been made,
29 and the amount and purpose of the expenditures such person has made
30 for that committee.

31 5. No anonymous contribution shall be made by any person, nor
32 shall such contribution be accepted by any candidate or committee. If
33 any anonymous contribution is received, it shall be returned
34 immediately to the contributor, if the contributor's identity can be
35 ascertained, and if the contributor's identity cannot be ascertained, the
36 candidate, committee treasurer or deputy treasurer shall immediately
37 transmit that portion of the contribution to the state treasurer and it
38 shall escheat to the state.

39 6. No candidate or committee in this state shall accept
40 contributions from any out-of-state committee unless the out-of-state
41 committee from whom the contributions are received has filed a
42 statement of organization or has filed the reports required by sections

43 130.049 and 130.050, RSMo, whichever is applicable to that committee.

44 7. (1) Any independent expenditure that is paid for by an
45 individual or entity making independent expenditures aggregating one
46 thousand dollars or more shall disclose information as follows:

47 (a) On any written, typed, or printed communication, or on any
48 internet text or graphical advertising, in a conspicuous size and style,
49 the words "paid for by" followed by the name of the individual, or the
50 name of the entity, the name of its owner, chief executive officer or
51 equivalent, and its principal business address, and, following the words
52 "Top Three Donors", the three largest aggregate donors to such entity
53 in the twelve months preceding the initial publication or release of the
54 communication. Such written disclosures shall further include, in a
55 conspicuous size and style, the following words: "This advertisement
56 is funded by an independent expenditure, and is not authorized by any
57 candidate. More information at (website)." All such disclosures shall
58 be enclosed in a box within the borders of the communication.

59 (b) On any paid television advertising or paid internet video
60 advertising, clearly spoken in a pitch and tone substantially similar to
61 the rest of the advertisement, the words "paid for by" followed by the
62 name of the individual, or the name of the organization, at the
63 beginning or end of the advertisement, and, in a conspicuous size and
64 style, simultaneous with such spoken disclosure, on the screen
65 displaying the communication, the words "paid for by" followed by the
66 name of the individual, or the name of the entity, followed by the
67 written words "The top three donors to the organization responsible for
68 this advertisement are" followed by a list of the three largest aggregate
69 donors to such entity in the twelve months preceding the initial
70 publication or release of the communication. Such written disclosures
71 shall further include, in a conspicuous size and style, the following
72 words: "This advertisement is funded by an independent expenditure,
73 and is not authorized by any candidate. More information at (website)."
74 All such disclosures shall be enclosed in a box within the borders of the
75 communication.

76 (c) In any paid radio advertising, paid internet audio
77 advertising, or automated telephone call, in a pitch and tone
78 substantially similar to the rest of the advertisement or message,
79 clearly spoken at the end of the advertisement or message, the words
80 "paid for by" followed by the name of the individual, or the name of the
81 organization, followed by the words "with funding provided by"

82 followed by a list of the three largest aggregate donors to such entity
83 in the twelve months preceding the initial publication or release of the
84 communication. In the case of radio or internet advertising covered by
85 this clause that is thirty seconds in duration or shorter, the clearly
86 spoken words "more information at (website)" may be included in a
87 pitch and tone substantially similar to the rest of the advertisement
88 instead of the words "with funding provided by" followed by a list of the
89 three largest aggregate donors.

90 (d) In any non-automated telephone call, clearly spoken during
91 any such call lasting longer than ten seconds, the words "this call is
92 paid for by" followed by the name of the individual, or the name of the
93 organization, followed by the words "more information is available at
94 (website)."

95 (2) For all communications covered by this section, the following
96 applies:

97 (a) No donor who contributed less than five thousand dollars to
98 the disclosing entity shall be listed as a "Top Three Donor;"

99 (b) If an entity only has one or two donors, the words "Top Three
100 Donors" shall be replaced by the words "Top Donor" or "Top Donors" as
101 applicable;

102 (c) Expenditures funded by an individual need not contain the
103 words "Top Three Donors" or a list of donors;

104 (d) If the third largest donor to such an entity has donated the
105 same amount as the fourth largest donor, the disclosing entity may
106 choose which three donors to include so long as no donor is included
107 that has donated less than any other donor that is not included.

108 (3) The ethics commission shall effectuate this section by
109 providing for the disclosure of the original sources of contributions and
110 with respect to the statements required to be filed by this article and
111 shall provide forms suitable for such statements.

112 (4) The enforcement counsel shall, upon application by a donor
113 or independent spender to be made in a form and manner prescribed
114 by the commission, grant an exemption and refrain from disclosing any
115 information to the public related to any payment or contribution to an
116 independent spender or expenditure by an independent spender if the
117 applicant shows a reasonable probability that disclosure will cause
118 undue harm, threats, harassment or reprisals to any person or
119 organization.

120 (5) For purposes of this section, the term "person" shall mean

121 person, group of persons, corporation, unincorporated business entity,
122 labor organization or business, trade or professional association or
123 organization, or political committee. The term "individual" shall mean
124 a single human being, and the term "entity" shall mean group of
125 persons, corporation, unincorporated business entity, labor
126 organization or business, trade or professional association or
127 organization, or political committee.

128 8. Any campaign advertisement, whether distributed in print, on
129 television, by radio, on the internet, by telephone call, or any other
130 medium, that is paid for by a candidate or candidate committee, or is
131 created, produced, or distributed at the direction or suggestion of the
132 candidate or his or her committee, or in cooperation or coordination
133 with the candidate or his or her committee, shall generally comply with
134 the provisions of this section, with the candidate's name following the
135 words "paid for by". Candidate advertisements need not contain the
136 words "top three donors", or list the top three donors to the campaign,
137 and shall not identify any communication as an independent
138 expenditure.

139 9. The public information requirements of chapter 610 of
140 Missouri Revised Statutes or any other provision of law
141 notwithstanding, neither the commission nor any other individual or
142 entity shall disclose to the public identifying information of any person
143 who has contributed less than five hundred one dollars, in the
144 aggregate, to a candidate, committee, or party. This limitation shall not
145 apply to contributors who have made combined contributions of one
146 thousand dollars or more within the relevant election cycle. This
147 provision shall not be construed to prevent the commission from
148 collecting information about such contributors from the entity or
149 individual receiving the contribution for other purposes allowed under
150 law.

151 10. As part of the disclosure reports candidates must identify
152 each person who has collected and transmitted contributions totaling
153 five thousand dollars or more to the candidate's committee within the
154 previous two years.

