

SECOND REGULAR SESSION

SENATE BILL NO. 588

99TH GENERAL ASSEMBLY

INTRODUCED BY SENATOR SIFTON.

Pre-filed December 1, 2017, and ordered printed.

ADRIANE D. CROUSE, Secretary.

4441S.03I

AN ACT

To repeal sections 105.470, 105.477, and 105.955, RSMo, section 105.456 as enacted by house bill no. 1979, ninety-eighth general assembly, second regular session, section 105.456 as enacted by senate bill no. 844, ninety-fifth general assembly, second regular session, section 105.473 as enacted by senate bill no. 844, ninety-fifth general assembly, second regular session, section 105.473 as enacted by house bill no. 1900, ninety-third general assembly, second regular session, section 130.011 as enacted by senate bill no. 844, ninety-fifth general assembly, second regular session, and section 130.011 as enacted by house bill no. 1900, ninety-third general assembly, second regular session, and to enact in lieu thereof seven new sections relating to ethics, with penalty provisions and an effective date for certain sections.

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

Section A. Sections 105.470, 105.477, and 105.955, RSMo, section 105.456
2 as enacted by house bill no. 1979, ninety-eighth general assembly, second regular
3 session, section 105.456 as enacted by senate bill no. 844, ninety-fifth general
4 assembly, second regular session, section 105.473 as enacted by senate bill no.
5 844, ninety-fifth general assembly, second regular session, section 105.473 as
6 enacted by house bill no. 1900, ninety-third general assembly, second regular
7 session, section 130.011 as enacted by senate bill no. 844, ninety-fifth general
8 assembly, second regular session, and section 130.011 as enacted by house bill no.
9 1900, ninety-third general assembly, second regular session, are repealed and
10 seven new sections enacted in lieu thereof, to be known as sections 105.456,
11 105.470, 105.473, 105.477, 105.955, 130.011, and 130.062, to read as follows:

105.456. 1. No member of the general assembly or the governor,

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

2 lieutenant governor, attorney general, secretary of state, state treasurer or state
3 auditor shall:

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

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

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

38 consideration is given, charged or promised in consequence thereof; or

39 (4) Solicit any registered lobbyist for any compensated or noncompensated
40 position, with a hiring date beginning after such person is no longer an elected
41 official, while such person holds office.

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

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

54 (2) Sell, rent, or lease any property to the state or any political
55 subdivision thereof or any agency of the state or political subdivision thereof for
56 consideration in excess of five hundred dollars per transaction or one thousand
57 five hundred dollars per annum unless the transaction is made pursuant to an
58 award on a contract let or a sale made after public notice and in the case of
59 property other than real property, competitive bidding, provided that the bid or
60 offer accepted is the lowest and best received.

61 3. No individual or business entity shall solicit a member of the general
62 assembly to become employed by that individual or business entity as a
63 legislative lobbyist while such member is holding office as a member of the
64 general assembly. No member of the general assembly shall solicit clients to
65 represent as a legislative lobbyist.

66 4. **No public official or such person's staff, employee, spouse, or**
67 **dependent children shall accept any expenditure from any lobbyist.**

68 5. For purposes of this section, the terms "**expenditure**", "lobbyist" [and],
69 "legislative lobbyist", **and "public official"** shall have the same meanings given
70 to such terms under section 105.470.

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

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

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

18 (3) Attempt, for compensation other than the compensation
19 provided for the performance of his or her official duties, to
20 influence the decision of any agency of the state on any matter,
21 except that this provision shall not be construed to prohibit such
22 person from participating for compensation in any adversary
23 proceeding or in the preparation or filing of any public document
24 or conference thereon. The exception for a conference upon a public
25 document shall not permit any member of the general assembly or
26 the governor, lieutenant governor, attorney general, secretary of
27 state, state treasurer or state auditor to receive any consideration
28 for the purpose of attempting to influence the decision of any
29 agency of the state on behalf of any person with regard to any
30 application, bid or request for a state grant, loan, appropriation,
31 contract, award, permit other than matters involving a driver's
32 license, or job before any state agency, commission, or elected
33 official. Notwithstanding Missouri supreme court rule 1.10 of rule
34 4 or any other court rule or law to the contrary, other members of
35 a firm, professional corporation or partnership shall not be
36 prohibited pursuant to this subdivision from representing a person
37 or other entity solely because a member of the firm, professional
38 corporation or partnership serves in the general assembly, provided
39 that such official does not share directly in the compensation

40 earned, so far as the same may reasonably be accounted, for such
41 activity by the firm or by any other member of the firm. This
42 subdivision shall not be construed to prohibit any inquiry for
43 information or the representation of a person without consideration
44 before a state agency or in a matter involving the state if no
45 consideration is given, charged or promised in consequence thereof.

