

# SENATE AMENDMENT NO. \_\_\_\_\_

Offered by \_\_\_\_\_ Of \_\_\_\_\_

Amend SS/SCS/House Bill No. 251, Page 1, Section Title, Line 4,

2 by striking all of said line and inserting in lieu thereof the  
3 following: "donors in elections, with penalty provisions."; and

4 Further amend said bill, page 24, section 105.595, line 11  
5 by inserting after all of said line the following:

6 "[130.011. As used in this chapter, unless the context  
7 clearly indicates otherwise, the following terms mean:

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

11 (2) "Ballot measure" or "measure", any proposal submitted  
12 or intended to be submitted to qualified voters for their  
13 approval or rejection, including any proposal submitted by  
14 initiative petition, referendum petition, or by the general  
15 assembly or any local governmental body having authority to refer  
16 proposals to the voter;

17 (3) "Campaign committee", a committee, other than a  
18 candidate committee, which shall be formed by an individual or  
19 group of individuals to receive contributions or make  
20 expenditures and whose sole purpose is to support or oppose the  
21 qualification and passage of one or more particular ballot  
22 measures in an election or the retention of judges under the  
23 nonpartisan court plan, such committee shall be formed no later  
24 than thirty days prior to the election for which the committee  
25 receives contributions or makes expenditures, and which shall  
26 terminate the later of either thirty days after the general  
27 election or upon the satisfaction of all committee debt after the  
28 general election, except that no committee retiring debt shall  
29 engage in any other activities in support of a measure for which  
30 the committee was formed;

31 (4) "Candidate", an individual who seeks nomination or  
32 election to public office. The term "candidate" includes an  
33 elected officeholder who is the subject of a recall election, an  
34 individual who seeks nomination by the individual's political

1 party for election to public office, an individual standing for  
2 retention in an election to an office to which the individual was  
3 previously appointed, an individual who seeks nomination or  
4 election whether or not the specific elective public office to be  
5 sought has been finally determined by such individual at the time  
6 the individual meets the conditions described in paragraph (a) or  
7 (b) of this subdivision, and an individual who is a write-in  
8 candidate as defined in subdivision (28) of this section. A  
9 candidate shall be deemed to seek nomination or election when the  
10 person first:

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

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

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

30 (5) "Candidate committee", a committee which shall be  
31 formed by a candidate to receive contributions or make  
32 expenditures in behalf of the person's candidacy and which shall  
33 continue in existence for use by an elected candidate or which  
34 shall terminate the later of either thirty days after the general  
35 election for a candidate who was not elected or upon the  
36 satisfaction of all committee debt after the election, except  
37 that no committee retiring debt shall engage in any other  
38 activities in support of the candidate for which the committee  
39 was formed. Any candidate for elective office shall have only  
40 one candidate committee for the elective office sought, which is  
41 controlled directly by the candidate for the purpose of making  
42 expenditures. A candidate committee is presumed to be under the  
43 control and direction of the candidate unless the candidate files  
44 an affidavit with the appropriate officer stating that the  
45 committee is acting without control or direction on the  
46 candidate's part;

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

51 (7) "Check", a check drawn on a state or federal bank, or a  
52 draft on a negotiable order of withdrawal account in a savings

1 and loan association or a share draft account in a credit union;

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

4 (9) "Committee", a person or any combination of persons,  
5 who accepts contributions or makes expenditures for the primary  
6 or incidental purpose of influencing or attempting to influence  
7 the action of voters for or against the nomination or election to  
8 public office of one or more candidates or the qualification,  
9 passage or defeat of any ballot measure or for the purpose of  
10 paying a previously incurred campaign debt or obligation of a  
11 candidate or the debts or obligations of a committee or for the  
12 purpose of contributing funds to another committee:

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

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

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

22 c. A corporation, cooperative association, partnership,  
23 proprietorship, or joint venture organized or operated for a  
24 primary or principal purpose other than that of influencing or  
25 attempting to influence the action of voters for or against the  
26 nomination or election to public office of one or more candidates  
27 or the qualification, passage or defeat of any ballot measure,  
28 and it accepts no contributions, and all expenditures it makes  
29 are from its own funds or property obtained in the usual course  
30 of business or in any commercial or other transaction and which  
31 are not contributions as defined by subdivision (11) of this  
32 section;

33 d. A labor organization organized or operated for a primary  
34 or principal purpose other than that of influencing or attempting  
35 to influence the action of voters for or against the nomination  
36 or election to public office of one or more candidates, or the  
37 qualification, passage, or defeat of any ballot measure, and it  
38 accepts no contributions, and expenditures made by the  
39 organization are from its own funds or property received from  
40 membership dues or membership fees which were given or solicited  
41 for the purpose of supporting the normal and usual activities and  
42 functions of the organization and which are not contributions as  
43 defined by subdivision (11) of this section;

44 e. A person who acts as an authorized agent for a committee  
45 in soliciting or receiving contributions or in making  
46 expenditures or incurring indebtedness on behalf of the committee  
47 if such person renders to the committee treasurer or deputy  
48 treasurer or candidate, if applicable, an accurate account of  
49 each receipt or other transaction in the detail required by the  
50 treasurer to comply with all record-keeping and reporting  
51 requirements of this chapter;

52 f. Any department, agency, board, institution or other

1 entity of the state or any of its subdivisions or any officer or  
2 employee thereof, acting in the person's official capacity;

3 (b) The term "committee" includes, but is not limited to,  
4 each of the following committees: campaign committee, candidate  
5 committee, political action committee, exploratory committee, and  
6 political party committee;

7 (10) "Connected organization", any organization such as a  
8 corporation, a labor organization, a membership organization, a  
9 cooperative, or trade or professional association which expends  
10 funds or provides services or facilities to establish, administer  
11 or maintain a committee or to solicit contributions to a  
12 committee from its members, officers, directors, employees or  
13 security holders. An organization shall be deemed to be the  
14 connected organization if more than fifty percent of the persons  
15 making contributions to the committee during the current calendar  
16 year are members, officers, directors, employees or security  
17 holders of such organization or their spouses;

18 (11) "Contribution", a payment, gift, loan, advance,  
19 deposit, or donation of money or anything of value for the  
20 purpose of supporting or opposing the nomination or election of  
21 any candidate for public office or the qualification, passage or  
22 defeat of any ballot measure, or for the support of any committee  
23 supporting or opposing candidates or ballot measures or for  
24 paying debts or obligations of any candidate or committee  
25 previously incurred for the above purposes. A contribution of  
26 anything of value shall be deemed to have a money value  
27 equivalent to the fair market value. "Contribution" includes,  
28 but is not limited to:

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

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

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

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

42 (e) Any loan, guarantee of a loan, cancellation or  
43 forgiveness of a loan or debt or other obligation by a third  
44 party, or payment of a loan or debt or other obligation by a  
45 third party if the loan or debt or other obligation was  
46 contracted, used, or intended, in whole or in part, for use in an  
47 election campaign or used or intended for the payment of such  
48 debts or obligations of a candidate or committee previously  
49 incurred, or which was made or received by a committee;

50 (f) Funds received by a committee which are transferred to  
51 such committee from another committee or other source, except  
52 funds received by a candidate committee as a transfer of funds

1 from another candidate committee controlled by the same candidate  
2 but such transfer shall be included in the disclosure reports;

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

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

14 (i) "Contribution" does not include:

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

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

25 c. Interest earned on deposit of committee funds;

26 d. The costs incurred by any connected organization listed  
27 pursuant to subdivision (4) of subsection 5 of section 130.021  
28 for establishing, administering or maintaining a committee, or  
29 for the solicitation of contributions to a committee which  
30 solicitation is solely directed or related to the members,  
31 officers, directors, employees or security holders of the  
32 connected organization;