Section 26(a). As used in this article, unless otherwise indicated
2 the following terms shall mean:

3 (1) "Commission", the Missouri Ethics Commission, which shall
4 be responsible for implementing and enforcing the provisions of the
5 Missouri Anti-Corruption Amendment;

6 (2) "Election cycle" or "rebate period", the approximately two-
7 year period starting the day after a general election and ending the day
8 of the following general election;

9 (3) "Maximum rebate amount", for any rebate period, such
10 number shall be equal to the maximum aggregate value in rebates that
11 a person may receive during that rebate period. For the rebate period
12 beginning in November 2016, and for the rebate period beginning in
13 November 2018, the maximum rebate amount shall be equal to fifty
14 dollars per rebate period, adjusted for inflation to account for changes
15 in the purchasing power of the United States dollar between January
16 1, 2015, and October first of the year in which the rebate period for
17 which the maximum rebate amount is being calculated begins and then
18 rounded to the nearest five dollars. Beginning with the rebate period
19 starting in November 2020, the maximum rebate amount shall be
20 calculated as follows:

21 (a) For the purposes of this calculation, the term "rebate period
22 in question" shall be understood to refer to the rebate period for which
23 the maximum rebate amount is being calculated. Furthermore, for the
24 purposes of this calculation, the term "most recent relevant rebate
25 period" shall be understood to refer to the most recent rebate period
26 that ended on the day of a gubernatorial election if the rebate period
27 in question ends on the day of a gubernatorial election or to the most
28 recent rebate period that did not end on the day of a gubernatorial
29 election if the rebate period in question does not end on the day of a
30 gubernatorial election;

31 (b) The "maximum rebate amount from last time" shall be set
32 equal to the maximum rebate amount for most recent relevant rebate
33 period;

34 (c) The "total value of all rebates owed last time" shall be set
35 equal to the sum of the total value of all rebates issued by the
36 commission for contributions made during the most recent relevant
37 rebate period plus the total value of all rebates that would have been
38 issued by the commission for contributions made during the most
39 recent relevant rebate period but for the provision in section 26(b)1(1);

40 (d) The "excess money in the fund" shall be set equal to the
41 greater of zero dollars and the value arrived at after subtracting the
42 total value of all money deposited into the Political Contribution
43 Rebates Fund during the forty-eight months preceding October first of
44 the year during which the rebate period in question begins from the

45 remaining balance in the Political Contribution Rebates Fund as of
46 October first of the year during which the rebate period in question
47 begins;

48 (e) The "funds available for rebates this time" shall be calculated
49 as follows: If the rebate period in question ends on the day of a
50 gubernatorial election, the funds available for rebates this time shall
51 be set equal to the sum of the excess money in the fund plus ninety
52 percent of the total value of all money deposited into the Political
53 Contribution Rebates Fund during the thirty-two months preceding
54 October first of the year during which the rebate period in question
55 begins. Else, if the rebate period in question does not end on the day
56 of a gubernatorial election, the funds available for rebates this time
57 shall be set equal to the sum of the excess money in the fund plus
58 ninety percent of the total value of all money deposited into the
59 Political Contribution Rebates Fund during the sixteen months
60 preceding February first of the year during which the rebate period in
61 question begins;

62 (f) The "computed change in the maximum rebate amount" shall
63 be calculated by dividing the total value of all rebates owed last time
64 by the funds available for rebates this time, then multiplying by the
65 maximum rebate amount from last time, then subtracting the maximum
66 rebate amount from last time, then dividing by two, then rounding to
67 the nearest five dollars;

68 (g) The "maximum allowed increase in the maximum rebate
69 amount" shall be calculated by adjusting the maximum rebate amount
70 from last time to account for any changes in the purchasing power of
71 the United States dollar that occurred during the four years preceding
72 October first of the year during which the rebate period in question
73 begins, then multiplying by three halves, then rounding to the nearest
74 five dollars;

75 (h) The maximum rebate amount for the rebate period in
76 question shall finally be set equal to the maximum rebate amount from
77 last time plus the lesser of the computed change in the maximum rebate
78 amount and the maximum allowed increase in the maximum rebate
79 amount;

80 (4) "Participating candidate", any candidate who meets the
81 requirement described in paragraph (g) of this subsection and who is
82 running in a race for state representative, state senator, state
83 treasurer, state auditor, secretary of state, attorney general, lieutenant

84 governor, or governor in the general election of which is scheduled to
85 be held prior to November 4, 2020; also, any candidate running for the
86 office of state representative, state senator, state treasurer, state
87 auditor, secretary of state, attorney general, lieutenant governor, or
88 governor who meets the requirements listed in paragraphs (a), (b), (c),
89 (d), (e), (f), (g), and (h). All dollar amounts mentioned in paragraphs (e),
90 (f), and (g) of this subsection shall be adjusted by the commission at the
91 beginning of each rebate period to account for changes in the
92 purchasing power of the United States dollar since January 1, 2015,
93 then rounded to the nearest twenty-five dollars. For the purposes of
94 sections 26(a) and 26(b), any contribution to or expenditure by any
95 political committee controlled by a candidate shall be understood as a
96 contribution to or expenditure by that candidate;

97 (a) The candidate elects to participate in the rebate program not
98 later than seven days after the last day to file to run for the office for
99 which such candidate is running;

100 (b) The candidate agrees to ensure that no political committee
101 under his or her control has liabilities that exceed its assets at any
102 point while he or she is a participating candidate;

103 (c) The candidate has not expended in connection with his or her
104 candidacy and agrees that he or she will not expend in connection with
105 his or her candidacy any portion of any pre-existing funds raised
106 during a previous candidacy for any public office, unless the candidate
107 during that previous candidacy was a participating candidate in the
108 rebate program;

109 (d) The candidate agrees to use contributions received while he
110 or she is a participating candidate for no purpose other than to pay for
111 campaign expenses in connection with his or her candidacy, to pay for
112 campaign expenses in connection with a later candidacy in which he or
113 she runs for public office as a participating candidate in the rebate
114 program, to allow contributors to withdraw their contributions when
115 they do so within seventy-two hours of making those contributions, or
116 to transfer funds to the Political Contribution Rebates Fund as per
117 paragraph (h) of this subsection;

118 (e) The candidate agrees to ensure that he or she has not
119 accepted by the end of his or her candidacy in connection with his or
120 her candidacy:

121 a. Any contribution that is not from a natural person, a
122 continuing committee registered with the commission, or a political

123 party committee registered with the commission;

124 b. More than one thousand five hundred dollars in any primary
125 or general election for statewide office from any natural person, more
126 than one thousand dollars in any primary or general election for state
127 senator from any natural person, or more than five hundred dollars in
128 any primary or general election for state representative from any
129 natural person;

130 c. Any contribution from a political party committee, unless the
131 contributing political party committee is of a participating political
132 party;

133 d. Any contribution from a continuing committee, unless the
134 contributing continuing committee has since November 4, 2020,
135 accepted contributions only from natural persons and in amounts of no
136 more than five hundred dollars per person per rebate period;

137 (f) The candidate agrees to ensure that he or she has not by the
138 end of his or her candidacy spent more than five thousand dollars of
139 his or her own personal funds in support of his or her candidacy;

140 (g) The candidate satisfies the requirement that, before
141 participating in the rebate program, a candidate:

142 a. For governor must raise at least twenty-five thousand dollars
143 in small contributions from natural persons, no more than one hundred
144 dollars per person counting toward this dollar threshold requirement;

145 b. For any statewide office other than governor must raise at
146 least ten thousand dollars in small contributions from natural persons,
147 no more than one hundred dollars per person counting toward this
148 dollar threshold requirement;

149 c. For state senator must raise at least four thousand dollars in
150 small contributions from natural persons, no more than one hundred
151 dollars per person counting toward this dollar threshold requirement;

152 d. For state house of representatives must raise at least two
153 thousand five hundred dollars in small contributions from natural
154 persons, no more than one hundred dollars per person counting toward
155 this dollar threshold requirement;

156 (h) The candidate agrees to turn over to the Political
157 Contribution Rebates Fund any funds that he or she raises or has
158 raised during his or her candidacy and that are not spent within five
159 years after the end of his or her candidacy;

160 (5) "Participating political party", for any rebate period ending
161 in November 2018 or November 2020, any political party that meets the