46 2. No sole proprietorship, partnership, joint venture, or
47 corporation in which a member of the general assembly, governor,
48 lieutenant governor, attorney general, secretary of state, state
49 treasurer, state auditor or spouse of such official is the sole
50 proprietor, a partner having more than a ten percent partnership
51 interest, or a coparticipant or owner of in excess of ten percent of
52 the outstanding shares of any class of stock, shall:

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

60 (2) Sell, rent, or lease any property to the state or any
61 political subdivision thereof or any agency of the state or political
62 subdivision thereof for consideration in excess of five hundred
63 dollars per transaction or one thousand five hundred dollars per
64 annum unless the transaction is made pursuant to an award on a
65 contract let or a sale made after public notice and in the case of
66 property other than real property, competitive bidding, provided
67 that the bid or offer accepted is the lowest and best received.

68 3. No statewide elected official, member of the general
69 assembly, or any person acting on behalf of such official or member
70 shall expressly and explicitly make any offer or promise to confer
71 any paid employment, where the individual is compensated above
72 actual and necessary expenses, to any statewide elected official or
73 member of the general assembly in exchange for the official's or
74 member's official vote on any public matter. Any person making
75 such offer or promise is guilty of the crime of bribery of a public

76 servant under section 576.010.

77 4. Any statewide elected official or member of the general
78 assembly who accepts or agrees to accept an offer described in
79 subsection 3 of this section is guilty of the crime of acceding to
80 corruption under section 576.020.]

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

3 (1) **"Elected local government official", any person elected in a**
4 **county, city, town, or village with an annual operating budget of over**
5 **ten million dollars;**

6 (2) "Elected local government official lobbyist", any natural person
7 employed specifically for the purpose of attempting to influence any action by a
8 local government official elected in a county, city, town, or village with an annual
9 operating budget of over ten million dollars;

10 [(2)] (3) "Executive lobbyist", any natural person who acts for the
11 purpose of attempting to influence any action by the executive branch of
12 government or by any elected or appointed official, employee, department,
13 division, agency or board or commission thereof and in connection with such
14 activity, meets the requirements of any one or more of the following:

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

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

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

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

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

29 a. Appearing or inquiring in regard to a complaint, citation, summons,
30 adversary proceeding, or contested case before a state board, commission,
31 department, division or agency of the executive branch of government or any

32 elected or appointed officer or employee thereof;

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

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

40 d. Participating in public hearings or public proceedings on rules, grants,
41 or other matters;

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

44 f. Preparing or publication of an editorial, a newsletter, newspaper,
45 magazine, radio or television broadcast, or similar news medium, whether print
46 or electronic;

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

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

55 [(3)] (4) "Expenditure", any payment made or charge, expense, cost, debt
56 or bill incurred; any gift, honorarium or item of value bestowed including any food
57 or beverage; any price, charge or fee which is waived, forgiven, reduced or
58 indefinitely delayed; any loan or debt which is cancelled, reduced or otherwise
59 forgiven; the transfer of any item with a reasonably discernible cost or fair
60 market value from one person to another or provision of any service or granting
61 of any opportunity for which a charge is customarily made, without charge or for
62 a reduced charge; except that the term "expenditure" shall not include the
63 following:

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

67 (b) Informational material such as books, reports, pamphlets, calendars

68 or periodicals informing a public official regarding such person's official duties,
69 or souvenirs or mementos valued at less than ten dollars;

70 (c) Contributions to the public official's campaign committee or candidate
71 committee which are reported pursuant to the provisions of chapter 130;

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

77 (e) Any item, service or thing of de minimis value offered to the general
78 public, whether or not the recipient is a public official or a staff member,
79 employee, spouse or dependent child of a public official, and only if the grant of
80 the item, service or thing of de minimis value is not motivated in any way by the
81 recipient's status as a public official or staff member, employee, spouse or
82 dependent child of a public official;

83 (f) The transfer of any item, provision of any service or granting of any
84 opportunity with a reasonably discernible cost or fair market value when such
85 item, service or opportunity is necessary for a public official or employee to
86 perform his or her duty in his or her official capacity, including but not limited
87 to entrance fees to any sporting event, museum, or other venue when the official
88 or employee is participating in a ceremony, public presentation or official meeting
89 therein;

90 (g) Any payment, gift, compensation, fee, expenditure or anything of value
91 which is bestowed upon or given to any public official or a staff member,
92 employee, spouse or dependent child of a public official when it is compensation
93 for employment or given as an employment benefit and when such employment
94 is in addition to their employment as a public official;

