

SECOND REGULAR SESSION

[P E R F E C T E D]

# SENATE BILL NO. 689

93RD GENERAL ASSEMBLY

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INTRODUCED BY SENATOR SCOTT.

Pre-filed December 1, 2005, and ordered printed.

Read 2nd time January 10, 2006, and referred to the Committee on Financial and Governmental Organizations and Elections.

Reported from the Committee February 2, 2006, with recommendation that the bill do pass.

Taken up for Perfection April 4, 2006. Bill declared Perfected and Ordered Printed, as amended.

TERRY L. SPIELER, Secretary.

3219S.01P

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## AN ACT

To repeal sections 105.466, 105.470, 105.473, 105.473, 105.485, 105.487, 105.489, 105.492, 105.957, 105.961, 105.963, 105.971, 105.973, 130.011, 130.021, 130.036, 130.041, 130.046, 130.049, 130.050, and 130.057, RSMo, and to enact in lieu thereof twenty new sections relating to ethics, with penalty provisions.

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

Section A. Sections 105.466, 105.470, 105.473, 105.473, 105.485, 105.487, 105.489, 105.492, 105.957, 105.961, 105.963, 105.971, 105.973, 130.011, 130.021, 130.036, 130.041, 130.046, 130.049, 130.050, and 130.057, RSMo, are repealed and twenty new sections enacted in lieu thereof, to be known as sections 105.466, 105.470, 105.473, 105.473, 105.485, 105.487, 105.489, 105.492, 105.957, 105.961, 105.963, 130.011, 130.021, 130.036, 130.041, 130.046, 130.049, 130.050, 130.057, and 130.062, to read as follows:

105.466. 1. No provision of sections 105.450 to 105.458, 105.462 to 105.468, and [105.472] **105.467** to 105.482 shall be construed to prohibit any person from performing any ministerial act or any act required by order of a court or by law to be performed.

2. No provision of sections 105.450 to 105.458, 105.462 to 105.468, and [105.472] **105.467** to 105.482 shall be construed to prohibit any person from communicating with the office of the attorney general or any prosecuting attorney

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

8 or any attorney for any political subdivision concerning any prospective claim or  
9 complaint then under consideration not otherwise prohibited by law.

10 3. No provision of sections 105.450 to 105.458, 105.462 to 105.468, and  
11 [105.472] **105.467** to 105.482 shall be construed to prohibit any person, firm or  
12 corporation from receiving compensation for property taken by the state or any  
13 political subdivision thereof under the power of eminent domain in accordance  
14 with the provisions of the constitution and the laws of the state.

105.470. As used in section 105.473, unless the context requires  
2 otherwise, the following words and terms mean:

3 (1) **"Elected local government official lobbyist", any natural**  
4 **person who acts for the purpose of attempting to influence any action**  
5 **by a local government official elected in a county, city, town, or village**  
6 **with an annual operating budget of over two million dollars and, in**  
7 **connection with such activity, meets the requirements of any one or**  
8 **more of the following:**

9 (a) **Is acting in the ordinary course of employment on behalf of**  
10 **or for the benefit of such person's employer;**

11 (b) **Is engaged for pay or for any valuable consideration for the**  
12 **purpose of performing such activity;**

13 (c) **Is designated to act as a lobbyist by any person, business**  
14 **entity, governmental entity, religious organization, nonprofit**  
15 **corporation, association, or other entity; or**

16 (d) **Makes total expenditures of fifty dollars or more during the**  
17 **twelve-month period beginning January 1 and ending December 31 for**  
18 **the benefit of one or more elected local government officials in**  
19 **connection with such activity.**

20 (2) **"Executive lobbyist", any natural person who acts for the purpose of**  
21 **attempting to influence any action by the executive branch of government or by**  
22 **any elected or appointed official, employee, department, division, agency or board**  
23 **or commission thereof and in connection with such activity, meets the**  
24 **requirements of any one or more of the following:**

25 (a) **Is acting in the ordinary course of employment on behalf of or for the**  
26 **benefit of such person's employer; or**

27 (b) **Is engaged for pay or for any valuable consideration for the purpose**  
28 **of performing such activity; or**

29 (c) **Is designated to act as a lobbyist by any person, business entity,**

30 governmental entity, religious organization, nonprofit corporation, association or  
31 other entity; or

32 (d) Makes total expenditures of fifty dollars or more during the  
33 twelve-month period beginning January first and ending December thirty-first for  
34 the benefit of one or more public officials or one or more employees of the  
35 executive branch of state government in connection with such activity.

36 An "executive lobbyist" shall not include a member of the general assembly, an  
37 elected state official, or any other person solely due to such person's participation  
38 in any of the following activities:

39 a. Appearing or inquiring in regard to a complaint, citation, summons,  
40 adversary proceeding, or contested case before a state board, commission,  
41 department, division or agency of the executive branch of government or any  
42 elected or appointed officer or employee thereof;

43 b. Preparing, filing or inquiring, or responding to any audit, regarding any  
44 tax return, any public document, permit or contract, any application for any  
45 permit or license or certificate, or any document required or requested to be filed  
46 with the state or a political subdivision;

47 c. Selling of goods or services to be paid for by public funds, provided that  
48 such person is attempting to influence only the person authorized to authorize or  
49 enter into a contract to purchase the goods or services being offered for sale;

50 d. Participating in public hearings or public proceedings on rules, grants,  
51 or other matters;

52 e. Responding to any request for information made by any public official  
53 or employee of the executive branch of government;

54 f. Preparing or publication of an editorial, a newsletter, newspaper,  
55 magazine, radio or television broadcast, or similar news medium, whether print  
56 or electronic;

57 g. Acting within the scope of employment by the general assembly, or  
58 acting within the scope of employment by the executive branch of government  
59 when acting with respect to the department, division, board, commission, agency  
60 or elected state officer by which such person is employed, or with respect to any  
61 duty or authority imposed by law to perform any action in conjunction with any  
62 other public official or state employee; or

63 h. Testifying as a witness before a state board, commission or agency of  
64 the executive branch;

65 [(2)] (3) "Expenditure", any payment made or charge, expense, cost, debt

66 or bill incurred; any gift, honorarium or item of value bestowed including any food  
67 or beverage; any price, charge or fee which is waived, forgiven, reduced or  
68 indefinitely delayed; any loan or debt which is canceled, reduced or otherwise  
69 forgiven; the transfer of any item with a reasonably discernible cost or fair  
70 market value from one person to another or provision of any service or granting  
71 of any opportunity for which a charge is customarily made, without charge or for  
72 a reduced charge; except that the term "expenditure" shall not include the  
73 following:

74 (a) Any item, service or thing of value transferred to any person within  
75 the third degree of consanguinity of the transferor which is unrelated to any  
76 activity of the transferor as a lobbyist;