162 requirement described below in paragraph (f), or for any other rebate
163 period, any political party that meets all requirements listed below in
164 paragraphs (a), (b), (c), (d), (e), and (f). All dollar amounts mentioned
165 in paragraphs (d), (e), and (f) of this subdivision shall be adjusted by
166 the commission at the beginning of each rebate period to account for
167 changes in the purchasing power of the United States dollar since
168 January 1, 2015, then rounded to the nearest one hundred dollars. For
169 the purposes of sections 26(a) and 26(b) of this article, any reference to
170 the political committees of a political party shall be understood to
171 include every state committee, congressional district committee,
172 judicial district committee, senatorial district committee, legislative
173 district committee, and county committee of such political party, as
174 well as any other political committee or political committees registered
175 with the commission and controlled by the party or any of its
176 subdivisions;

177 (a) The party elects to participate in the rebate program not
178 later than six months after the beginning of the rebate period;

179 (b) No political committee of the party has had liabilities that
180 exceeded its assets at any point during the rebate period, and the party
181 agrees to ensure that no one of its political committees has liabilities
182 that exceed its assets at any point during the rebate period;

183 (c) The party agrees to ensure that, during the rebate period, no
184 political committee of the party makes any contribution or expenditure
185 in support of any candidate for state representative, state senator, state
186 treasurer, state auditor, secretary of state, attorney general, lieutenant
187 governor, or governor who is not a participating candidate at the time
188 when the contribution or expenditure is made;

189 (d) The party agrees to ensure that, at the end of the rebate
190 period, its political committees will have collectively accepted during
191 the rebate period no more than three thousand dollars in contributions
192 from any natural person;

193 (e) No political committee of the party has accepted during the
194 rebate period, and the party agrees to ensure that no one of its political
195 committees accepts during the rebate period:

196 a. Any contribution that is not from a natural person, a
197 continuing committee registered with the commission, or a political
198 party committee registered with the commission;

199 b. Any contribution from a political party committee, unless the
200 contributing political party committee is of a participating political

201 party;

202 c. Any contribution from a continuing committee, unless the
203 contributing continuing committee has since November 4, 2020,
204 accepted contributions only from natural persons and in amounts of no
205 more than five hundred dollars per person per rebate period;

206 (f) In the most recent general election for either governor,
207 lieutenant governor, attorney general, secretary of state, state auditor,
208 or state treasurer, a candidate nominated by the party received at least
209 one percent of the vote in at least half of the counties in Missouri;

210 (6) "Rebate program", the program established in this article
211 according to which the commission is instructed to issue rebates to
212 cover small contributions made by natural persons to participating
213 candidates and participating political parties.

Section 26(b). 1. For every contribution of ten dollars or more
2 that a natural person makes to a candidate who is a participating
3 candidate at the time when the contribution is made or to any political
4 party committee among the political committees of a political party
5 that is a participating political party at the time when the contribution
6 is made, that person shall have the opportunity to receive from the
7 ethics commission a rebate equal to the lesser of the amount of the
8 contribution and the value arrived at after subtracting from the
9 maximum rebate amount the total value of all rebates already issued to
10 that person for contributions made during the same rebate period,
11 provided that the following requirements are met:

12 (1) For any rebate period that ends on the day of a gubernatorial
13 election, the commission will use no funds deposited into the Political
14 Contribution Rebates Fund after October first of the year in which that
15 rebate period ends to issue rebates for contributions made during that
16 rebate period. For any rebate period that does not end on the day of
17 a gubernatorial election, the commission will use no funds deposited
18 into the Political Contribution Rebates Fund after February first of the
19 year in which that rebate period ends to issue rebates for contributions
20 made during that rebate period;

21 (2) No person may receive a rebate for:

22 (a) In-kind contributions of property, goods, or services;

23 (b) Contributions in the form of the purchase price paid for an
24 item with significant intrinsic and enduring value;

25 (c) Contributions in the form of the purchase price paid for or
26 otherwise induced by a chance to participate in a raffle, lottery, or

27 similar drawing for valuable prizes;

28 (d) Contributions made by individuals under the age of eighteen
29 years;

30 (e) Contributions made by individuals who are not eligible to
31 vote in Missouri.

32 2. The commission shall promulgate rules to ensure that rebates
33 are distributed in accordance with the provisions of this section. The
34 commission shall make it as easy as possible for individuals who
35 contribute to participating candidates and participating political
36 parties to receive the rebates to which they are entitled,
37 inconveniencing them only insofar as the commission absolutely must
38 do so in order to make sure that rebates are distributed in accordance
39 with the provisions of this section. If it is not possible for the
40 commission to ensure that rebates are distributed in accordance with
41 the provisions of this section using only the information that is
42 required by law to be reported by those reporting contributions to the
43 commission, then the commission may require that additional
44 information be reported, provided that the commission uses such
45 information to ensure that rebates are distributed in accordance with
46 the provisions of this section, requiring only as much information as is
47 necessary to achieve this goal. The commission shall issue each rebate
48 within one week of receiving all required information about the
49 contribution for which and contributor to whom the rebate is to be
50 issued, or else as soon as adequate funds become available in the
51 Political Contribution Rebates Fund. The commission shall issue
52 rebates in the order that it receives all required information about the
53 contributions for which and contributors to whom those rebates are to
54 be issued.

55 3. In every rebate period, no less than one month and no more
56 than two months before the first primary election held by a major
57 political party, the commission shall purchase advertisements in the
58 newspaper of highest circulation in each county of the state,
59 advertising the rebate program and including basic instructions and
60 rules for the rebate program, including among other things the
61 maximum rebate amount for the rebate period and the URL of a
62 website at which the commission will report at least as frequently as
63 every business day the total value of all rebates issued to date for the
64 rebate period.

65 4. To help ensure that rebates are delivered promptly, the

66 commission shall ensure that those reporting contributions made to
67 participating candidates and participating political committees may
68 file reports of contributions at least as frequently as one per forty-eight
69 hours when they wish to do so.

70 5. The commission shall promulgate rules to ensure that any
71 contributor who makes a contribution of five hundred dollars or less
72 to any participating candidate or participating political party may
73 withdraw that contribution up until seventy-two hours after the
74 contribution is made, this five hundred dollar value being adjusted at
75 the beginning of each rebate period to account for changes in the
76 purchasing power of the United States dollar since January 1, 2015,
77 then rounded to the nearest one hundred dollars.

Section 26(c). The "Political Contribution Rebates Fund" is
2 hereby created. This fund shall be a dedicated fund and, upon
3 appropriation, money in this fund shall be used solely to pay for
4 political contribution rebates issued as required by this article, except
5 that up to three percent of money deposited into this fund may be used
6 by the commission to pay for mailing costs and information technology
7 costs that the commission incurs in the course of distributing political
8 contribution rebates and ensuring that information about contributions
9 and contributors is reported accurately, in full, and with
10 ease. Beginning on January 1, 2017, and on the first day of every month
11 thereafter, the director of revenue shall provide the Political
12 Contribution Rebates Fund with one million five hundred thousand
13 dollars, this value being adjusted on the first day of each month to
14 account for changes in the purchasing power of the United States
15 dollar since January 1, 2015, then rounded to the nearest ten thousand
16 dollars. The state treasurer shall invest moneys in the fund in the same
17 manner as other funds are invested. Any interest and moneys earned
18 on such investments shall be credited to the fund. The funding
19 mandated by this article shall be allocated by the director
20 notwithstanding the legislative appropriation requirement of Article
21 IV, Section 28 of the Constitution of Missouri or any other provision of
22 the Constitution or law limiting the ability of the director to provide
23 funding to the Political Contribution Rebates Fund or the commission.