95 [(4)] (5) "Judicial lobbyist", any natural person who acts for the purpose
96 of attempting to influence any purchasing decision by the judicial branch of
97 government or by any elected or appointed official or any employee thereof and
98 in connection with such activity, meets the requirements of any one or more of the
99 following:

100 (a) Is acting in the ordinary course of employment which primary purpose
101 is to influence the judiciary in its purchasing decisions on a regular basis on
102 behalf of or for the benefit of such person's employer, except that this shall not
103 apply to any person who engages in lobbying on an occasional basis only and not

104 as a regular pattern of conduct; or

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

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

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

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

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

120 b. Participating in public hearings or public proceedings on rules, grants,
121 or other matters;

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

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

127 e. Acting within the scope of employment by the general assembly, or
128 acting within the scope of employment by the executive branch of government
129 when acting with respect to the department, division, board, commission, agency
130 or elected state officer by which such person is employed, or with respect to any
131 duty or authority imposed by law to perform any action in conjunction with any
132 other public official or state employee;

133 **[(5)] (6)** "Legislative lobbyist", any natural person who acts for the
134 purpose of attempting to influence the taking, passage, amendment, delay or
135 defeat of any official action on any bill, resolution, amendment, nomination,
136 appointment, report or any other action or any other matter pending or proposed
137 in a legislative committee in either house of the general assembly, or in any
138 matter which may be the subject of action by the general assembly and in
139 connection with such activity, meets the requirements of any one or more of the

140 following:

141 (a) Is acting in the ordinary course of employment, which primary purpose
142 is to influence legislation on a regular basis, on behalf of or for the benefit of such
143 person's employer, except that this shall not apply to any person who engages in

144 lobbying on an occasional basis only and not as a regular pattern of conduct; or
145 (b) Is engaged for pay or for any valuable consideration for the purpose
146 of performing such activity; or

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

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

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

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

161 b. Preparing or publication of an editorial, a newsletter, newspaper,
162 magazine, radio or television broadcast, or similar news medium, whether print
163 or electronic;

164 c. Acting within the scope of employment of the legislative branch of
165 government when acting with respect to the general assembly or any member
166 thereof;

167 d. Testifying as a witness before the general assembly or any committee
168 thereof;

169 ~~[(6)]~~ (7) "Lobbyist", any natural person defined as an executive lobbyist,
170 judicial lobbyist, elected local government official lobbyist, or a legislative
171 lobbyist;

172 ~~[(7)]~~ (8) "Lobbyist principal", any person, business entity, governmental
173 entity, religious organization, nonprofit corporation or association who employs,
174 contracts for pay or otherwise compensates a lobbyist;

175 ~~[(8)]~~ (9) "Public official", any member or member-elect of the general

176 assembly, judge or judicial officer, **elected local government official**, or any
177 other person holding an elective office of state government or any agency head,
178 department director or division director of state government or any member of
179 any state board or commission and any designated decision-making public servant
180 designated by persons described in this subdivision.

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

21 2. Each person shall, before giving testimony before any
22 committee of the general assembly, give to the secretary of such
23 committee such person's name and address and the identity of any
24 lobbyist or organization, if any, on whose behalf such person
25 appears. A person who is not a lobbyist as defined in section
26 105.470 shall not be required to give such person's address if the
27 committee determines that the giving of such address would
28 endanger the person's physical health.

29 3. (1) During any period of time in which a lobbyist
30 continues to act as an executive lobbyist, judicial lobbyist,
31 legislative lobbyist, or elected local government official lobbyist, the
lobbyist shall file with the commission on standardized forms

32 prescribed by the commission monthly reports which shall be due
33 at the close of business on the tenth day of the following month;

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

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

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

53 (c) An itemized listing of the name of the recipient and the
54 nature and amount of each expenditure by the lobbyist or his or
55 her lobbyist principal, including a service or anything of value, for
56 all expenditures made during any reporting period, paid or
57 provided to or for a public official or elected local government
58 official, such official's staff, employees, spouse or dependent
59 children;

60 (d) The total of all expenditures made by a lobbyist or
61 lobbyist principal for occasions and the identity of the group
62 invited, the date and description of the occasion and the amount of
63 the expenditure for each occasion when any of the following are
64 invited in writing:

- 65 a. All members of the senate;
66 b. All members of the house of representatives;
67 c. All members of a joint committee of the general assembly

68 or a standing committee of either the house of representatives or
69 senate; or

70 d. All members of a caucus of the majority party of the
71 house of representatives, minority party of the house of
72 representatives, majority party of the senate, or minority party of
73 the senate;