33 (12) "County", any one of the several counties of this  
34 state or the city of St. Louis;

35 (13) "Disclosure report", an itemized report of receipts,  
36 expenditures and incurred indebtedness which is prepared on forms  
37 approved by the Missouri ethics commission and filed at the times  
38 and places prescribed;

39 (14) "Election", any primary, general or special election  
40 held to nominate or elect an individual to public office, to  
41 retain or recall an elected officeholder or to submit a ballot  
42 measure to the voters, and any caucus or other meeting of a  
43 political party or a political party committee at which that  
44 party's candidate or candidates for public office are officially  
45 selected. A primary election and the succeeding general election  
46 shall be considered separate elections;

47 (15) "Expenditure", a payment, advance, conveyance,  
48 deposit, donation or contribution of money or anything of value  
49 for the purpose of supporting or opposing the nomination or  
50 election of any candidate for public office or the qualification  
51 or passage of any ballot measure or for the support of any  
52 committee which in turn supports or opposes any candidate or

1 ballot measure or for the purpose of paying a previously incurred  
2 campaign debt or obligation of a candidate or the debts or  
3 obligations of a committee; a payment, or an agreement or promise  
4 to pay, money or anything of value, including a candidate's own  
5 money or property, for the purchase of goods, services, property,  
6 facilities or anything of value for the purpose of supporting or  
7 opposing the nomination or election of any candidate for public  
8 office or the qualification or passage of any ballot measure or  
9 for the support of any committee which in turn supports or  
10 opposes any candidate or ballot measure or for the purpose of  
11 paying a previously incurred campaign debt or obligation of a  
12 candidate or the debts or obligations of a committee. An  
13 expenditure of anything of value shall be deemed to have a money  
14 value equivalent to the fair market value. "Expenditure"  
15 includes, but is not limited to:

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

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

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

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

30 (e) "Expenditure" does not include:

31 a. Any news story, commentary or editorial which is  
32 broadcast or published by any broadcasting station, newspaper,  
33 magazine or other periodical without charge to the candidate or  
34 to any person supporting or opposing a candidate or ballot  
35 measure;

36 b. The internal dissemination by any membership  
37 organization, proprietorship, labor organization, corporation,  
38 association or other entity of information advocating the  
39 election or defeat of a candidate or candidates or the passage or  
40 defeat of a ballot measure or measures to its directors,  
41 officers, members, employees or security holders, provided that  
42 the cost incurred is reported pursuant to subsection 2 of section  
43 130.051;

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

46 d. The rendering of voluntary personal services by an  
47 individual of the sort commonly performed by volunteer campaign  
48 workers and the payment by such individual of the individual's  
49 necessary and ordinary personal expenses incidental to such  
50 volunteer activity, provided no compensation is, directly or  
51 indirectly, asked or given;

52 e. The costs incurred by any connected organization listed

1 pursuant to subdivision (4) of subsection 5 of section 130.021  
2 for establishing, administering or maintaining a committee, or  
3 for the solicitation of contributions to a committee which  
4 solicitation is solely directed or related to the members,  
5 officers, directors, employees or security holders of the  
6 connected organization;

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

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

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

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

25 (19) "Labor organization", any organization of any kind, or  
26 any agency or employee representation committee or plan, in which  
27 employees participate and which exists for the purpose, in whole  
28 or in part, of dealing with employers concerning grievances,  
29 labor disputes, wages, rates of pay, hours of employment, or  
30 conditions of work;

31 (20) "Loan", a transfer of money, property or anything of  
32 ascertainable monetary value in exchange for an obligation,  
33 conditional or not, to repay in whole or in part and which was  
34 contracted, used, or intended for use in an election campaign, or  
35 which was made or received by a committee or which was  
36 contracted, used, or intended to pay previously incurred campaign  
37 debts or obligations of a candidate or the debts or obligations  
38 of a committee;