Section 27. 1. A bipartisan "Missouri Ethics Commission",
2 composed of six members, is hereby established. The commission shall
3 be assigned to the office of administration with supervision by the
4 office of administration only for budgeting and reporting as provided

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

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

39 3. The term of each member shall be for four years. At no time
40 shall more than three of the six commission members come from the
41 lists of candidates submitted by the same political party, unless such
42 member was submitted on a list by each of the two political parties that
43 submitted lists under this section, nor shall more than three members

44 of the commission be members of the same political party, nor shall
45 more than one member be from any one United States congressional
46 district. Not more than two members appointed from the
47 even-numbered congressional districts shall be members of the same
48 political party, and no more than two members from the odd-numbered
49 congressional districts shall be members of the same political
50 party. Terms of successor members of the commission shall expire on
51 March fifteenth of the fourth year of their term. No member of the
52 commission shall serve on the commission after the expiration of the
53 member's term, except that a member's term may be extended one time
54 for up to one hundred twenty days if there are vacancies on the
55 commission. No person shall be appointed to more than one full
56 four-year term on the commission plus one term extension of the
57 hundred twenty days as provided in this article.

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

83 appointment and eligibility as provided in this article.

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

96 6. The commission shall elect biennially one of its members as
97 the chair. The chair shall not succeed himself or herself after two
98 years. No member of the commission shall succeed as chair any
99 member of the same political party as himself or herself. At least four
100 members are necessary to constitute a quorum. The votes of four
101 members shall be sufficient for the commission to take any action
102 unless otherwise specified herein. In the event that only three
103 members vote in favor of taking any action, the enforcement counsel
104 shall have the power to vote for or against the action or
105 recommendation. The action shall be taken or the recommendation
106 shall be made if the enforcement counsel votes in favor of the action or
107 recommendation.

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

111 8. In the event that a retired judge is appointed as a member of
112 the commission, the judge shall not serve as a special investigator
113 while serving as a member of the commission.

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

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

118 (2) Be employed as a lobbyist;

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

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

121 (5) Permit the person's name to be used, or make contributions,

122 in support of or in opposition to any candidate or proposition;

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

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

134 11. The commission shall appoint an executive director who shall
135 serve subject to the supervision of and at the pleasure of the
136 commission. The executive director shall be responsible for the
137 administrative operations of the commission and perform such other
138 duties as may be delegated or assigned to the director by law or by rule
139 of the commission. The executive director shall employ staff and retain
140 such contract services as the director deems necessary, within the
141 limits authorized by appropriations of funds.

142 12. All lobbyist registration and expenditure reports, financial
143 interest statements, and campaign finance disclosure reports shall be
144 filed with the commission.

145 13. Within sixty days of the initial meeting of the first
146 commission appointed, the commission shall obtain from the clerk of
147 the supreme court or the state courts administrator a list of retired
148 appellate and circuit court judges who did not leave the judiciary as a
149 result of being defeated in an election. The executive director shall
150 determine those judges who indicate their desire to serve as special
151 investigators and to investigate any and all complaints referred to them
152 by the commission. The executive director shall maintain an updated
153 list of those judges qualified and available for appointment to serve as
154 special investigators. Such list shall be updated at least annually. The
155 commission shall refer complaints to such special investigators on that
156 list on a rotating schedule which ensures a random assignment of each
157 special investigator. Each special investigator shall receive only one
158 unrelated investigation at a time and shall not be assigned to a second
159 or subsequent investigation until all other eligible investigators on the
160 list have been assigned to an investigation. In the event that no special

161 investigator is qualified or available to conduct a particular
162 investigation, the commission may appoint a special investigator to
163 conduct such particular investigation.

164 14. The commission shall have the following duties and
165 responsibilities:

166 (1) Receive and review complaints regarding alleged violation of
167 laws governing lobbying, conflicts of interest, and campaign finance
168 conduct initial reviews and investigations regarding such complaints
169 as provided herein; refer complaints to appropriate prosecuting
170 authorities and appropriate disciplinary authorities along with
171 recommendations for sanctions; and initiate judicial proceedings as
172 allowed by law;

173 (2) Review and investigate any reports and statements required
174 by the campaign finance disclosure laws and financial interest
175 disclosure laws or lobbyist registration and reporting laws for
176 timeliness, accuracy and completeness of content;

177 (3) Conduct investigations as provided in section 105.959, RSMo;

178 (4) Develop appropriate systems to file and maintain an index of
179 all such reports and statements to facilitate public access to such
180 information, except as may be limited by confidentiality requirements
181 otherwise provided by law, including cross-checking of information
182 contained in such statements and reports. The commission may enter
183 into contracts with the appropriate filing officers to effectuate such
184 system. Such filing officers shall cooperate with the commission as
185 reasonable and necessary to effectuate such purposes;

186 (5) Provide information and assistance to lobbyists, elected and
187 appointed officials, and employees of the state and political
188 subdivisions in carrying out laws regulating conflict of interest,
189 lobbying, and campaign finance;

190 (6) Make recommendations to the governor and general assembly
191 or any state agency on the need for further legislation with respect to
192 the ethical conduct of public officials and employees and to advise state
193 and local government in the development of local government codes of
194 ethics and methods of disclosing conflicts of interest as the commission
195 may deem appropriate to promote high ethical standards among all
196 elected and appointed officials or employees of the state or any
197 political subdivision thereof and lobbyists;

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

199 (8) Promulgate rules relating to the provisions of sections

200 105.955 to 105.963, RSMo, chapter 130, RSMo, and sections 15 to 30 of
201 this article. All rules and regulations issued by the commission shall
202 be prospective only in operation;

203 (9) Request and receive designations of decision-making public
204 servants.

205 15. In connection with such powers provided by statutes
206 regulating the commission and campaign finance the commission may:

207 (1) Subpoena witnesses and compel their attendance and
208 testimony. Subpoenas shall be served and enforced in the same manner
209 provided by section 536.077, RSMo, except that during an investigation,
210 the commission may delegate the power to issue subpoenas to the
211 executive director;

212 (2) Administer oaths and affirmations;

213 (3) Take evidence and require by subpoena duces tecum the
214 production of books, papers, and other records relating to any matter
215 being investigated or to the performance of the commission's duties or
216 exercise of its powers. Subpoenas duces tecum shall be served and
217 enforced in the same manner provided by section 536.077, RSMo, except
218 that during an investigation, the commission may delegate the power
219 to issue subpoenas duces tecum to the executive director;

220 (4) Employ such personnel, including legal counsel, and contract
221 for services including legal counsel, within the limits of its
222 appropriation, as it deems necessary provided such legal counsel,
223 either employed or contracted, represents the Missouri ethics
224 commission before any state agency or before the courts at the request
225 of the Missouri ethics commission. Nothing in this section shall limit
226 the authority of the Missouri ethics commission as provided for in
227 subsection 2 of section 105.961, RSMo; and

228 (5) Obtain information from any department, division or agency
229 of the state or any political subdivision reasonably calculated to lead
230 to the discovery of evidence which will reasonably assist the
231 commission in carrying out its duties.