77 (b) Informational material such as books, reports, pamphlets, calendars  
78 or periodicals informing a public official regarding such person's official duties,  
79 or souvenirs or mementos valued at less than ten dollars;

80 (c) Contributions to the public official's campaign committee or candidate  
81 committee which are reported pursuant to the provisions of chapter 130, RSMo;

82 (d) Any loan made or other credit accommodations granted or other  
83 payments made by any person or entity which extends credit or makes loan  
84 accommodations or such payments in the regular ordinary scope and course of  
85 business, provided that such are extended, made or granted in the ordinary  
86 course of such person's or entity's business to persons who are not public officials;

87 (e) Any item, service or thing of de minimis value offered to the general  
88 public, whether or not the recipient is a public official or a staff member,  
89 employee, spouse or dependent child of a public official, and only if the grant of  
90 the item, service or thing of de minimis value is not motivated in any way by the  
91 recipient's status as a public official or staff member, employee, spouse or  
92 dependent child of a public official;

93 (f) The transfer of any item, provision of any service or granting of any  
94 opportunity with a reasonably discernible cost or fair market value when such  
95 item, service or opportunity is necessary for a public official or employee to  
96 perform his or her duty in his or her official capacity, including but not limited  
97 to entrance fees to any sporting event, museum, or other venue when the official  
98 or employee is participating in a ceremony, public presentation or official meeting  
99 therein;

100 (g) Any payment, gift, compensation, fee, expenditure or anything of value  
101 which is bestowed upon or given to any public official or a staff member,

102 employee, spouse or dependent child of a public official when it is compensation  
103 for employment or given as an employment benefit and when such employment  
104 is in addition to their employment as a public official;

105 ~~[(3)]~~ (4) "Judicial lobbyist", any natural person who acts for the purpose  
106 of attempting to influence any purchasing decision by the judicial branch of  
107 government or by any elected or appointed official or any employee thereof and  
108 in connection with such activity, meets the requirements of any one or more of the  
109 following:

110 (a) Is acting in the ordinary course of employment which primary purpose  
111 is to influence the judiciary in its purchasing decisions on a regular basis on  
112 behalf of or for the benefit of such person's employer, except that this shall not  
113 apply to any person who engages in lobbying on an occasional basis only and not  
114 as a regular pattern of conduct; or

115 (b) Is engaged for pay or for any valuable consideration for the purpose  
116 of performing such activity; or

117 (c) Is designated to act as a lobbyist by any person, business entity,  
118 governmental entity, religious organization, nonprofit corporation or association;  
119 or

120 (d) Makes total expenditures of fifty dollars or more during the  
121 twelve-month period beginning January first and ending December thirty-first for  
122 the benefit of one or more public officials or one or more employees of the judicial  
123 branch of state government in connection with attempting to influence such  
124 purchasing decisions by the judiciary.

125 A "judicial lobbyist" shall not include a member of the general assembly, an  
126 elected state official, or any other person solely due to such person's participation  
127 in any of the following activities:

128 a. Appearing or inquiring in regard to a complaint, citation, summons,  
129 adversary proceeding, or contested case before a state court;

130 b. Participating in public hearings or public proceedings on rules, grants,  
131 or other matters;

132 c. Responding to any request for information made by any judge or  
133 employee of the judicial branch of government;

134 d. Preparing, distributing or publication of an editorial, a newsletter,  
135 newspaper, magazine, radio or television broadcast, or similar news medium,  
136 whether print or electronic; or

137 e. Acting within the scope of employment by the general assembly, or

138 acting within the scope of employment by the executive branch of government  
139 when acting with respect to the department, division, board, commission, agency  
140 or elected state officer by which such person is employed, or with respect to any  
141 duty or authority imposed by law to perform any action in conjunction with any  
142 other public official or state employee;

143 ~~[(4)]~~ (5) "Legislative lobbyist", any natural person who acts for the  
144 purpose of attempting to influence the taking, passage, amendment, delay or  
145 defeat of any official action on any bill, resolution, amendment, nomination,  
146 appointment, report or any other action or any other matter pending or proposed  
147 in a legislative committee in either house of the general assembly, or in any  
148 matter which may be the subject of action by the general assembly and in  
149 connection with such activity, meets the requirements of any one or more of the  
150 following:

151 (a) Is acting in the ordinary course of employment, which primary purpose  
152 is to influence legislation on a regular basis, on behalf of or for the benefit of such  
153 person's employer, except that this shall not apply to any person who engages in  
154 lobbying on an occasional basis only and not as a regular pattern of conduct; or

155 (b) Is engaged for pay or for any valuable consideration for the purpose  
156 of performing such activity; or

157 (c) Is designated to act as a lobbyist by any person, business entity,  
158 governmental entity, religious organization, nonprofit corporation, association or  
159 other entity; or

160 (d) Makes total expenditures of fifty dollars or more during the  
161 twelve-month period beginning January first and ending December thirty-first for  
162 the benefit of one or more public officials or one or more employees of the  
163 legislative branch of state government in connection with such activity.

164 A "legislative lobbyist" shall include an attorney at law engaged in activities on  
165 behalf of any person unless excluded by any of the following exceptions. A  
166 "legislative lobbyist" shall not include any member of the general assembly, an  
167 elected state official, or any other person solely due to such person's participation  
168 in any of the following activities:

169 a. Responding to any request for information made by any public official  
170 or employee of the legislative branch of government;

171 b. Preparing or publication of an editorial, a newsletter, newspaper,  
172 magazine, radio or television broadcast, or similar news medium, whether print  
173 or electronic;

174 c. Acting within the scope of employment of the legislative branch of  
175 government when acting with respect to the general assembly or any member  
176 thereof;

177 d. Testifying as a witness before the general assembly or any committee  
178 thereof;

179 [(5)] (6) "Lobbyist", any natural person defined as an executive lobbyist,  
180 judicial lobbyist or a legislative lobbyist;

181 [(6)] (7) "Lobbyist principal", any person, business entity, governmental  
182 entity, religious organization, nonprofit corporation or association who employs,  
183 contracts for pay or otherwise compensates a lobbyist;

184 [(7)] (8) "Public official", any member or member-elect of the general  
185 assembly, judge or judicial officer, or any other person holding an elective office  
186 of state government or any agency head, department director or division director  
187 of state government or any member of any state board or commission and any  
188 designated decision-making public servant designated by persons described in  
189 this subdivision.

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

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

21 that the giving of such address would endanger the person's physical health.