74 (e) Any expenditure made on behalf of a public official, an
75 elected local government official or such official's staff, employees,
76 spouse or dependent children, if such expenditure is solicited by
77 such official, the official's staff, employees, or spouse or dependent
78 children, from the lobbyist or his or her lobbyist principals and the
79 name of such person or persons, except any expenditures made to
80 any not-for-profit corporation, charitable, fraternal or civic
81 organization or other association formed to provide for good in the
82 order of benevolence;

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

89 4. No expenditure reported pursuant to this section shall
90 include any amount expended by a lobbyist or lobbyist principal on
91 himself or herself. All expenditures disclosed pursuant to this
92 section shall be valued on the report at the actual amount of the
93 payment made, or the charge, expense, cost, or obligation, debt or
94 bill incurred by the lobbyist or the person the lobbyist
95 represents. Whenever a lobbyist principal employs more than one
96 lobbyist, expenditures of the lobbyist principal shall not be reported
97 by each lobbyist, but shall be reported by one of such lobbyists. No
98 expenditure shall be made on behalf of a state senator or state
99 representative, or such public official's staff, employees, spouse, or
100 dependent children for travel or lodging outside the state of
101 Missouri unless such travel or lodging was approved prior to the
102 date of the expenditure by the administration and accounts
103 committee of the house or the administration committee of the

104 senate.

105 5. Any lobbyist principal shall provide in a timely fashion
106 whatever information is reasonably requested by the lobbyist
107 principal's lobbyist for use in filing the reports required by this
108 section.

109 6. All information required to be filed pursuant to the
110 provisions of this section with the commission shall be kept
111 available by the executive director of the commission at all times
112 open to the public for inspection and copying for a reasonable fee
113 for a period of five years from the date when such information was
114 filed.

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

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

123 9. The prosecuting attorney of Cole County shall be
124 reimbursed only out of funds specifically appropriated by the
125 general assembly for investigations and prosecutions for violations
126 of this section.

127 10. Any public official or other person whose name appears
128 in any lobbyist report filed pursuant to this section who contests
129 the accuracy of the portion of the report applicable to such person
130 may petition the commission for an audit of such report and shall
131 state in writing in such petition the specific disagreement with the
132 contents of such report. The commission shall investigate such
133 allegations in the manner described in section 105.959. If the
134 commission determines that the contents of such report are
135 incorrect, incomplete or erroneous, it shall enter an order requiring
136 filing of an amended or corrected report.

137 11. The commission shall provide a report listing the total
138 spent by a lobbyist for the month and year to any member or
139 member-elect of the general assembly, judge or judicial officer, or

140 any other person holding an elective office of state government or
141 any elected local government official on or before the twentieth day
142 of each month. For the purpose of providing accurate information
143 to the public, the commission shall not publish information in
144 either written or electronic form for ten working days after
145 providing the report pursuant to this subsection. The commission
146 shall not release any portion of the lobbyist report if the accuracy
147 of the report has been questioned pursuant to subsection 10 of this
148 section unless it is conspicuously marked "Under Review".

149 12. Each lobbyist or lobbyist principal by whom the lobbyist
150 was employed, or in whose behalf the lobbyist acted, shall provide
151 a general description of the proposed legislation or action by the
152 executive branch or judicial branch which the lobbyist or lobbyist
153 principal supported or opposed. This information shall be supplied
154 to the commission on March fifteenth and May thirtieth of each
155 year.

156 13. The provisions of this section shall supersede any
157 contradicting ordinances or charter provisions.]

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

17 2. Each person shall, before giving testimony before any committee of the
18 general assembly, give to the secretary of such committee such person's name and

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

91 expenditure by the administration and accounts committee of the house or the
92 administration committee of the senate.

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

96 [6.] 5. All information required to be filed pursuant to the provisions of
97 this section with the commission shall be kept available by the executive director
98 of the commission at all times open to the public for inspection and copying for
99 a reasonable fee for a period of five years from the date when such information
100 was filed.

101 [7.] 6. No person shall knowingly employ any person who is required to
102 register as a registered lobbyist but is not registered pursuant to this
103 section. Any person who knowingly violates this subsection shall be subject to a
104 civil penalty in an amount of not more than ten thousand dollars for each
105 violation. Such civil penalties shall be collected by action filed by the
106 commission.

107 [8.] 7. Any lobbyist found to knowingly omit, conceal, or falsify in any
108 manner information required pursuant to this section shall be guilty of a class A
109 misdemeanor.

110 [9.] 8. The prosecuting attorney of Cole County shall be reimbursed only
111 out of funds specifically appropriated by the general assembly for investigations
112 and prosecutions for violations of this section.