232 16. (1) Upon written request for an advisory opinion received by
233 the commission, and if the commission determines that the person
234 requesting the opinion would be directly affected by the application of
235 law to the facts presented by the requesting person, the commission
236 shall issue a written opinion advising the person who made the request,
237 in response to the person's particular request, regarding any issue on
238 which the commission can receive a complaint. The commission may

239 decline to issue a written opinion by a vote of four members and shall
240 provide to the requesting person the reason for the refusal in
241 writing. The commission shall give an approximate time frame as to
242 when the written opinion shall be issued. Such advisory opinions shall
243 be issued no later than ninety days from the date of receipt by the
244 commission. Such requests and advisory opinions, deleting the name
245 and identity of the requesting person, shall be compiled and published
246 by the commission on at least an annual basis. Advisory opinions
247 issued by the commission shall be maintained and made available for
248 public inspection and copying at the office of the commission during
249 normal business hours. Any advisory opinion or portion of an advisory
250 opinion rendered pursuant to this subsection shall be withdrawn by the
251 commission if, after hearing thereon, the joint committee on
252 administrative rules finds that such advisory opinion is beyond or
253 contrary to the statutory authority of the commission or is inconsistent
254 with the legislative intent of any law enacted by the general assembly,
255 and after the general assembly, by concurrent resolution, votes to adopt
256 the findings and conclusions of the joint committee on administrative
257 rules. Any such concurrent resolution adopted by the general assembly
258 shall be published at length by the commission in its publication of
259 advisory opinions of the commission next following the adoption of
260 such resolution, and a copy of such concurrent resolution shall be
261 maintained by the commission, along with the withdrawn advisory
262 opinion, in its public file of advisory opinions. The commission shall
263 also send a copy of such resolution to the person who originally
264 requested the withdrawn advisory opinion. Any advisory opinion
265 issued by the ethics commission shall act as legal direction to any
266 person requesting such opinion and no person shall be liable for
267 relying on the opinion and it shall act as a defense of justification
268 against prosecution. An advisory opinion of the commission shall not
269 be withdrawn unless:

- 270 (a) The authorizing statute is declared unconstitutional;
 - 271 (b) The opinion goes beyond the power authorized by statute; or
 - 272 (c) The authorizing statute is changed to invalidate the opinion.
- 273 (2) Upon request, the attorney general shall give the attorney
274 general's opinion, without fee, to the commission, any elected official
275 of the state or any political subdivision, any member of the general
276 assembly, or any director of any department, division or agency of the
277 state, upon any question of law regarding the effect or application of

278 laws regulating lobbying, conflicts of interest, and campaign
279 finance. Such opinion need be in writing only upon request of such
280 official, member or director, and in any event shall be rendered within
281 sixty days that such request is delivered to the attorney general.

282 17. The state auditor and the state auditor's duly authorized
283 employees who have taken the oath of confidentiality may audit the
284 commission and in connection therewith may inspect materials relating
285 to the functions of the commission. Such audit shall include a
286 determination of whether appropriations were spent within the intent
287 of the general assembly, but shall not extend to review of any file or
288 document pertaining to any particular investigation, audit or review
289 by the commission, an investigator or any staff or person employed by
290 the commission or under the supervision of the commission or an
291 investigator. The state auditor and any employee of the state auditor
292 shall not disclose the identity of any person who is or was the subject
293 of an investigation by the commission and whose identity is not public
294 information as provided by law.

295 18. From time to time but no more frequently than annually the
296 commission may request the officials and entities described in
297 subdivision (6) of section 105.450, RSMo, to identify for the commission
298 in writing those persons associated with such office or entity which
299 such office or entity has designated as a decision-making public
300 servant. Each office or entity delineated in subdivision (6) of section
301 105.450, RSMo, receiving such a request shall identify those so
302 designated within thirty days of the commission's request.

303 19. (1) There shall be a unit known as the enforcement unit
304 established within the commission. The head of such unit shall be the
305 enforcement counsel. The enforcement counsel shall have sole
306 authority within the commission to investigate on his or her own
307 initiative or upon complaint alleged violations of this article. All
308 complaints filed under this section or pursuant to section 105.957,
309 RSMo, shall be forwarded to the enforcement unit.

310 (2) (a) a. Before January 31, 2017, and before January
311 thirty-first every four years thereafter, the commission shall appoint
312 the enforcement counsel and a deputy enforcement counsel with advice
313 and consent of the senate. The deputy enforcement counsel shall be a
314 member of a different major political party than the enforcement
315 counsel, provided, however, that if the enforcement counsel is a
316 member of no political party or a minor party, the deputy enforcement

317 counsel may be a member of any party or no party.

318 b. The state auditor shall retain an independent auditor to
319 perform audits of the commission's activities. The independent auditor
320 may perform an audit of the commission's activities at any time, and
321 shall perform no less than one audit in each two-year rebate period.

322 (b) If the commission fails to appoint an enforcement counsel
323 before January thirty-first in any year in which such appointment is
324 required, the executive director of the commission shall be given a
325 tiebreaking vote and the commission shall vote upon appointment of an
326 enforcement counsel on or before February seventh. If the commission
327 fails to appoint any other position created by this section, the
328 enforcement counsel shall be given a tiebreaking vote.

329 (3) The enforcement counsel and deputy enforcement counsel
330 shall each serve a term of four years and may only be removed for
331 cause. Any time after the effective date of this section, the members
332 shall by a majority vote appoint such persons with advice and consent
333 of the senate, and shall do so any time a vacancy in any such position
334 occurs to fill the remaining term of the vacating incumbent. In the case
335 of a vacancy on the commission at the time of an appointment, such
336 persons shall be appointed by the members of the commission that are
337 members of the same major political party as the previous person to
338 hold the position.

339 20. (1) If the enforcement counsel determines that substantial
340 reason exists to believe that a person, acting as or on behalf of a
341 candidate or political committee under circumstances evincing an
342 intent to violate such law that does not otherwise warrant criminal
343 prosecution, or has unlawfully violated any provision of this article, the
344 commission shall assign a hearing officer, randomly from a list of
345 prospective hearing officers each of whom shall have been approved by
346 a majority vote of the commission. The hearing officer shall make
347 findings of fact and conclusions of law based on a preponderance of the
348 evidence as to whether a violation has been established and, if so, who
349 is guilty of such violation on notice to and with an opportunity for the
350 individual or entity accused of any violations to be heard. In
351 determining whether the equities favor a dismissal, the hearing officer
352 shall consider the following factors:

353 (a) Whether the complaint alleges a de minimis violation;

354 (b) Whether the subject of the complaint has made a good faith
355 effort to correct the violation; and

356 (c) Whether the subject of the complaint has a history of similar
357 violations.

358 The enforcement counsel shall adopt the report of the hearing officer
359 and may, in his or her discretion, commence a proceeding in any
360 Missouri circuit court should the findings of fact and conclusions of law
361 support the commencement of such proceeding or enter into an
362 agreement to settle such matter with the subject of the complaint. If
363 the commission fails to produce a list of eligible hearing officers or
364 fails to assign a hearing officer within ten days of the enforcement
365 counsel's request, the enforcement counsel may commence a proceeding
366 as provided herein in accordance with recommendations made in his
367 or her report.

368 (2) If the enforcement counsel determines that reasonable cause
369 exists to believe a violation warranting criminal prosecution has taken
370 place, the enforcement counsel shall present such findings to the
371 commission. Within thirty days of such submission, the commission
372 shall vote on whether to accept or reject such findings. For purposes
373 of voting on acceptance or rejection of findings by the enforcement
374 counsel, the enforcement counsel shall be entitled to participate in all
375 matters related to the review of his or her report and shall vote on its
376 acceptance or rejection only when there is a tie. Should the
377 commission fail to vote to either accept or reject the findings within
378 thirty days of submission of such findings, or should the commission
379 accept the findings by the enforcement counsel that there is reasonable
380 cause to believe that a violation warranting criminal prosecution has
381 taken place, the enforcement counsel shall refer such matter to the
382 attorney general or district attorney with jurisdiction over such matter
383 to commence a criminal action as such term is defined in the criminal
384 procedure law.