22 3. (1) During any period of time in which a lobbyist continues to act as  
23 an executive lobbyist, judicial lobbyist [or a], legislative lobbyist, **or elected**  
24 **local government official lobbyist**, the lobbyist shall file with the commission  
25 on standardized forms prescribed by the commission monthly reports which shall  
26 be due at the close of business on the tenth day of the following month;

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

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

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

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

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

54 a. All members of the senate;

55 b. All members of the house of representatives;

56 c. All members of a joint committee of the general assembly or a standing

57 committee of either the house of representatives or senate; or

58 d. All members of a caucus of the general assembly if the caucus consists  
59 of at least ten members, a list of the members of the caucus has been previously  
60 filed with the ethics committee of the house or the senate, and such list has been  
61 approved by either of such ethics committees;

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

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

75 4. No expenditure reported pursuant to this section shall include any  
76 amount expended by a lobbyist or lobbyist principal on himself or herself. All  
77 expenditures disclosed pursuant to this section shall be valued on the report at  
78 the actual amount of the payment made, or the charge, expense, cost, or  
79 obligation, debt or bill incurred by the lobbyist or the person the lobbyist  
80 represents. Whenever a lobbyist principal employs more than one lobbyist,  
81 expenditures of the lobbyist principal shall not be reported by each lobbyist, but  
82 shall be reported by one of such lobbyists.

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

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

91 7. No person shall knowingly employ any person who is required to  
92 register as a registered lobbyist but is not registered pursuant to this

93 section. Any person who knowingly violates this subsection shall be subject to a  
94 civil penalty in an amount of not more than ten thousand dollars for each  
95 violation. Such civil penalties shall be collected by action filed by the  
96 commission.

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

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

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

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

121 12. Each lobbyist or lobbyist principal by whom the lobbyist was  
122 employed, or in whose behalf the lobbyist acted, shall provide a general  
123 description of the proposed legislation or action by the executive branch or  
124 judicial branch which the lobbyist or lobbyist principal supported or opposed.  
125 This information shall be supplied to the commission on March fifteenth and May  
126 thirtieth of each year.

127 **13. The provisions of this section shall supersede any**  
128 **contradicting ordinances or charter provisions.**

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

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

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

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

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

37 beverages; and gifts;

38 (b) An itemized listing of the name of the recipient and the nature and  
39 amount of each expenditure by the lobbyist or his or her lobbyist principal,  
40 including a service or anything of value, for all expenditures made during any  
41 reporting period, paid or provided to or for a public official, such official's staff,  
42 employees, spouse or dependent children;

43 (c) The total of all expenditures made by a lobbyist or lobbyist principal  
44 for occasions and the identity of the group invited, the date and description of the  
45 occasion and the amount of the expenditure for each occasion when any of the  
46 following are invited in writing:

47 a. All members of the senate;

48 b. All members of the house of representatives;

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

51 d. All members of a caucus of the general assembly if the caucus consists  
52 of at least ten members, a list of the members of the caucus has been previously  
53 filed with the ethics committee of the house or the senate, and such list has been  
54 approved by either of such ethics committees;

55 (d) Any expenditure made on behalf of a public official, or the public  
56 official's staff, employees, spouse or dependent children, if such expenditure is  
57 solicited by such public official, the public official's staff, employees, or spouse or  
58 dependent children, from the lobbyist or his or her lobbyist principals and the  
59 name of such person or persons, except any expenditures made to any  
60 not-for-profit corporation, charitable, fraternal or civic organization or other  
61 association formed to provide for good in the order of benevolence;

62 (e) A statement detailing any direct business relationship or association  
63 or partnership the lobbyist has with any public official.

64 The reports required by this subdivision shall cover the time periods since the  
65 filing of the last report or since the lobbyist's employment or representation  
66 began, whichever is most recent.

67 4. No expenditure reported pursuant to this section shall include any  
68 amount expended by a lobbyist or lobbyist principal on himself or herself. All  
69 expenditures disclosed pursuant to this section shall be valued on the report at  
70 the actual amount of the payment made, or the charge, expense, cost, or  
71 obligation, debt or bill incurred by the lobbyist or the person the lobbyist  
72 represents. Whenever a lobbyist principal employs more than one lobbyist,

73 expenditures of the lobbyist principal shall not be reported by each lobbyist, but  
74 shall be reported by one of such lobbyists.

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

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

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

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

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

94         10. Any public official or other person whose name appears in any lobbyist  
95 report filed pursuant to this section who contests the accuracy of the portion of  
96 the report applicable to such person may petition the commission for an audit of  
97 such report and shall state in writing in such petition the specific disagreement  
98 with the contents of such report. The commission shall investigate such  
99 allegations in the manner described in section 105.959. If the commission  
100 determines that the contents of such report are incorrect, incomplete or  
101 erroneous, it shall enter an order requiring filing of an amended or corrected  
102 report.

103         11. The commission shall provide a report listing the total spent by a  
104 lobbyist for the month and year to any member or member-elect of the general  
105 assembly, judge or judicial officer, or any other person holding an elective office  
106 of state government on or before the twentieth day of each month. For the  
107 purpose of providing accurate information to the public, the commission shall not  
108 publish information in either written or electronic form for ten working days after

109 providing the report pursuant to this subsection. The commission shall not  
110 release any portion of the lobbyist report if the accuracy of the report has been  
111 questioned pursuant to subsection 10 of this section unless it is conspicuously  
112 marked "Under Review".

113           12. Each lobbyist or lobbyist principal by whom the lobbyist was  
114 employed, or in whose behalf the lobbyist acted, shall provide a general  
115 description of the proposed legislation or action by the executive branch or  
116 judicial branch which the lobbyist or lobbyist principal supported or  
117 opposed. This information shall be supplied to the commission on March fifteenth  
118 and May thirtieth of each year.

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

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

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

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

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

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

56           (5) The name and address of each entity in which such person owned  
57 stock, bonds or other equity interest with a value in excess of ten thousand  
58 dollars; except that, if the entity is a corporation listed on a regulated stock  
59 exchange, only the name of the corporation need be listed; and provided that any  
60 member of any board or commission of the state or any political subdivision who  
61 does not receive any compensation for [his] **the member's** services to the state  
62 or political subdivision other than reimbursement for [his] actual expenses or a

63 per diem allowance as prescribed by law for each day of such service, need not  
64 report interests in publicly traded corporations or limited partnerships which are  
65 listed on a regulated stock exchange or automated quotation system pursuant to  
66 this subdivision; and provided further that the provisions of this subdivision shall  
67 not require reporting of any interest in any qualified plan or annuity pursuant  
68 to the Employees' Retirement Income Security Act;

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

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

78 (8) The name and address of each source from which such person received  
79 a gift or gifts, or honorarium or honoraria in excess of two hundred dollars in  
80 value per source during the year covered by the statement other than gifts from  
81 persons within the third degree of consanguinity or affinity of the person filing  
82 the financial interest statement. For the purposes of this section, a gift shall not  
83 be construed to mean political contributions otherwise required to be reported by  
84 law or hospitality such as food, beverages or admissions to social, art, or sporting  
85 events or the like, or informational material. For the purposes of this section, a  
86 gift shall include gifts to or by creditors of the individual for the purpose of  
87 canceling, reducing or otherwise forgiving the indebtedness of the individual to  
88 that creditor;

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

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

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

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

99 (d) Expenses which are reported by the campaign committee or candidate  
100 committee of the person filing the statement pursuant to the provisions of chapter  
101 130, RSMo; or

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

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

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

114 (a) Is employed by the state of Missouri, by a political subdivision of the  
115 state or special district, as defined in section 115.013, RSMo, of the state of  
116 Missouri;

117 (b) Is a lobbyist; or

118 (c) Is a fee agent of the department of revenue.