39 (21) "Person", an individual, group of individuals,  
40 corporation, partnership, committee, proprietorship, joint  
41 venture, any department, agency, board, institution or other  
42 entity of the state or any of its political subdivisions, union,  
43 labor organization, trade or professional or business  
44 association, association, political party or any executive  
45 committee thereof, or any other club or organization however  
46 constituted or any officer or employee of such entity acting in  
47 the person's official capacity;

48 (22) "Political action committee", a committee of  
49 continuing existence which is not formed, controlled or directed  
50 by a candidate, and is a committee other than a candidate  
51 committee, political party committee, campaign committee,  
52 exploratory committee, or debt service committee, whose primary

1 or incidental purpose is to receive contributions or make  
2 expenditures to influence or attempt to influence the action of  
3 voters whether or not a particular candidate or candidates or a  
4 particular ballot measure or measures to be supported or opposed  
5 has been determined at the time the committee is required to file  
6 any statement or report pursuant to the provisions of this  
7 chapter. Such a committee includes, but is not limited to, any  
8 committee organized or sponsored by a business entity, a labor  
9 organization, a professional association, a trade or business  
10 association, a club or other organization and whose primary  
11 purpose is to solicit, accept and use contributions from the  
12 members, employees or stockholders of such entity and any  
13 individual or group of individuals who accept and use  
14 contributions to influence or attempt to influence the action of  
15 voters. Such committee shall be formed no later than sixty days  
16 prior to the election for which the committee receives  
17 contributions or makes expenditures;

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

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

28 (25) "Political party committee", a committee of a  
29 political party which may be organized as a not-for-profit  
30 corporation under Missouri law and has the primary or incidental  
31 purpose of receiving contributions and making expenditures to  
32 influence or attempt to influence the action of voters on behalf  
33 of the political party. Political party committees shall only  
34 take the following forms:

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

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

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

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

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

49  
50 130.011. As used in this chapter, unless the context



1 clearly indicates otherwise, the following terms mean:

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

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

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

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

28 (b) Knows or has reason to know that contributions are  
29 being received or expenditures are being made or space or

1 facilities are being reserved with the intent to promote the  
2 person's candidacy for office; except that, such individual shall  
3 not be deemed a candidate if the person files a statement with  
4 the appropriate officer within five days after learning of the  
5 receipt of contributions, the making of expenditures, or the  
6 reservation of space or facilities disavowing the candidacy and  
7 stating that the person will not accept nomination or take office  
8 if elected; provided that, if the election at which such  
9 individual is supported as a candidate is to take place within  
10 five days after the person's learning of the above-specified  
11 activities, the individual shall file the statement disavowing  
12 the candidacy within one day; or

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

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

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

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

24 (7) "Committee", a person or any combination of persons,  
25 who accepts contributions or makes expenditures for the primary  
26 or incidental purpose of influencing or attempting to influence  
27 the action of voters for or against the nomination or election to  
28 public office of one or more candidates or the qualification,  
29 passage or defeat of any ballot measure or for the purpose of

1 paying a previously incurred campaign debt or obligation of a  
2 candidate or the debts or obligations of a committee or for the  
3 purpose of contributing funds to another committee:

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

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

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

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

24 d. A labor organization organized or operated for a primary  
25 or principal purpose other than that of influencing or attempting  
26 to influence the action of voters for or against the nomination  
27 or election to public office of one or more candidates, or the  
28 qualification, passage, or defeat of any ballot measure, and it  
29 accepts no contributions, and expenditures made by the

1 organization are from its own funds or property received from  
2 membership dues or membership fees which were given or solicited  
3 for the purpose of supporting the normal and usual activities and  
4 functions of the organization and which are not contributions as  
5 defined by subdivision (12) of this section;

6 e. A person who acts as an authorized agent for a committee  
7 in soliciting or receiving contributions or in making  
8 expenditures or incurring indebtedness on behalf of the committee  
9 if such person renders to the committee treasurer or deputy  
10 treasurer or candidate, if applicable, an accurate account of  
11 each receipt or other transaction in the detail required by the  
12 treasurer to comply with all record-keeping and reporting  
13 requirements of this chapter;