385 21. The commission may conduct a thorough examination and
386 pre-election audit of the contributions and qualified campaign expenses
387 of the political committees of participating candidates and
388 participating parties. Such audits shall be conducted as frequently as
389 the commission deems necessary to ensure compliance. Every
390 participating candidate and participating party under this article shall
391 also be audited by the commission post-election. The commission shall
392 issue to each campaign audited the final post-election audit report that
393 details its findings and shall provide such audit to the governor and
394 legislative leaders and make such audit report available on the

395 commission's website.

396 **22. (1) Any person who knowingly and willfully fails to make a**
397 **filing required by this article within ten days after the date provided**
398 **for such, or anyone that knowingly and willfully violates any other**
399 **provision of this article shall be guilty of a class A misdemeanor and,**
400 **in addition to such other penalties provided by law, shall be subject to**
401 **a fine not to exceed the amount of ten thousand dollars.**

402 **(2) Any person who knowingly and willfully contributes, accepts,**
403 **or aids or participates in the contribution or acceptance of a**
404 **contribution in an amount exceeding an applicable maximum specified**
405 **in this article shall be guilty of a class A misdemeanor and shall be**
406 **subject to a fine not to exceed the amount of ten thousand dollars or**
407 **double the amount of the illegal contribution, whichever is greater.**

408 **(3) Any participating candidate who knowingly and willfully**
409 **violates any of the provisions to which he or she is required by section**
410 **26(a) of this article to agree in order to participate in the rebate**
411 **program shall be guilty of a class A misdemeanor and, in addition to**
412 **such other penalties provided by law, shall be subject to a fine not to**
413 **exceed the amount of ten thousand dollars or double the amount of any**
414 **contribution or loan accepted by the candidate in violation of the**
415 **provisions to which he or she has agreed, whichever is greater.**

416 **(4) Any participating political party an agent of which knowingly**
417 **and willfully violates any of the provisions to which the party is**
418 **required by section 26(a) of this article to agree in order to participate**
419 **in the rebate program shall be subject, in addition to such other**
420 **penalties provided by law, to a fine not to exceed the amount of ten**
421 **thousand dollars or double the amount of any contribution or loan**
422 **accepted in violation of the provisions to which the party has agreed,**
423 **whichever is greater. Moreover, any agent of such participating**
424 **political party who knowingly and willfully violates any of the**
425 **provisions to which the party is required by section 26(a) of this article**
426 **to agree in order to participate in the rebate program shall be guilty**
427 **of a class A misdemeanor.**

428 **(5) Any person who obstructs an ethics investigation shall be**
429 **guilty of a class E felony.**

430 **(a) A person commits the crime of obstruction of an ethics**
431 **investigation if such person, for the purpose of obstructing or**
432 **preventing an ethics investigation, knowingly commits any of the**
433 **following acts:**

434 (i) Confers or agrees to confer anything of pecuniary benefit to
435 any person in direct exchange for that person's concealing or
436 withholding of any information concerning any violation of sections
437 105.450 to 105.496, RSMo, chapter 130, RSMo, or sections 15 to 30 of this
438 article;

439 (ii) Accepts or agrees to accept anything of pecuniary benefit in
440 direct exchange for concealing or withholding any information
441 concerning any violation of sections 105.450 to 105.496, RSMo, chapter
442 130, RSMo, or sections 15 to 30 of this article;

443 (iii) Utters or submits a false statement that the person does not
444 believe to be true to any member or employee of the commission or to
445 any official investigating any violation of sections 105.450 to 105.496,
446 RSMo, chapter 130, RSMo, or sections 15 to 30 of this article;

447 (iv) Submits any inaccurate writing or other documentation that
448 the person does not believe to be true to any member or employee of
449 the commission or to any official investigating any violation of sections
450 105.450 to 105.496, RSMo, chapter 130, RSMo, or sections 15 to 30 of this
451 article.

452 (b) It is a defense to a prosecution under subdivisions (iii) and
453 (iv) of subsection (5)(a) of this section that the person retracted the
454 false statement, writing, or other documentation, but this defense shall
455 not apply if the retraction was made after:

456 (i) The falsity of the statement, writing, or other documentation
457 was exposed; or

458 (ii) Any member or employee of the commission or to any official
459 investigating any violation of sections 105.450 to 105.496, RSMo, chapter
460 130, RSMo, or sections 15 to 30 of this article took substantial action in
461 reliance on the statement, writing, or other documentation.

462 (c) The defendant shall have the burden of injecting the issue of
463 retraction under this section.

464 (6) All such prosecutions for criminal acts under this section
465 shall be prosecuted by the appropriate prosecuting attorney. If the
466 prosecuting attorney declines to initiate criminal action, the attorney
467 general of the state of Missouri may initiate criminal proceedings.

468 (7) All fines collected pursuant to subdivisions 22.(2), 22.(3), and
469 22.(4) above shall be deposited into the Ethics Commission Operations
470 Fund.

471 (8) Each ten thousand dollar amount mentioned in this
472 subsection shall be recalculated on the first day of January in each

473 even-numbered year to account for changes in the purchasing power of
474 the United States dollar since January 1, 2015, and then rounded to the
475 nearest one hundred dollars.

476 23. (1) The commission shall submit a report to the governor, the
477 speaker of the house, and the president pro tempore of the senate on
478 or before February 1, 2019, and every two years thereafter, which shall
479 include:

480 (a) A list of the participating and nonparticipating candidates
481 and parties in covered elections and the votes received by each
482 candidate in those elections;

483 (b) The amount of contributions and loans received, and
484 expenditures made, on behalf of participating and nonparticipating
485 candidates and parties;

486 (c) The amount of rebate funds distributed pursuant to this
487 section;

488 (d) Analysis of the effect of the rebate program on the election
489 campaigns for all offices covered, including its effect on the sources
490 and amount of contributions, the level of campaign expenditures,
491 including independent expenditures, voter participation, the number
492 of candidates, the candidates' abilities to campaign effectively for
493 public office, and the diversity of candidates seeking and elected to
494 office;

495 (e) A report from the enforcement counsel summarizing
496 complaints, investigations, dispositions, and all relevant enforcement
497 activities; and

498 (f) Any other information that the commission deems relevant.

499 (2) Beginning in 2027, accompanying each report, the commission
500 shall provide a list of recommendations for changes or amendments to
501 this article to the general assembly.

502 24. (1) The determination of eligibility to participate in the
503 rebate program may be contested in a proceeding instituted in any
504 Missouri circuit court by any aggrieved candidate or party within
505 seven days of the commission's determination as to eligibility.

506 (2) The commission is authorized to institute a civil action in any
507 Missouri circuit court to obtain a judgment for civil penalties
508 determined to be payable to the commission.

509 25. The commission shall promulgate regulations to determine
510 whether the contributions or expenditures of any entity subject to
511 regulation by this article should be aggregated with the contributions

512 or expenditures of another entity for purposes of any of the limits or
513 thresholds contained in this article. The rules shall require
514 aggregation of such contributions or expenditures if the entities in
515 question are directed or controlled by a majority of the same persons
516 or entities. The rules shall ensure that no entity may avoid the limits
517 or thresholds created by this article through creation or use of multiple
518 vehicles for political spending.

519 26. Any natural person may file a complaint, petition for
520 rulemaking, or petition for advisory opinion with the commission. If
521 the commission fails to respond to the complaint or petition within
522 thirty days, fails to resolve the complaint or petition within one year
523 of its filing, or if the filer contests the commission's resolution of the
524 complaint or petition, any qualified candidate or any five qualified
525 Missouri voters may commence a proceeding against the commission in
526 any Missouri circuit court, regardless of whether such candidate or
527 voters filed the original complaint with the commission.