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

132 4. Each official, officer or employee or candidate of any political  
133 subdivision described in subdivision (11) of section 105.483 shall be required to  
134 file a financial interest statement as required by subsection 2 of this section,

135 unless the political subdivision biennially adopts an ordinance, order or  
136 resolution at an open meeting by September fifteenth of the preceding year, which  
137 establishes and makes public its own method of disclosing potential conflicts of  
138 interest and substantial interests and therefore excludes the political subdivision  
139 or district and its officers and employees from the requirements of subsection 2  
140 of this section. A certified copy of the ordinance, order or resolution shall be sent  
141 to the commission within ten days of its adoption. The commission shall assist  
142 any political subdivision in developing forms to complete the requirements of this  
143 subsection. The ordinance, order or resolution shall contain, at a minimum, the  
144 following requirements with respect to disclosure of substantial interests:

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

147 (a) For such person, and all persons within the first degree of  
148 consanguinity or affinity of such person, the date and the identities of the parties  
149 to each transaction with a total value in excess of five hundred dollars, if any,  
150 that such person had with the political subdivision, other than compensation  
151 received as an employee or payment of any tax, fee or penalty due to the political  
152 subdivision, and other than transfers for no consideration to the political  
153 subdivision;

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

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

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

167 (4) Duplicate disclosure reports made pursuant to this subsection shall be  
168 filed with the commission and the governing body of the political  
169 subdivision. The clerk of such governing body shall maintain such disclosure  
170 reports available for public inspection and copying during normal business hours.

105.487. The financial interest statements shall be filed at the following  
2 times, but no person is required to file more than one financial interest statement  
3 in any calendar year:

4 (1) Each candidate for elective office, except those candidates for county  
5 committee of a political party pursuant to section 115.609, RSMo, or section  
6 115.611, RSMo, who is required to file a personal financial disclosure statement  
7 shall file a financial interest statement no later than [fourteen days after the  
8 close of filing at which the candidate seeks nomination or election, and the  
9 statement shall be for the twelve months prior to the closing date, except that in  
10 the event an individual does not become a candidate until after the date of  
11 certification for candidates, the statement shall be filed within fourteen days of  
12 the individual's nomination by caucus. An individual required to file a financial  
13 interest statement because of the individual's candidacy for office prior to a  
14 primary election in accordance with this section is also required to amend such  
15 statement no later than the close of business on Monday prior to the general  
16 election to reflect any changes in financial interest during the interim] **the**  
17 **thirty-first day of March or within ten days of filing for office,**  
18 **whichever is later, except any candidate for elective office who is**  
19 **required to file a financial interest statement when the election is held**  
20 **in April, shall file the statement no later than the thirty-first day of**  
21 **January or within ten days of filing for office, whichever is later. Each**  
22 **statement filed shall cover the calendar year ending the immediately**  
23 **preceding December thirty-first, provided that the governor, lieutenant**  
24 **governor, any member of the general assembly, or any member of the**  
25 **governing body of a political subdivision may supplement such person's**  
26 **financial interest statement to report additional interests acquired**  
27 **after December thirty-first of the covered year until the date of filing**  
28 **of the financial interest statement.** The appropriate election authority shall  
29 provide to the candidate at the time of filing for [election] **office** written notice  
30 of the candidate's obligation to file pursuant to sections 105.483 to 105.492 and  
31 the candidate shall sign a statement acknowledging receipt of such notice;

32 (2) Each person appointed to office, except any person elected for county  
33 committee of a political party pursuant to section 115.617, RSMo, and each  
34 official or employee described in section 105.483 who is not otherwise covered in  
35 this subsection shall file the statement within thirty days of such appointment  
36 or employment. **This statement shall cover the time period described in**

37 **subsection (1) of this section;**

38 (3) Every other person required by sections 105.483 to 105.492 to file a  
39 financial interest statement shall file the statement annually not later than the  
40 [first] **thirty-first** day of [May] **March** and the statement shall cover the  
41 calendar year ending the immediately preceding December thirty-first; provided  
42 that the governor, lieutenant governor, any member of the general assembly or  
43 any member of the governing body of a political subdivision may supplement such  
44 person's financial interest statement to report additional interests acquired after  
45 December thirty-first of the covered year until the date of filing of the financial  
46 interest statement. **If an individual becomes a candidate for office by**  
47 **nomination of a political caucus, the individual shall file a financial**  
48 **interest statement within ten days of the nomination. Such statement**  
49 **shall cover the time period described in subdivision (1) of this section;**

50 (4) The deadline for filing any statement required by sections 105.483 to  
51 105.492 shall be 5:00 p.m. of the last day designated for filing the  
52 statement. When the last day of filing falls on a Saturday or Sunday or on an  
53 official state holiday, the deadline for filing is extended to 5:00 p.m. on the next  
54 day which is not a Saturday or Sunday or official holiday. Any statement  
55 required within a specified time shall be deemed to be timely filed if it is  
56 postmarked not later than midnight of the day [previous to the last day]  
57 designated for filing the statement.

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

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

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

12 (3) In the case of persons holding elective office in any political  
13 subdivision and candidates for such offices, and in the case of all other officers  
14 or employees of a political subdivision, the filing officer shall be the commission;

15 (4) **In the case of all other persons required to file financial**

16 **interest statements for which no filing officer is designated, the filing**  
17 **officer shall be the commission.**

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

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

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

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

29 5. Any lobbyist who fails to timely file a lobbying disclosure report as  
30 required by section 105.473 shall be assessed a late filing fee of ten dollars for  
31 every day such report is late. **Any lobbyist who is assessed such a late fee**  
32 **may appeal this assessment as provided in subsection 7 of section**  
33 **105.963.**

105.957. 1. The commission shall receive any complaints alleging

2 violation of the provisions of:

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

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

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

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

11 (5) The conflict of interest laws contained in sections 105.450 to [105.468]  
12 **105.467** and section 171.181, RSMo; and

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

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

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

34 4. Complaints which allege violations as described in this section which  
35 are filed with the commission shall be handled as provided by section 105.961.