113 [10.] 9. Any public official or other person whose name appears in any
114 lobbyist report filed pursuant to this section who contests the accuracy of the
115 portion of the report applicable to such person may petition the commission for
116 an audit of such report and shall state in writing in such petition the specific
117 disagreement with the contents of such report. The commission shall investigate
118 such allegations in the manner described in section 105.959. If the commission
119 determines that the contents of such report are incorrect, incomplete or
120 erroneous, it shall enter an order requiring filing of an amended or corrected
121 report.

122 [11. The commission shall provide a report listing the total spent by a
123 lobbyist for the month and year to any member or member-elect of the general
124 assembly, judge or judicial officer, or any other person holding an elective office
125 of state government or any elected local government official on or before the
126 twentieth day of each month. For the purpose of providing accurate information

127 to the public, the commission shall not publish information in either written or
128 electronic form for ten working days after providing the report pursuant to this
129 subsection. The commission shall not release any portion of the lobbyist report
130 if the accuracy of the report has been questioned pursuant to subsection 10 of this
131 section unless it is conspicuously marked "Under Review".

132 12.] **10.** Each lobbyist or lobbyist principal by whom the lobbyist was
133 employed, or in whose behalf the lobbyist acted, shall provide a general
134 description of the proposed legislation or action by the executive branch or
135 judicial branch which the lobbyist or lobbyist principal supported or
136 opposed. This information shall be supplied to the commission on March fifteenth
137 and May thirtieth of each year.

138 **11. No lobbyist shall make any contribution to, or expenditure**
139 **for, any candidate committee formed by a candidate for statewide**
140 **office, state representative, or state senator or any general assembly**
141 **member's candidate committee for food, entertainment, lodging, or**
142 **travel and such candidate committees shall be barred from receiving**
143 **such items. For the purposes of this subsection, the terms "candidate",**
144 **"candidate committee", and "expenditure" shall have the same meaning**
145 **as in section 130.011.**

146 **12. No lobbyist shall deliver any expenditure to any statewide**
147 **elected official, member of the general assembly or such person's staff,**
148 **employee, spouse, or dependent children.**

149 13. The provisions of this section shall supersede any contradicting
150 ordinances or charter provisions.

105.477. 1. The commission shall supply an electronic reporting system
2 which shall be used by all lobbyists registered with the ethics commission for
3 filing by electronic format prescribed by the commission. The electronic reporting
4 system shall be able to operate using either the Windows or Macintosh operating
5 environment with minimum standards set by the commission.

6 2. The commission shall have the appropriate software and hardware in
7 place by January 1, 2003, for acceptance of reports electronically. The
8 commission shall make this information available via an internet website
9 connection by no later than January 1, 2004.

10 3. All lobbyists shall file [expenditure] reports required by the commission
11 electronically as prescribed by the commission. In addition, lobbyists shall file
12 a signed form prescribed by the commission which verifies the information filed

13 electronically within five working days; except that, when a means becomes
14 available which will allow a verifiable electronic signature, the commission may
15 accept this in lieu of a signed form.

16 4. All records that are in electronic format, not otherwise closed by law,
17 shall be available in electronic format to the public. The commission shall
18 maintain and provide for public inspection a listing of all reports, with a complete
19 description for each field contained on the report, that has been used to extract
20 information from their database files. The commission shall develop a report or
21 reports which contain every field in each database.

22 5. Annually, the commission shall provide to the general assembly at no
23 cost a complete copy of information contained in the commission's electronic
24 reporting system database files. The information shall be copied onto a medium
25 specified by the general assembly. Such information shall not contain records
26 otherwise closed by law. It is the intent of the general assembly to provide open
27 access to the commission's records. The commission shall make every reasonable
28 effort to comply with requests for information and shall take a liberal
29 interpretation when considering such requests. Priority shall be given to public
30 requests for reports identifying lobbyist or lobbyist principal expenditures per
31 individual legislator.

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

18 and the governor shall select six members from such nominees to serve on the
19 commission.

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

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

53 4. Vacancies or expired terms on the commission shall be filled in the

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

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

87 6. The commission shall elect biennially one of its members as the
88 chairman. The chairman may not succeed himself or herself after two years. No
89 member of the commission shall succeed as chairman any member of the same

90 political party as himself or herself. At least four members are necessary to
91 constitute a quorum, and at least four affirmative votes shall be required for any
92 action or recommendation of the commission.