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

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

20 (8) "Campaign committee", a committee, other than a  
21 candidate committee, which shall be formed by an individual or  
22 group of individuals to receive contributions or make  
23 expenditures and whose sole purpose is to support or oppose the  
24 qualification and passage of one or more particular ballot  
25 measures in an election or the retention of judges under the  
26 nonpartisan court plan, such committee shall be formed no later  
27 than thirty days prior to the election for which the committee  
28 receives contributions or makes expenditures, and which shall  
29 terminate the later of either thirty days after the general

1 election or upon the satisfaction of all committee debt after the  
2 general election, except that no committee retiring debt shall  
3 engage in any other activities in support of a measure for which  
4 the committee was formed;

5 (9) "Candidate committee", a committee which shall be  
6 formed by a candidate to receive contributions or make  
7 expenditures in behalf of the person's candidacy and which shall  
8 continue in existence for use by an elected candidate or which  
9 shall terminate the later of either thirty days after the general  
10 election for a candidate who was not elected or upon the  
11 satisfaction of all committee debt after the election, except  
12 that no committee retiring debt shall engage in any other  
13 activities in support of the candidate for which the committee  
14 was formed. Any candidate for elective office shall have only  
15 one candidate committee for the elective office sought, which is  
16 controlled directly by the candidate for the purpose of making  
17 expenditures. A candidate committee is presumed to be under the  
18 control and direction of the candidate unless the candidate files  
19 an affidavit with the appropriate officer stating that the  
20 committee is acting without control or direction on the  
21 candidate's part;

22 (10) "Continuing committee", a committee of continuing  
23 existence which is not formed, controlled or directed by a  
24 candidate, and is a committee other than a candidate committee or  
25 campaign committee, whose primary or incidental purpose is to  
26 receive contributions or make expenditures to influence or  
27 attempt to influence the action of voters whether or not a  
28 particular candidate or candidates or a particular ballot measure  
29 or measures to be supported or opposed has been determined at the

1 time the committee is required to file any statement or report  
2 pursuant to the provisions of this chapter. "Continuing  
3 committee" includes, but is not limited to, any committee  
4 organized or sponsored by a business entity, a labor  
5 organization, a professional association, a trade or business  
6 association, a club or other organization and whose primary  
7 purpose is to solicit, accept and use contributions from the  
8 members, employees or stockholders of such entity and any  
9 individual or group of individuals who accept and use  
10 contributions to influence or attempt to influence the action of  
11 voters. Such committee shall be formed no later than sixty days  
12 prior to the election for which the committee receives  
13 contributions or makes expenditures;

14 (11) "Connected organization", any organization such as a  
15 corporation, a labor organization, a membership organization, a  
16 cooperative, or trade or professional association which expends  
17 funds or provides services or facilities to establish, administer  
18 or maintain a committee or to solicit contributions to a  
19 committee from its members, officers, directors, employees or  
20 security holders. An organization shall be deemed to be the  
21 connected organization if more than fifty percent of the persons  
22 making contributions to the committee during the current calendar  
23 year are members, officers, directors, employees or security  
24 holders of such organization or their spouses;

25 (12) "Contribution", a payment, gift, loan, advance,  
26 deposit, or donation of money or anything of value for the  
27 purpose of supporting or opposing the nomination or election of  
28 any candidate for public office or the qualification, passage or  
29 defeat of any ballot measure, or for the support of any committee

1 supporting or opposing candidates or ballot measures or for  
2 paying debts or obligations of any candidate or committee  
3 previously incurred for the above purposes. A contribution of  
4 anything of value shall be deemed to have a money value  
5 equivalent to the fair market value. "Contribution" includes,  
6 but is not limited to:

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

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

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

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

20 (e) Any loan, guarantee of a loan, cancellation or  
21 forgiveness of a loan or debt or other obligation by a third  
22 party, or payment of a loan or debt or other obligation by a  
23 third party if the loan or debt or other obligation was  
24 contracted, used, or intended, in whole or in part, for use in an  
25 election campaign or used or intended for the payment of such  
26 debts or obligations of a candidate or committee previously  
27 incurred, or which was made or received by a committee;

28 (f) Funds received by a committee which are transferred to  
29 such committee from another committee or other source, except

1 funds received by a candidate committee as a transfer of funds  
2 from another candidate committee controlled by the same candidate  
3 but such transfer shall be included in the disclosure reports;

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

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

15 (i) "Contribution" does not include:

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

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

26 c. Interest earned on deposit of committee funds;

27 d. The costs incurred by any connected organization listed  
28 pursuant to subdivision (4) of subsection 5 of section 130.021  
29 for establishing, administering or maintaining a committee, or



1 for the solicitation of contributions to a committee which  
2 solicitation is solely directed or related to the members,  
3 officers, directors, employees or security holders of the  
4 connected organization;

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

7 (14) "Covered communication":

8 (a) Paid advertisements broadcast over radio, television,  
9 cable, or satellite in this state;

10 (b) Paid placement of content on the internet or other  
11 electronic communication network targeted to voters in this  
12 state;

13 (c) Paid advertisements published in a periodical or on a  
14 billboard in this state;

15 (d) Paid telephone communications to five hundred or more  
16 households in this state;

17 (e) Mailings sent or distributed through the United States  
18 Postal Service or similar private mail carriers to two thousand  
19 or more recipients in this state; and

20 (f) Printed materials exceeding two thousand copies  
21 distributed in this state;

22 (15) "Covered organization", any organization that is  
23 exempt from taxation under Section 501(c)(4) of the Internal  
24 Revenue Code of 1986, as amended;

25 (16) "Disclosure report", an itemized report of receipts,  
26 expenditures and incurred indebtedness which is prepared on forms  
27 approved by the Missouri ethics commission and filed at the times  
28 and places prescribed;

29 [(15)] (17) "Election", any primary, general or special

1 election held to nominate or elect an individual to public  
2 office, to retain or recall an elected officeholder or to submit  
3 a ballot measure to the voters, and any caucus or other meeting  
4 of a political party or a political party committee at which that  
5 party's candidate or candidates for public office are officially  
6 selected. A primary election and the succeeding general election  
7 shall be considered separate elections;

8 (18) "Electioneering activities":

9 (a) Any covered communication that influences or attempts  
10 to influence the action of voters for or against the nomination  
11 or election to public office of one or more candidates or the  
12 qualification, passage, or defeat of any ballot measure; and

13 (b) Any covered communication made within forty-five days  
14 of a primary election or ninety days of a general election that:

15 a. Identifies or depicts a particular candidate by name but  
16 does not specifically call for his or her election or defeat; or

17 b. Identifies or depicts a particular ballot measure by  
18 name or by its proposition or amendment number but does not  
19 specifically call for its qualification, passage, or defeat;

20 ~~[(16)]~~ (19) "Expenditure", a payment, advance, conveyance,  
21 deposit, donation or contribution of money or anything of value  
22 for the purpose of supporting or opposing the nomination or  
23 election of any candidate for public office or the qualification  
24 or passage of any ballot measure or for the support of any  
25 committee which in turn supports or opposes any candidate or  
26 ballot measure or for the purpose of paying a previously incurred  
27 campaign debt or obligation of a candidate or the debts or  
28 obligations of a committee; a payment, or an agreement or promise  
29 to pay, money or anything of value, including a candidate's own

1 money or property, for the purchase of goods, services, property,  
2 facilities or anything of value for the purpose of supporting or  
3 opposing the nomination or election of any candidate for public  
4 office or the qualification or passage of any ballot measure or  
5 for the support of any committee which in turn supports or  
6 opposes any candidate or ballot measure or for the purpose of  
7 paying a previously incurred campaign debt or obligation of a  
8 candidate or the debts or obligations of a committee. An  
9 expenditure of anything of value shall be deemed to have a money  
10 value equivalent to the fair market value. "Expenditure"  
11 includes, but is not limited to:

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

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

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

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

26 (e) "Expenditure" does not include:

27 a. Any news story, commentary or editorial which is  
28 broadcast or published by any broadcasting station, newspaper,  
29 magazine or other periodical without charge to the candidate or

1 to any person supporting or opposing a candidate or ballot  
2 measure;

3 b. The internal dissemination by any membership  
4 organization, proprietorship, labor organization, corporation,  
5 association or other entity of information advocating the  
6 election or defeat of a candidate or candidates or the passage or  
7 defeat of a ballot measure or measures to its directors,  
8 officers, members, employees or security holders, provided that  
9 the cost incurred is reported pursuant to subsection 2 of section  
10 130.051;

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

13 d. The rendering of voluntary personal services by an  
14 individual of the sort commonly performed by volunteer campaign  
15 workers and the payment by such individual of the individual's  
16 necessary and ordinary personal expenses incidental to such  
17 volunteer activity, provided no compensation is, directly or  
18 indirectly, asked or given;

19 e. The costs incurred by any connected organization listed  
20 pursuant to subdivision (4) of subsection 5 of section 130.021  
21 for establishing, administering or maintaining a committee, or  
22 for the solicitation of contributions to a committee which  
23 solicitation is solely directed or related to the members,  
24 officers, directors, employees or security holders of the  
25 connected organization;

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

1            [(17)] (20) "Exploratory committees", a committee which  
2 shall be formed by an individual to receive contributions and  
3 make expenditures on behalf of this individual in determining  
4 whether or not the individual seeks elective office. Such  
5 committee shall terminate no later than December thirty-first of  
6 the year prior to the general election for the possible office;

7            [(18)] (21) "Fund-raising event", an event such as a  
8 dinner, luncheon, reception, coffee, testimonial, rally, auction  
9 or similar affair through which contributions are solicited or  
10 received by such means as the purchase of tickets, payment of  
11 attendance fees, donations for prizes or through the purchase of  
12 goods, services or political merchandise;

13           [(19)] (22) "In-kind contribution" or "in-kind  
14 expenditure", a contribution or expenditure in a form other than  
15 money;

16           [(20)] (23) "Labor organization", any organization of any  
17 kind, or any agency or employee representation committee or plan,  
18 in which employees participate and which exists for the purpose,  
19 in whole or in part, of dealing with employers concerning  
20 grievances, labor disputes, wages, rates of pay, hours of  
21 employment, or conditions of work;

22           [(21)] (24) "Loan", a transfer of money, property or  
23 anything of ascertainable monetary value in exchange for an  
24 obligation, conditional or not, to repay in whole or in part and  
25 which was contracted, used, or intended for use in an election  
26 campaign, or which was made or received by a committee or which  
27 was contracted, used, or intended to pay previously incurred  
28 campaign debts or obligations of a candidate or the debts or  
29 obligations of a committee;

1            [(22)] (25) "Person", an individual, group of individuals,  
2 corporation, partnership, committee, proprietorship, joint  
3 venture, any department, agency, board, institution or other  
4 entity of the state or any of its political subdivisions, union,  
5 labor organization, trade or professional or business  
6 association, association, political party or any executive  
7 committee thereof, or any other club or organization however  
8 constituted or any officer or employee of such entity acting in  
9 the person's official capacity;

10           [(23)] (26) "Political merchandise", goods such as bumper  
11 stickers, pins, hats, ties, jewelry, literature, or other items  
12 sold or distributed at a fund-raising event or to the general  
13 public for publicity or for the purpose of raising funds to be  
14 used in supporting or opposing a candidate for nomination or  
15 election or in supporting or opposing the qualification, passage  
16 or defeat of a ballot measure;