105.961. 1. Upon receipt of a complaint as described by section 105.957,  
2 the commission shall assign the complaint to a special investigator, who may be

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

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

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

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

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

39 prosecutor, the commission shall refer the case to the prosecutor or prosecutors  
40 having criminal jurisdiction. If the prosecutor having criminal jurisdiction is not  
41 able to prosecute the case due to a conflict of interest, the court may appoint a  
42 special prosecutor, paid from county funds, upon appropriation by the county or  
43 the attorney general to investigate and, if appropriate, prosecute the case. The  
44 special prosecutor or prosecutor shall commence an action based on the report by  
45 the filing of an information or seeking an indictment within sixty days of the date  
46 of such prosecutor's appointment, or shall file a written statement with the  
47 commission explaining why criminal charges should not be sought. If the special  
48 prosecutor or prosecutor fails to take either action required by this subsection,  
49 upon request of the commission, a new special prosecutor, who may be the  
50 attorney general, shall be appointed. The report may also be referred to the  
51 appropriate disciplinary authority over the person who is the subject of the  
52 report.

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

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

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

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

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

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

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

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

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

100 (1) Cease and desist violation of any provision of sections 105.450 to  
101 105.496, or chapter 130, RSMo, or sections 105.955 to 105.963;

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

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

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

109 The Missouri ethics commission shall give [actual] notice to the subject of the  
110 complaint of the proposed action as set out in this section. The subject of the

111 complaint may appeal the action of the Missouri ethics commission, other than  
112 a referral for criminal prosecution, to the [administrative hearing commission]  
113 **circuit court of Cole County**. Such appeal shall stay the action of the  
114 Missouri ethics commission. Such appeal shall be filed no later than fourteen  
115 days after the subject of the commission's actions receives actual notice of the  
116 commission's actions.

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

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

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

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

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

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

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

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

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

146           (8) In a case involving the attorney general, the report shall be referred

147 to the prosecuting attorney of Cole County.

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

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

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

155           (3) To administer oaths and affirmations;

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

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

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

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

183 appointment by the commission.

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

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

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

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

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

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

217           16. Any judge of the court of appeals or circuit court who ceases to hold  
218 such office by reason of the judge's retirement and who serves as a special

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

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

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

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

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

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

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

59           6. The late filing fees provided by this section shall be in addition to any

60 penalty provided by law for violations of sections 105.483 to 105.492 or chapter  
61 130, RSMo.

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

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

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

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

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

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

23         (b) Knows or has reason to know that contributions are being received or

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

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

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

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

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

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

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

52 a. A person or combination of persons, if neither the aggregate of  
53 expenditures made nor the aggregate of contributions received during a calendar  
54 year exceeds five hundred dollars and if no single contributor has contributed  
55 more than [two hundred fifty dollars] **the amount set out in subdivision (3)**  
56 **of subsection 1 of section 130.032, as increased by subsection 2 of**  
57 **section 130.032**, of such aggregate contributions;

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

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

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

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

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

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

89 (8) "Campaign committee", a committee, other than a candidate  
90 committee, which shall be formed by an individual or group of individuals to  
91 receive contributions or make expenditures and whose sole purpose is to support  
92 or oppose the qualification and passage of one or more particular ballot measures  
93 in an election or the retention of judges under the nonpartisan court plan, such  
94 committee shall be formed no later than thirty days prior to the election for which  
95 the committee receives contributions or makes expenditures, and which shall

96 terminate the later of either thirty days after the general election or upon the  
97 satisfaction of all committee debt after the general election, except that no  
98 committee retiring debt shall engage in any other activities in support of a  
99 measure for which the committee was formed;

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

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

129 (11) "Connected organization", any organization such as a corporation, a  
130 labor organization, a membership organization, a cooperative, or trade or  
131 professional association which expends funds or provides services or facilities to

132 establish, administer or maintain a committee or to solicit contributions to a  
133 committee from its members, officers, directors, employees or security holders. An  
134 organization shall be deemed to be the connected organization if more than fifty  
135 percent of the persons making contributions to the committee during the current  
136 calendar year are members, officers, directors, employees or security holders of  
137 such organization or their spouses;

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

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

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

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

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

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

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

167 (g) Facilities, office space or equipment supplied by any person to a

168 candidate or committee without charge or at reduced charges, except gratuitous  
169 space for meeting purposes which is made available regularly to the public,  
170 including other candidates or committees, on an equal basis for similar purposes  
171 on the same conditions;

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

176 (i) "Contribution" does not include:

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

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

185 c. Interest earned on deposit of committee funds;

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

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

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

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

202 (16) "Expenditure", a payment, advance, conveyance, deposit, donation or  
203 contribution of money or anything of value for the purpose of supporting or

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

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

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

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

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

230 (e) "Expenditure" does not include:

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

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

240 reported pursuant to [subsection 2 of section 130.051] **section 130.048**;

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

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

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

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

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

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

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

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

274 (21) "Loan", a transfer of money, property or anything of ascertainable  
275 monetary value in exchange for an obligation, conditional or not, to repay in

276 whole or in part and which was contracted, used, or intended for use in an  
277 election campaign, or which was made or received by a committee or which was  
278 contracted, used, or intended to pay previously incurred campaign debts or  
279 obligations of a candidate or the debts or obligations of a committee;

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

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

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

294 (25) "Political party committee", a state, district, county, city, or area  
295 committee of a political party, as defined in section 115.603, RSMo, which may  
296 be organized as a not-for-profit corporation under Missouri law, and which  
297 committee is of continuing existence, and has the primary or incidental purpose  
298 of receiving contributions and making expenditures to influence or attempt to  
299 influence the action of voters on behalf of the political party;

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

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

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

130.021. 1. Every committee shall have a treasurer who, except as  
2 provided in subsection 10 of this section, shall be a resident of this state. A  
3 committee may also have a deputy treasurer who, except as provided in

4 subsection 10 of this section, shall be a resident of this state, to serve in the  
5 capacity of committee treasurer in the event the committee treasurer is unable  
6 for any reason to perform the treasurer's duties.

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

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

27           4. (1) Every committee shall have a single official fund depository within  
28 this state which shall be a federally or state-chartered bank, a federally or  
29 state-chartered savings and loan association, or a federally or state-chartered  
30 credit union in which the committee shall open and thereafter maintain at least  
31 one official depository account in its own name. An "official depository account"  
32 shall be a checking account or some type of negotiable draft or negotiable order  
33 of withdrawal account, and the official fund depository shall, regarding an official  
34 depository account, be a type of financial institution which provides a record of  
35 deposits, canceled checks or other canceled instruments of withdrawal evidencing  
36 each transaction by maintaining copies within this state of such instruments and  
37 other transactions. All contributions which the committee receives in money,  
38 checks and other negotiable instruments shall be deposited in a committee's  
39 official depository account. Contributions shall not be accepted and expenditures

40 shall not be made by a committee except by or through an official depository  
41 account and the committee treasurer, deputy treasurer or  
42 candidate. Contributions received by a committee shall not be commingled with  
43 any funds of an agent of the committee, a candidate or any other person, except  
44 that contributions from a candidate of the candidate's own funds to the person's  
45 candidate committee shall be deposited to an official depository account of the  
46 person's candidate committee. No expenditure shall be made by a committee  
47 when the office of committee treasurer is vacant except that when the office of a  
48 candidate committee treasurer is vacant, the candidate shall be the treasurer  
49 until the candidate appoints a new treasurer.