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

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

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

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

101 (2) Be employed as a lobbyist;

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

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

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

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

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

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

123 12. Beginning on January 1, 1993, all lobbyist [registration and
124 expenditure] reports filed pursuant to section 105.473, financial interest
125 statements filed pursuant to subdivision (1) of section 105.489, and campaign

126 finance disclosure reports filed other than with election authorities or local
127 election authorities as provided by section 130.026 shall be filed with the
128 commission.

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

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

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

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

160 (3) Develop appropriate systems to file and maintain an index of all such
161 reports and statements to facilitate public access to such information, except as

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

168 (4) Provide information and assistance to lobbyists, elected and appointed
169 officials, and employees of the state and political subdivisions in carrying out the
170 provisions of sections 105.450 to 105.496 and chapter 130;

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

178 (6) Render advisory opinions as provided by this section;

179 (7) Promulgate rules relating to the provisions of sections 105.955 to
180 105.963 and chapter 130. All rules and regulations issued by the commission
181 shall be prospective only in operation;

182 (8) Request and receive from the officials and entities identified in
183 subdivision (6) of section 105.450 designations of decision-making public servants.

184 15. In connection with such powers provided by sections 105.955 to
185 105.963 and chapter 130, the commission may:

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

189 (2) Administer oaths and affirmations;

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

195 (4) Employ such personnel, including legal counsel, and contract for
196 services including legal counsel, within the limits of its appropriation, as it deems
197 necessary provided such legal counsel, either employed or contracted, represents

198 the Missouri ethics commission before any state agency or before the courts at the
199 request of the Missouri ethics commission. Nothing in this section shall limit the
200 authority of the Missouri ethics commission as provided for in subsection 2 of
201 section 105.961; and

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

206 16. (1) Upon written request for an advisory opinion received by the
207 commission, and if the commission determines that the person requesting the
208 opinion would be directly affected by the application of law to the facts presented
209 by the requesting person, the commission shall issue a written opinion advising
210 the person who made the request, in response to the person's particular request,
211 regarding any issue that the commission can receive a complaint on pursuant to
212 section 105.957. The commission may decline to issue a written opinion by a vote
213 of four members and shall provide to the requesting person the reason for the
214 refusal in writing. The commission shall give an approximate time frame as to
215 when the written opinion shall be issued. Such advisory opinions shall be issued
216 no later than ninety days from the date of receipt by the commission. Such
217 requests and advisory opinions, deleting the name and identity of the requesting
218 person, shall be compiled and published by the commission on at least an annual
219 basis. Advisory opinions issued by the commission shall be maintained and made
220 available for public inspection and copying at the office of the commission during
221 normal business hours. Any advisory opinion or portion of an advisory opinion
222 rendered pursuant to this subsection shall be withdrawn by the commission if,
223 after hearing thereon, the joint committee on administrative rules finds that such
224 advisory opinion is beyond or contrary to the statutory authority of the
225 commission or is inconsistent with the legislative intent of any law enacted by the
226 general assembly, and after the general assembly, by concurrent resolution, votes
227 to adopt the findings and conclusions of the joint committee on administrative
228 rules. Any such concurrent resolution adopted by the general assembly shall be
229 published at length by the commission in its publication of advisory opinions of
230 the commission next following the adoption of such resolution, and a copy of such
231 concurrent resolution shall be maintained by the commission, along with the
232 withdrawn advisory opinion, in its public file of advisory opinions. The
233 commission shall also send a copy of such resolution to the person who originally

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

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

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

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

[130.011. As used in this chapter, unless the context clearly

2 indicates otherwise, the following terms mean:

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

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

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

24 (4) "Candidate", an individual who seeks nomination or
25 election to public office. The term "candidate" includes an elected
26 officeholder who is the subject of a recall election, an individual
27 who seeks nomination by the individual's political party for election
28 to public office, an individual standing for retention in an election
29 to an office to which the individual was previously appointed, an
30 individual who seeks nomination or election whether or not the
31 specific elective public office to be sought has been finally
32 determined by such individual at the time the individual meets the
33 conditions described in paragraph (a) or (b) of this subdivision, and
34 an individual who is a write-in candidate as defined in subdivision
35 (28) of this section. A candidate shall be deemed to seek
36 nomination or election when the person first:

37 (a) Receives contributions or makes expenditures or

38 reserves space or facilities with intent to promote the person's
39 candidacy for office; or

40 (b) Knows or has reason to know that contributions are
41 being received or expenditures are being made or space or facilities
42 are being reserved with the intent to promote the person's
43 candidacy for office; except that, such individual shall not be
44 deemed a candidate if the person files a statement with the
45 appropriate officer within five days after learning of the receipt of
46 contributions, the making of expenditures, or the reservation of
47 space or facilities disavowing the candidacy and stating that the
48 person will not accept nomination or take office if elected; provided
49 that, if the election at which such individual is supported as a
50 candidate is to take place within five days after the person's
51 learning of the above-specified activities, the individual shall file
52 the statement disavowing the candidacy within one day; or