528 27. The "Ethics Commission Operations Fund" is hereby
529 created. This fund shall be a dedicated fund and, upon appropriation,
530 money in this fund shall be used solely to provide for operation,
531 administration, and enforcement costs of the commission, including
532 costs associated with the administration of the rebate program
533 established in this article. Beginning on January 1, 2017, and on the
534 first day of every month thereafter, the director of revenue shall
535 provide the Ethics Commission Operations Fund with two hundred
536 thousand dollars, this value being adjusted on the first day of each
537 month to account for changes in the purchasing power of the United
538 States dollar since January 1, 2015, then rounded to the nearest one
539 thousand dollars. The state treasurer shall invest money in the fund in
540 the same manner as other funds are invested. Any interest and moneys
541 earned on such investments shall be credited to the fund. The funding
542 mandated by this article shall be allocated by the director
543 notwithstanding the legislative appropriation requirement of Article
544 IV, Section 28 of the Constitution of Missouri or any other provision of
545 the Constitution or law limiting the ability of the director to provide
546 funding to the Political Contribution Rebates Fund or the commission.

Section 28. In addition to the limitations imposed under section
2 25 of this article, the following limitations shall apply, beginning
3 immediately after the November 2016 general election. For the
4 purposes of sections 28(b), 28(c), 28(d), and 28(e) of this article, a single

5 "political party" shall be understood to include every state committee,
6 congressional district committee, judicial district committee, senatorial
7 district committee, legislative district committee, and county committee
8 of such political party, as well as any other political committee or
9 political committees registered with the commission and controlled by
10 the party or any of its subdivisions.

Section 28(a). No candidate or committee controlled by a
2 candidate shall accept:

3 (1) Any contribution that is not from a natural person, a
4 continuing committee registered with the commission, or a political
5 party committee registered with the commission;

6 (2) More than one thousand five hundred dollars in any primary
7 or general election for statewide office from any natural person, more
8 than one thousand dollars in any primary or general election for state
9 senator from any natural person, or more than five hundred dollars in
10 any primary or general election for state representative from any
11 natural person.

Section 28(b). No natural person shall contribute:

2 (1) More than one thousand five hundred dollars to any
3 candidate for statewide office in any primary or general election, more
4 than one thousand dollars to any candidate for state senator in any
5 primary or general election, or more than five hundred dollars to any
6 candidate for state representative in any primary or general election;

7 (2) More than three thousand dollars to any political party
8 during any two-year election cycle;

9 (3) More than one thousand dollars to any continuing committee
10 during any two-year election cycle, though this limitation shall not
11 apply to contributions to continuing committees that make only
12 independent expenditures, unless a United States court with
13 jurisdiction over the state of Missouri holds that such a limitation is
14 permissible.

Section 28(c). No corporation or limited liability company
2 organized under the laws of this state, any other state, or by an act of
3 the Congress of the United States, labor organization, cooperative
4 association, or mutual association shall make any contribution to any
5 candidate for office in the state of Missouri or to any political party or
6 other entity that makes contributions to any candidate for office in the
7 state of Missouri. This section shall not be construed to limit
8 contributions made by political committees registered with the

9 commission.

Section 28(d). No political party shall accept contributions from
2 any person or entity which exceed, in the aggregate, three thousand
3 dollars during any two-year election cycle. This limitation shall not
4 apply to contributions from continuing committees that, after January
5 1, 2017, accept contributions only from natural persons residing in the
6 state of Missouri and in amounts of no more than five hundred dollars,
7 in the aggregate, per person during any two-year election cycle.

Section 28(e). 1. No continuing committee shall accept
2 contributions from any person or entity which exceed, in the aggregate,
3 one thousand dollars during any two-year election cycle. This
4 limitation shall not apply to contributions to continuing committees
5 that make only independent expenditures, unless a United States court
6 with jurisdiction over the state of Missouri holds that such a limitation
7 is permissible.

8 2. No continuing committee shall contribute more than three
9 thousand dollars to any candidate for office in the state of Missouri or
10 to any political party or other entity that makes contributions to any
11 candidate for office in the state of Missouri. This limitation shall not
12 apply to continuing committees that, after January 1, 2017, accept
13 contributions only from natural persons and in amounts of no more
14 than five hundred dollars, in the aggregate, per person during any
15 two-year election cycle.

Section 28(f). No campaign committee shall contribute to any
2 candidate, other than to support or oppose the retention of judges
3 under the nonpartisan court plan, nor shall it contribute to any
4 committee registered with the commission that is not a campaign
5 committee.

Section 28(g). 1. (1) No lobbyist, lobbyist principal, individual
2 who supervises one or more lobbyists, or person or entity who has a
3 business relationship with the state shall make a contribution which
4 exceeds, in the aggregate, two hundred dollars to any candidate or
5 committee during any two-year election cycle.

6 (2) No lobbyist, lobbyist principal, or individual who directly
7 supervises one or more lobbyists may solicit or coordinate funds in
8 connection with an election for state office.

9 (3) Prohibitions contained in subdivisions (1) and (2) shall
10 continue until one year after such person or entity ceases to be a
11 lobbyist, lobbyist principal, or person or entity who has a business

12 relationship with the state.

13 2. (1) Members of the general assembly may not directly or
14 indirectly solicit contributions in connection with an election for public
15 office from a lobbyist, lobbyist principal, or parent or subsidiary of a
16 lobbyist principal, that the member knows has made a lobbying contact
17 with the member or his or her office; with another member or their
18 office with whom the member serves on a committee or subcommittee
19 if such lobbying contact concerns matters pending before such
20 committee or subcommittee; or with any official or employee of any
21 such committee or subcommittee. A member may solicit contributions
22 from such persons or entities if the member recuses himself or herself
23 from taking any action, including but not limited to markups of
24 legislation, engaging in case work or constituent service of any kind,
25 of particular benefit to the lobbyist, lobbyist principal, or covered
26 associate for a period of two years from the date of the
27 solicitation. For purposes of this section, "lobbying contact" means any
28 communication to a covered official that attempts to influence any
29 government action, subject to the qualifications of section 105.470,
30 RSMo, as it existed on January 1, 2015.

31 (2) Members of the general assembly may not take any action in
32 the general assembly or subdivision thereof, including but not limited
33 to markups of legislation or casework or constituent service of any
34 kind, of particular benefit to a lobbyist principal, or the parent or
35 subsidiary of a lobbyist principal if such lobbyist, lobbyist principal,
36 parent or subsidiary of a lobbyist principal, or any individual who
37 engages in or directly supervises one or more individuals who engage
38 in lobbying activities on behalf of such lobbyist, lobbyist principal, or
39 parent or subsidiary of a lobbyist principal has, in the aggregate,
40 directly or indirectly contributed or pledged or promised to contribute
41 five thousand dollars or more in the aggregate to the member's
42 campaign committee in the previous two years, or who has, in the
43 aggregate, indirectly or directly spent in the previous year or has
44 pledged or promised to spend, ten thousand dollars or more on
45 independent expenditures in support of the member's campaign or in
46 opposition to the member's opponent or in contributions to
47 organizations, including political committees, that engage in or pledge
48 or promise to engage in independent expenditures in support of the
49 member's campaign or in opposition to the member's opponent.

50 (3) The provisions of this subsection shall not apply to lobbying

51 contacts, contributions, or expenditures made prior to January 1, 2017.