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

70 5. The treasurer or deputy treasurer acting on behalf of any person or  
71 organization or group of persons which is a committee by virtue of the definitions  
72 of "committee" in section 130.011 and any candidate who is not excluded from  
73 forming a committee in accordance with the provisions of section 130.016 shall  
74 file a statement of organization with the appropriate officer within twenty days  
75 after the person or organization becomes a committee but no later than the date

76 for filing the first report required pursuant to the provisions of section  
77 130.046. The statement of organization shall contain the following information:

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

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

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

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

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

92 (6) The name and mailing address of its depository, and the name and  
93 account number of each account the committee has in the depository, **except**  
94 **that when the report is required to be filed with an appropriate officer,**  
95 **as defined in section 130.011, other than the Missouri ethics**  
96 **commission, the account number of each account may be omitted;**

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

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

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

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

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

112 candidates or particular ballot measures it will support or oppose. Any  
113 contribution received over the allowable contribution limits described in section  
114 130.032 shall be returned to the contributor by the committee within five  
115 business days of the declaration of candidacy or position on a candidate or a  
116 particular ballot measure of the committee.

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

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

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

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

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

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

144         11. If a committee domiciled in this state receives a contribution of one  
145 thousand five hundred dollars or more from any committee domiciled outside of  
146 this state, the committee domiciled in this state shall file a disclosure report with  
147 the commission. The report shall disclose the full name, mailing address,

148 telephone numbers and domicile of the contributing committee and the date and  
149 amount of the contribution. The report shall be filed within forty-eight hours of  
150 the receipt of such contribution if the contribution is received after the last  
151 reporting date before the election.

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

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

29 3. Notwithstanding the provisions of section 130.041 that only  
30 contributors of more than one hundred dollars shall be reported by name and  
31 address for all committees, the committee's records shall contain a listing of each  
32 contribution received by the committee, including those accepted and those which

33 are rejected and either returned to the donor or transmitted to the state  
34 treasurer. Each contribution, regardless of the amount, shall be recorded by date  
35 received, name and address of the contributor and the amount of the contribution,  
36 except that any contributions from unidentifiable persons which are received  
37 through fund-raising activities and events as permitted in subsection 6 of section  
38 130.031 shall be recorded to show the dates and amounts of all such contributions  
39 received together with information contained in statements required by  
40 subsection 6 of section 130.031. The procedure for recording contributions shall  
41 be of a type which enables the candidate, committee treasurer or deputy treasurer  
42 to maintain a continuing total of all contributions received from any one  
43 contributor.

44 4. Notwithstanding the provisions of section 130.041 that certain  
45 expenditures need not be identified in reports by name and address of the payee,  
46 the committee's records shall include a listing of each expenditure made and each  
47 contract, promise or agreement to make an expenditure, showing the date and  
48 amount of each transaction, the name and address of the person to whom the  
49 expenditure was made or promised, and the purpose of each expenditure made or  
50 promised.

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

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

57 7. Any candidate who, pursuant to section 130.016, is exempt from the  
58 requirements to form a committee shall maintain records of each contribution  
59 received or expenditure made in support of his candidacy. Any other person or  
60 combination of persons who, although not deemed to be a committee according to  
61 the definition of the term "committee" in section 130.011, accepts contributions  
62 or makes expenditures, other than direct contributions from the person's own  
63 funds, for the purpose of supporting or opposing the election or defeat of any  
64 candidate or for the purpose of supporting or opposing the qualifications, passage  
65 or defeat of any ballot measure shall maintain records of each contribution  
66 received or expenditure made. The records shall include name, address and  
67 amount pertaining to each contribution received or expenditure made and any  
68 bills, receipts, canceled checks or other documents relating to each transaction.

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

130.041. 1. Except as provided in subsection 5 of section 130.016, the  
2 candidate, if applicable, treasurer or deputy treasurer of every committee which  
3 is required to file a statement of organization, shall file a legibly printed or typed  
4 disclosure report of receipts and expenditures. The reports shall be filed with the  
5 appropriate officer designated in section 130.026 at the times and for the periods  
6 prescribed in section 130.046; **however, any candidate whose appropriate**  
7 **officers are the Missouri ethics commission and the candidate's election**  
8 **authority shall not be required to file reports with the election**  
9 **authority if the report has been filed electronically with the Missouri**  
10 **ethics commission and the candidate has filed a declaration with the**  
11 **election authority that electronic filing will be used exclusively unless**  
12 **notified otherwise.** Except as provided in sections 130.049 and 130.050, each  
13 report shall set forth:

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

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

21 (3) Receipts for the period, including:

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

30 candidate is seeking election to a state office or between the contributor and any  
31 political subdivision of the state if the candidate is seeking election to another  
32 political subdivision of the state;

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

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

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

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

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

50 (4) Expenditures for the period, including:

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

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

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

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

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

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

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

71 (7) The amount of expenditures for or against a candidate or ballot  
72 measure during the period covered and the cumulative amount of expenditures  
73 for or against that candidate or ballot measure, with each candidate being listed  
74 by name, mailing address and office sought. For the purpose of disclosure  
75 reports, expenditures made in support of more than one candidate or ballot  
76 measure or both shall be apportioned reasonably among the candidates or ballot  
77 measure or both. In apportioning expenditures to each candidate or ballot  
78 measure, political party committees and continuing committees need not include  
79 expenditures for maintaining a permanent office, such as expenditures for  
80 salaries of regular staff, office facilities and equipment or other expenditures not  
81 designed to support or oppose any particular candidates or ballot measures;  
82 however, all such expenditures shall be listed pursuant to subdivision (4) of this  
83 subsection;

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

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

94 (10) Each committee that receives a contribution which is restricted or  
95 designated in whole or in part by the contributor for transfer to a particular  
96 candidate, committee or other person shall include a statement of the name and  
97 address of that contributor in the next disclosure report required to be filed after  
98 receipt of such contribution, together with the date and amount of any such  
99 contribution which was so restricted or designated by that contributor, together  
100 with the name of the particular candidate or committee to whom such  
101 contribution was so designated or restricted by that contributor and the date and

102 amount of such contribution.