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

54 (5) "Candidate committee", a committee which shall be
55 formed by a candidate to receive contributions or make
56 expenditures in behalf of the person's candidacy and which shall
57 continue in existence for use by an elected candidate or which shall
58 terminate the later of either thirty days after the general election
59 for a candidate who was not elected or upon the satisfaction of all
60 committee debt after the election, except that no committee retiring
61 debt shall engage in any other activities in support of the candidate
62 for which the committee was formed. Any candidate for elective
63 office shall have only one candidate committee for the elective office
64 sought, which is controlled directly by the candidate for the
65 purpose of making expenditures. A candidate committee is
66 presumed to be under the control and direction of the candidate
67 unless the candidate files an affidavit with the appropriate officer
68 stating that the committee is acting without control or direction on
69 the candidate's part;

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

74 (7) "Check", a check drawn on a state or federal bank, or a
75 draft on a negotiable order of withdrawal account in a savings and
76 loan association or a share draft account in a credit union;

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

79 (9) "Committee", a person or any combination of persons,
80 who accepts contributions or makes expenditures for the primary
81 or incidental purpose of influencing or attempting to influence the
82 action of voters for or against the nomination or election to public
83 office of one or more candidates or the qualification, passage or
84 defeat of any ballot measure or for the purpose of paying a
85 previously incurred campaign debt or obligation of a candidate or
86 the debts or obligations of a committee or for the purpose of
87 contributing funds to another committee:

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

89 a. A person or combination of persons, if neither the
90 aggregate of expenditures made nor the aggregate of contributions
91 received during a calendar year exceeds five hundred dollars and
92 if no single contributor has contributed more than two hundred
93 fifty dollars of such aggregate contributions;

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

97 c. A corporation, cooperative association, partnership,
98 proprietorship, or joint venture organized or operated for a primary
99 or principal purpose other than that of influencing or attempting
100 to influence the action of voters for or against the nomination or
101 election to public office of one or more candidates or the
102 qualification, passage or defeat of any ballot measure, and it
103 accepts no contributions, and all expenditures it makes are from its
104 own funds or property obtained in the usual course of business or
105 in any commercial or other transaction and which are not
106 contributions as defined by subdivision (11) of this section;

107 d. A labor organization organized or operated for a primary
108 or principal purpose other than that of influencing or attempting
109 to influence the action of voters for or against the nomination or

110 election to public office of one or more candidates, or the
111 qualification, passage, or defeat of any ballot measure, and it
112 accepts no contributions, and expenditures made by the
113 organization are from its own funds or property received from
114 membership dues or membership fees which were given or solicited
115 for the purpose of supporting the normal and usual activities and
116 functions of the organization and which are not contributions as
117 defined by subdivision (11) of this section;

118 e. A person who acts as an authorized agent for a
119 committee in soliciting or receiving contributions or in making
120 expenditures or incurring indebtedness on behalf of the committee
121 if such person renders to the committee treasurer or deputy
122 treasurer or candidate, if applicable, an accurate account of each
123 receipt or other transaction in the detail required by the treasurer
124 to comply with all record-keeping and reporting requirements of
125 this chapter;

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

129 (b) The term "committee" includes, but is not limited to,
130 each of the following committees: campaign committee, candidate
131 committee, political action committee, exploratory committee, and
132 political party committee;

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

144 (11) "Contribution", a payment, gift, loan, advance, deposit,
145 or donation of money or anything of value for the purpose of

146 supporting or opposing the nomination or election of any candidate
147 for public office or the qualification, passage or defeat of any ballot
148 measure, or for the support of any committee supporting or
149 opposing candidates or ballot measures or for paying debts or
150 obligations of any candidate or committee previously incurred for
151 the above purposes. A contribution of anything of value shall be
152 deemed to have a money value equivalent to the fair market
153 value. "Contribution" includes, but is not limited to:

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

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

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

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

167 (e) Any loan, guarantee of a loan, cancellation or
168 forgiveness of a loan or debt or other obligation by a third party, or
169 payment of a loan or debt or other obligation by a third party if the
170 loan or debt or other obligation was contracted, used, or intended,
171 in whole or in part, for use in an election campaign or used or
172 intended for the payment of such debts or obligations of a
173 candidate or committee previously incurred, or which was made or
174 received by a committee;