17           [(24)] (27) "Political party", a political party which has  
18 the right under law to have the names of its candidates listed on  
19 the ballot in a general election;

20           [(25)] (28) "Political party committee", a state, district,  
21 county, city, or area committee of a political party, as defined  
22 in section 115.603, which may be organized as a not-for-profit  
23 corporation under Missouri law, and which committee is of  
24 continuing existence, and has the primary or incidental purpose  
25 of receiving contributions and making expenditures to influence  
26 or attempt to influence the action of voters on behalf of the  
27 political party;

28           [(26)] (29) "Public office" or "office", any state,  
29 judicial, county, municipal, school or other district, ward,

1 township, or other political subdivision office or any political  
2 party office which is filled by a vote of registered voters;

3 [(27)] (30) "Regular session", includes that period  
4 beginning on the first Wednesday after the first Monday in  
5 January and ending following the first Friday after the second  
6 Monday in May;

7 [(28)] (31) "Write-in candidate", an individual whose name  
8 is not printed on the ballot but who otherwise meets the  
9 definition of candidate in subdivision (3) of this section.

10 130.062. 1. By January thirty-first of each year, any  
11 covered organization that made expenditures for the purpose of  
12 electioneering activities by means of a covered communication, or  
13 that made a contribution, including in-kind contributions, to a  
14 committee in the previous calendar year shall disclose in an  
15 electronic disclosure report to the ethics commission:

16 (1) All expenditures made for purposes of electioneering  
17 activities by means of a covered communication in the previous  
18 calendar year;

19 (2) All contributions, including in-kind contributions, to  
20 a committee in the previous calendar year;

21 (3) The percentage of their total expenditures from the  
22 previous calendar year for purposes of electioneering activities  
23 by means of a covered communication;

24 (4) The percentage of their total expenditures made from  
25 the previous calendar year for contributions including in-kind  
26 contributions to a committee during the previous calendar year;

27 (5) The name and address of each person or entity making  
28 any single donation over one thousand dollars, and each person or  
29 entity who has made, in the aggregate, donations over one

1 thousand dollars to such organization during the previous  
2 calendar year; and

3 (6) The date and amount of each donation over one thousand  
4 dollars, or of any donation from a person who has made, in the  
5 aggregate, donations over one thousand dollars to such  
6 organization during the previous calendar year.

7  
8 Such information shall be a matter of public record which the  
9 ethics commission shall subsequently make available to the  
10 public.

11 2. Any organization required to file disclosure reports  
12 under subsection 1 of this section shall make such disclosures  
13 electronically.

14 3. (1) Any covered organization that:

15 (a) Makes expenditures in excess of five thousand dollars  
16 for the purpose of electioneering activities by means of a  
17 covered communication shall make an electronic disclosure report  
18 to the ethics commission within forty-eight hours of exceeding  
19 such limit. The report shall state specifically the expenditure  
20 amount, the person or entity receiving the expenditures, and with  
21 what ballot measure or candidate such expenditure concerns. If a  
22 covered communication calls specifically for the passage,  
23 election, or defeat of a candidate or measure, the report shall  
24 indicate such information; or

25 (b) Makes contributions, including in-kind contributions,  
26 of over five thousand dollars to a committee shall make an  
27 electronic disclosure report to the ethics commission within  
28 forty-eight hours of making such contribution. The report shall  
29 specifically state the contribution amount and the committee to



1 which the contribution was made.

2 (2) Every electronic disclosure report required under this  
3 subsection shall include the date and amount of each donation, as  
4 well as the name, address, and employer, occupation if self-  
5 employed, or notation of retirement of each donor who has donated  
6 over five thousand dollars to the covered organization in the  
7 previous twelve-month period.

8 (3) The ethics commission shall assess fees on the board of  
9 directors of a covered organization in the same manner as  
10 provided in section 105.963 for failure to file reports required  
11 by this section."; and

12 Further amend the title and enacting clause accordingly.