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

108           (1) In the case of a candidate committee, the period shall begin on the  
109 date on which the candidate became a candidate according to the definition of the  
110 term "candidate" in section 130.011 and end at 11:59 p.m. on the day of the  
111 primary election, if the candidate has such an election or at 11:59 p.m. on the day  
112 of the general election. If the candidate has a general election held after a  
113 primary election, the next aggregating period shall begin at 12:00 midnight on the  
114 day after the primary election day and shall close at 11:59 p.m. on the day of the  
115 general election. Except that for contributions received during the thirty-day  
116 period immediately following a primary election, the candidate shall designate  
117 whether such contribution is received as a primary election contribution or a  
118 general election contribution;

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

122           (3) In the case of a political party committee or a continuing committee,  
123 the period shall begin on the first day of January of the year in which the report  
124 or statement is being filed and end on the closing date for the period for which  
125 the report or statement is required; except, if the report or statement is required  
126 to be filed prior to the first day of July in any given year, the period shall begin  
127 on the first day of July of the preceding year.

128           3. The disclosure report shall be signed and attested by the committee  
129 treasurer or deputy treasurer and by the candidate in case of a candidate  
130 committee.

131           4. The words "consulting or consulting services, fees, or expenses", or  
132 similar words, shall not be used to describe the purpose of a payment as required  
133 in this section. The reporting of any payment to such an independent contractor  
134 shall be on a form supplied by the appropriate officer, established by the ethics  
135 commission and shall include identification of the specific service or services  
136 provided including, but not limited to, public opinion polling, research on issues  
137 or opposition background, print or broadcast media production, print or broadcast

138 media purchase, computer programming or data entry, direct mail production,  
139 postage, rent, utilities, phone solicitation, or fund raising, and the dollar amount  
140 prorated for each service.

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

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

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

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

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

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

28 (1) In addition to the disclosure reports required to be filed pursuant to  
29 subsection 1 of this section the treasurer of a committee, other than a continuing  
30 committee, supporting or opposing a petition effort to qualify a measure to appear  
31 on the ballot or to remove an incumbent from office shall file an initial disclosure  
32 report fifteen days after the committee begins the process of raising or spending  
33 money. After such initial report, the committee shall file quarterly disclosure

34 reports as required by subdivision (3) of subsection 1 of this section until such  
35 time as the reports required by subdivisions (1) and (2) of subsection 1 of this  
36 section are to be filed. In addition the committee shall file a second disclosure  
37 report no later than the fifteenth day after the deadline date for submitting such  
38 petition. The period covered in the initial report shall begin on the day the  
39 committee first accepted contributions or made expenditures to support or oppose  
40 the petition effort for qualification of the measure and shall close on the fifth day  
41 prior to the date of the report;

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

51 3. The candidate, if applicable, treasurer or deputy treasurer of a  
52 committee shall file disclosure reports pursuant to this section, except for any  
53 calendar quarter in which the contributions received by the committee or the  
54 expenditures or contributions made by the committee do not exceed five hundred  
55 dollars. The reporting dates and periods covered for such quarterly reports shall  
56 not be later than the fifteenth day of January, April, July and October for periods  
57 closing on the thirty-first day of December, the thirty-first day of March, the  
58 thirtieth day of June and the thirtieth day of September. No candidate, treasurer  
59 or deputy treasurer shall be required to file the quarterly disclosure report  
60 required not later than the fifteenth day of any January immediately following  
61 a November election, provided that such candidate, treasurer or deputy treasurer  
62 shall file the information required on such quarterly report on the quarterly  
63 report to be filed not later than the fifteenth day of April immediately following  
64 such November election. Each report by such committee shall be cumulative from  
65 the date of the last report. In the case of the continuing committee's first report,  
66 the report shall be cumulative from the date of the continuing committee's  
67 organization. Every candidate, treasurer or deputy treasurer shall file, at a  
68 minimum, the campaign disclosure reports covering the quarter immediately  
69 preceding the date of the election and those required by subdivisions (1) and (2)

70 of subsection 1 of this section. A continuing committee shall submit additional  
71 reports if it makes aggregate expenditures, other than contributions to a  
72 committee, of five hundred dollars or more, within the reporting period at the  
73 following times for the following periods:

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

76 (2) Not later than forty-eight hours after aggregate expenditures of five  
77 hundred dollars or more are made after the twelfth day before the election; and

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

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

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

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

94 (a) If there are less than fifty days between a primary election and the  
95 immediately succeeding general election, the disclosure report required to be filed  
96 quarterly; provided that, any other report required to be filed prior to the primary  
97 election and all other reports required to be filed not later than the eighth day  
98 before the general election are filed no later than the final dates for filing such  
99 reports;

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

106 (2) No disclosure report needs to be filed for any reporting period if during  
107 that reporting period the committee has neither received contributions  
108 aggregating more than five hundred dollars nor made expenditure aggregating  
109 more than five hundred dollars and has not received contributions aggregating  
110 more than [three hundred dollars] **the amount set out in subdivision (3) of**  
111 **subsection 1 of section 130.032, as increased by subsection 2 of section**  
112 **130.032**, from any single contributor and if the committee's treasurer files a  
113 statement with the appropriate officer that the committee has not exceeded the  
114 identified thresholds in the reporting period. Any contributions received or  
115 expenditures made which are not reported because this statement is filed in lieu  
116 of a disclosure report shall be included in the next disclosure report filed by the  
117 committee. This statement shall not be filed in lieu of the report for two or more  
118 consecutive disclosure periods if either the contributions received or expenditures  
119 made in the aggregate during those reporting periods exceed five hundred  
120 dollars. This statement shall not be filed, in lieu of the report, later than the  
121 thirtieth day after an election if that report would show a deficit of more than one  
122 thousand dollars.

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

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

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

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

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

130.049. 1. An out-of-state committee which according to the provisions  
2 of subsection 10 of section 130.021 is not required to file a statement of  
3 organization and is not required to file the full disclosure reports required by  
4 section 130.041 shall file reports with the Missouri ethics commission according  
5 to [the provisions of such sections] **this subsection** if the committee makes  
6 contributions or expenditures in support of or in opposition to candidates or ballot  
7 measures in this state in any election covered by this chapter or makes  
8 contributions to any committee domiciled in this state. An initial report shall be  
9 filed no later than fourteen days prior to the date such out-of-state committee  
10 first makes a contribution or expenditure in this state[. Such initial report shall  
11 state the name and address of the committee receiving such contributions or  
12 expenditures], **and thereafter reports shall be filed at the times and for**  
13 **the reporting periods prescribed in subsection 1 of section 130.046.** The  
14 contributions or expenditures shall be made no later than thirty days prior to the  
15 election. [The out-of-state committee thereafter shall file copies of the campaign  
16 disclosure report required to be filed in the domicile of the committee with the  
17 Missouri ethics commission as required by subsections 1 to 3 of section 130.046.]  
18 No candidate or committee may accept any contribution made by a committee  
19 domiciled outside this state unless the provisions of this section are met.