Section 28(h). No candidate shall use any funds from any
2 committee to make payments to any other candidate, committee, or any
3 entity that is controlled, managed, owned, or directed by any other
4 candidate or committee, regardless of whether the payment is made for
5 campaign-related purposes.

Section 28(i). For purposes of sections 28 to 28(g) of this article,
2 "base year amount" shall be the contribution limits prescribed in this
3 article on January 1, 2015. Contribution limits set forth herein shall be
4 increased on the first day of January in each even-numbered year by
5 multiplying the base year amount by the cumulative consumer price
6 index and rounded to the nearest twenty-five-dollar amount, for all
7 years after January 1, 2015.

Section 29. No solicitation of expenditures, fund-raising
2 activities, or fund-raising event, supporting or opposing any candidate,
3 ballot measure, political party, or political party committee shall occur
4 on any property or in any building owned or leased by the state or any
5 political subdivision, unless the property or building is routinely used
6 by and made available for rent or for a fee to all members of the public
7 by the state or the political subdivision.

Section 30. 1. The term "contribution" shall include any payment
2 or expenditure by any person other than a candidate or a political
3 committee authorized by the candidate, made in connection with the
4 nomination for election or election of any candidate, that is authorized,
5 requested, suggested, or fostered by a candidate, authorized committee
6 of a candidate, or agents of the candidate or committee, or made in
7 cooperation with the candidate, committee, or agents of the candidate
8 or committee, and any payment or expenditure for any communication
9 which republishes, disseminates, or distributes, in whole or in part, any
10 broadcast or any written, graphic, or other form of campaign material
11 prepared by the candidate or committee or by agents of the candidate
12 or committee.

13 2. There is a rebuttable presumption that a payment or
14 expenditure by a person for a communication about a candidate or a
15 candidate's opponent is a contribution in any of the following
16 circumstances:

17 (1) The communication includes information about a candidate's
18 campaign plans, projects, or needs that is not generally available to the
19 public or is provided directly or indirectly by the candidate;

20 (2) The person discusses or negotiates the communication with
21 the candidate;

22 (3) The person and the candidate or the candidate's authorized
23 committee retain the same individual or entity to provide professional
24 campaign services during the same election cycle. For purposes of this
25 subparagraph, the term "professional campaign services" does not
26 include accounting, legal services, or other non-campaign
27 services. None of the following circumstances is sufficient in and of
28 itself to support a finding that a payment or expenditure by a person
29 for a communication is authorized, requested, suggested, or fostered by
30 a candidate or committee, or made in cooperation with a candidate or
31 committee:

32 (a) The person interviews the candidate regarding legislative or
33 policy issues that affect the spender or discusses campaign-related
34 issues with the candidate but does not communicate with the candidate
35 regarding the communication;

36 (b) The person solicits or obtains a photograph, biography,
37 position paper, press release, or similar material from the candidate
38 and, without the candidate's prior knowledge, uses that material in the
39 communication;

40 (c) The person made contributions to the candidate;

41 (d) The person communicates to the candidate the intent to make
42 a communication but does not discuss or negotiate the communication
43 with the candidate;

44 (e) The person employs or is under contract with a political
45 consultant or pollster who rendered services to the candidate prior to
46 the current election cycle.

47 3. The term "coordinated spender" means, with respect to a
48 candidate or candidate committee of a candidate, a person for which
49 any of the following applies:

50 (1) The person is directly or indirectly formed or established by
51 or at the request or suggestion of, or with the encouragement of, the
52 candidate or candidate committee, or agents of the candidate or
53 candidate committee, including with the express or tacit approval of
54 the candidate or committee or agents of the candidate or committee;

55 (2) The candidate or the candidate committee or agents of the
56 candidate or committee solicit funds or engage in other fundraising
57 activity on the person's behalf during the election cycle involved,
58 including by providing the person with names of potential donors or

59 other lists to be used by the person in engaging in fundraising activity,
60 regardless of whether the person pays fair market value for the names
61 or lists provided;

62 (3) The person is established, directed, or managed by any
63 person who, during the two-year period before the general election or
64 primary election in which the candidate stands for nomination, has
65 been employed or retained as a political, media, or fundraising adviser
66 or consultant for the candidate or committee or for any other entity
67 directly or indirectly controlled by the candidate or committee, or has
68 held a formal position with a title for the candidate or committee.

69 (4) The person is a current or former business partner of a
70 candidate or is established, directed, or managed by a current or
71 former business partner of the candidate, in the case of a person that
72 is a political committee. For purposes of this subparagraph, the term
73 "business partner of a candidate" means a person who is a director,
74 officer, partner, trustee, owner, employee, or who holds any position of
75 management in a business entity, or an affiliate of a business entity, in
76 which the candidate is a director, officer, partner, trustee, owner,
77 employee, or holds any position of management; "An affiliate of a
78 business entity" means any business entity that directly, or indirectly
79 through one or more intermediaries, controls, or is controlled by, or is
80 under common control with the business entity;

81 (5) The person is serving or has served in a formal advisory or
82 policy-making position with the candidate or has participated in
83 strategic or policy-making discussions with the candidate regarding the
84 pursuit of nomination or election to office during the two-year period
85 before the general election or before any primary election in which the
86 candidate stands for nomination;

87 (6) The person has, within the same election cycle, co-hosted or
88 co-sponsored with the candidate or the candidate committee
89 fundraising events or campaign activities benefitting the person, the
90 candidate, or the candidate committee;

91 (7) The person is controlled, established, directed, managed, or
92 retains significant services from the family member of a candidate.

93 4. If a payment or expenditure for a covered communication is
94 made by a person who is a coordinated spender with respect to the
95 candidate, the payment or expenditure shall be deemed to have been
96 authorized, requested, suggested, or fostered by the candidate, or made
97 in cooperation with the candidate. For purposes of this section, the

98 term "covered communication" is a communication conveyed to five
99 hundred or more members of a general public audience in the form of:

100 (1) An audio or video communication via internet, broadcast,
101 cable, or satellite;

102 (2) A written communication via internet or printed
103 advertisements, pamphlets, circulars, flyers, brochures, or letterheads;
104 or

105 (3) Other published statements which:

106 (a) Irrespective of when such communication is made, contains
107 words such as "vote", "oppose", "support", "elect", "defeat", or "reject",
108 which call for the election or defeat of the clearly identified candidate;
109 or

110 (b) Refers to and advocates for or against a clearly identified
111 candidate or ballot proposal on or after January first of the year of the
112 election in which such candidate is seeking office or such proposal
113 shall appear on the ballot.

114 5. Any payment treated as a contribution under this section shall
115 qualify as a contribution regardless of whether the resulting
116 communication expressly advocates for or against any candidate or
117 ballot measure.

118 6. The commission shall promulgate regulations providing for
119 entities providing professional services to candidates and committees
120 to create bona fide firewalls, which, if implemented rigorously and in
121 good faith, may allow an entity to provide services to both a candidate
122 and an independent entity without causing the entity's spending to be
123 deemed a contribution under this section.

124 7. For purposes of this section, the term "person" means any
125 individual or entity.

126 8. In no circumstance shall a candidate be found to have violated
127 limits on acceptance of contributions if the commission or a court
128 determines that a candidate has taken no action to indicate acceptance
129 of or acquiescence to the making of an expenditure that is deemed a
130 contribution pursuant to this section.

Section 31. If any provision of sections 15 to 30 of this article or
2 the application thereof to anyone or to any circumstance is held
3 invalid, the remainder of those sections and the application of such
4 provisions to others or other circumstances shall not be affected
5 thereby.