20         **2. Each out-of-state committee report shall contain:**

21             **(1) The full name, address, and domicile of the committee making**  
22 **the report and the name, residential, and business addresses, domicile,**  
23 **and telephone numbers of the committee's treasurer;**

24             **(2) The name and address of any entity such as a labor union,**

25 trade or business or professional association, club, or other  
26 organization, or any business entity with which the committee is  
27 affiliated;

28 (3) A statement of the total dollar amount of all funds received  
29 by the committee in the current calendar year and a statement of the  
30 total contributions in the same period from persons domiciled in this  
31 state and a list by name, address, date, and amount of each Missouri  
32 resident who contributed an aggregate of more than two hundred  
33 dollars in the current calendar year;

34 (4) A list by name, address, date, and amount regarding any  
35 contributor to the out-of-state committee, regardless of state of  
36 residency, who made a contribution during the reporting period which  
37 was restricted or designated in whole or in part for use in supporting  
38 or opposing a candidate, ballot measure, or committee in this state or  
39 was restricted for use in this state at the committee's discretion, or a  
40 statement that no such contributions were received;

41 (5) A statement as to whether the committee is required to file  
42 reports with the Federal Election Commission, and a listing of agencies  
43 in other states with which the committee files reports, if any;

44 (6) A separate listing showing contributions made in support of  
45 or opposition to each candidate or ballot measure in this state, together  
46 with the date and amount of each contribution;

47 (7) A separate listing showing contributions made to any  
48 committee domiciled in this state with the date and amount of each  
49 contribution.

130.050. [1. An out-of-state committee which, according to the provisions  
2 of subsection 10 of section 130.021, is not required to file a statement of  
3 organization and is not required to file the full disclosure reports required by  
4 section 130.041 shall file reports with the Missouri ethics commission according  
5 to the provisions of this subsection if the committee makes contributions or  
6 expenditures in support of or in opposition to candidates or ballot measures in  
7 this state in any election covered by this chapter or makes contributions to any  
8 committee domiciled in this state. An initial report shall be filed on or within  
9 fourteen days prior to the date such out-of-state committee first makes a  
10 contribution or expenditure in this state, and thereafter reports shall be filed at  
11 the times and for the reporting periods prescribed in subsection 1 of section  
12 130.046. Each report shall contain:

13 (1) The full name, address and domicile of the committee making the  
14 report and the name, residential and business addresses, domicile and telephone  
15 numbers of the committee's treasurer;

16 (2) The name and address of any entity such as a labor union, trade or  
17 business or professional association, club or other organization or any business  
18 entity with which the committee is affiliated;

19 (3) A statement of the total dollar amount of all funds received by the  
20 committee in the current calendar year and a statement of the total contributions  
21 in the same period from persons domiciled in this state and a list by name,  
22 address, date and amount of each Missouri resident who contributed an aggregate  
23 of more than two hundred dollars in the current calendar year;

24 (4) A list by name, address, date and amount regarding any contributor  
25 to the out-of-state committee, regardless of state of residency, who made a  
26 contribution during the reporting period which was restricted or designated in  
27 whole or in part for use in supporting or opposing a candidate, ballot measure or  
28 committee in this state or was restricted for use in this state at the committee's  
29 discretion, or a statement that no such contributions were received;

30 (5) A statement as to whether the committee is required to file reports  
31 with the Federal Election Commission, and a listing of agencies in other states  
32 with which the committee files reports, if any;

33 (6) A separate listing showing contributions made in support of or  
34 opposition to each candidate or ballot measure in this state, together with the  
35 date and amount of each contribution;

36 (7) A separate listing showing contributions made to any committee  
37 domiciled in this state with the date and amount of each contribution.

38 2. In the case of a political party committee's selection of an individual to  
39 be the party's nominee for public office in an election covered by this chapter, any  
40 individual who seeks such nomination and who is a candidate according to the  
41 definition of the term candidate in section 130.011 shall be required to comply  
42 with all requirements of this chapter; except that, for the purposes of this  
43 subsection, the reporting dates and reporting periods in section 130.046 shall not  
44 apply, and the first reporting date shall be no later than the fifteenth day after  
45 the date on which a nomination covered by this subsection was made and for the  
46 period beginning on the date the individual became a candidate, as the term  
47 candidate is defined in section 130.011, and closing on the tenth day after the  
48 date the nomination was made, with subsequent reports being made as closely as

49 practicable to the times required in section 130.046.

50           3.] The receipt of any late contribution or loan of more than two hundred  
51 fifty dollars by a candidate committee supporting a candidate for statewide office  
52 or by any other committee shall be reported to the appropriate officer no later  
53 than forty-eight hours after receipt. For purposes of this subsection the term  
54 "late contribution or loan" means a contribution or loan received after the closing  
55 date of the last disclosure report required to be filed before an election but  
56 received prior to the date of the election itself. The disclosure report of a late  
57 contribution may be made by any written means of communication, setting forth  
58 the name and address of the contributor or lender and the amount of the  
59 contribution or loan and need not contain the signatures and certification  
60 required for a full disclosure report described in section 130.041. A late  
61 contribution or loan shall be included in subsequent disclosure reports without  
62 regard to any special reports filed pursuant to this subsection.

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

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

19           3. When the commission determines that the electronic reporting system  
20 has been properly implemented, the commission shall certify to all candidates and  
21 committees required to file pursuant to this chapter that such electronic reporting  
22 system has been established and implemented. Beginning with the primary and

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

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

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

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

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

**130.062. In the case of a political party committee's selection of  
2 an individual to be the party's nominee for public office in an election  
3 covered by this chapter, any individual who seeks such nomination and  
4 who is a candidate according to the definition of the term "candidate"  
5 in section 130.011 shall be required to comply with all requirements of  
6 this chapter; except that, for the purposes of this section, the reporting  
7 dates and reporting periods in section 130.046 shall not apply, and the  
8 first reporting date shall be no later than the fifteenth day after the  
9 date on which a nomination covered by this section was made and for  
10 the period beginning on the date the individual became a candidate, as  
11 the term candidate is defined in section 130.011, and closing on the  
12 tenth day after the date the nomination was made, with subsequent  
13 reports being made as closely as practicable to the times required in  
14 section 130.046.**

[105.971. 1. Any person who for valuable consideration acts  
2 in a representative capacity for the purpose of attempting to  
3 influence the decisions of any elected official or member of any  
4 commission, board, or committee of any city with a population of at  
5 least four hundred thousand shall advise the city clerk of his  
6 contact with or his intention to contact such official or member for  
7 the purpose of attempting to influence the decision of such elected  
8 official or member within ten working days of such contact.

9                   2. The requirements of subsection 1 of this section shall be  
10 satisfied by sending a letter to the clerk of such city, containing the  
11 person's name and business address; the name and address of the  
12 person, business, association, partnership or corporation for whom  
13 he is attempting to obtain a decision and the department of city  
14 government which he is attempting to influence.

15                   3. The city clerk shall, upon receipt, make such letters open  
16 for public inspection during normal business hours.

17                   4. Representatives of the news media engaged in the  
18 exercise or expression of any editorial opinion are exempt from this  
19 section.

20                   5. Violation of this section is an infraction.]

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

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

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