175 (f) Funds received by a committee which are transferred to
176 such committee from another committee or other source, except
177 funds received by a candidate committee as a transfer of funds
178 from another candidate committee controlled by the same candidate
179 but such transfer shall be included in the disclosure reports;

180 (g) Facilities, office space or equipment supplied by any
181 person to a candidate or committee without charge or at reduced

182 charges, except gratuitous space for meeting purposes which is
183 made available regularly to the public, including other candidates
184 or committees, on an equal basis for similar purposes on the same
185 conditions;

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

191 (i) "Contribution" does not include:

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

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

201 c. Interest earned on deposit of committee funds;

202 d. The costs incurred by any connected organization listed
203 pursuant to subdivision (4) of subsection 5 of section 130.021 for
204 establishing, administering or maintaining a committee, or for the
205 solicitation of contributions to a committee which solicitation is
206 solely directed or related to the members, officers, directors,
207 employees or security holders of the connected organization;

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

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

214 (14) "Election", any primary, general or special election held
215 to nominate or elect an individual to public office, to retain or
216 recall an elected officeholder or to submit a ballot measure to the
217 voters, and any caucus or other meeting of a political party or a

218 political party committee at which that party's candidate or
219 candidates for public office are officially selected. A primary
220 election and the succeeding general election shall be considered
221 separate elections;

222 (15) "Expenditure", a payment, advance, conveyance,
223 deposit, donation or contribution of money or anything of value for
224 the purpose of supporting or opposing the nomination or election
225 of any candidate for public office or the qualification or passage of
226 any ballot measure or for the support of any committee which in
227 turn supports or opposes any candidate or ballot measure or for the
228 purpose of paying a previously incurred campaign debt or
229 obligation of a candidate or the debts or obligations of a committee;
230 a payment, or an agreement or promise to pay, money or anything
231 of value, including a candidate's own money or property, for the
232 purchase of goods, services, property, facilities or anything of value
233 for the purpose of supporting or opposing the nomination or
234 election of any candidate for public office or the qualification or
235 passage of any ballot measure or for the support of any committee
236 which in turn supports or opposes any candidate or ballot measure
237 or for the purpose of paying a previously incurred campaign debt
238 or obligation of a candidate or the debts or obligations of a
239 committee. An expenditure of anything of value shall be deemed
240 to have a money value equivalent to the fair market
241 value. "Expenditure" includes, but is not limited to:

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

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

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

251 (d) The direct or indirect payment by any person, other
252 than a connected organization for a committee, of the costs of
253 establishing, administering or maintaining a committee, including

254 legal, accounting and computer services, fund raising and
255 solicitation of contributions for a committee; but

256 (e) "Expenditure" does not include:

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

261 b. The internal dissemination by any membership
262 organization, proprietorship, labor organization, corporation,
263 association or other entity of information advocating the election or
264 defeat of a candidate or candidates or the passage or defeat of a
265 ballot measure or measures to its directors, officers, members,
266 employees or security holders, provided that the cost incurred is
267 reported pursuant to subsection 2 of section 130.051;

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

270 d. The rendering of voluntary personal services by an
271 individual of the sort commonly performed by volunteer campaign
272 workers and the payment by such individual of the individual's
273 necessary and ordinary personal expenses incidental to such
274 volunteer activity, provided no compensation is, directly or
275 indirectly, asked or given;

276 e. The costs incurred by any connected organization listed
277 pursuant to subdivision (4) of subsection 5 of section 130.021 for
278 establishing, administering or maintaining a committee, or for the
279 solicitation of contributions to a committee which solicitation is
280 solely directed or related to the members, officers, directors,
281 employees or security holders of the connected organization;

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

286 (16) "Exploratory committees", a committee which shall be
287 formed by an individual to receive contributions and make
288 expenditures on behalf of this individual in determining whether
289 or not the individual seeks elective office. Such committee shall

290 terminate no later than December thirty-first of the year prior to
291 the general election for the possible office;

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

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

300 (19) "Labor organization", any organization of any kind, or
301 any agency or employee representation committee or plan, in which
302 employees participate and which exists for the purpose, in whole
303 or in part, of dealing with employers concerning grievances, labor
304 disputes, wages, rates of pay, hours of employment, or conditions
305 of work;

306 (20) "Loan", a transfer of money, property or anything of
307 ascertainable monetary value in exchange for an obligation,
308 conditional or not, to repay in whole or in part and which was
309 contracted, used, or intended for use in an election campaign, or
310 which was made or received by a committee or which was
311 contracted, used, or intended to pay previously incurred campaign
312 debts or obligations of a candidate or the debts or obligations of a
313 committee;

314 (21) "Person", an individual, group of individuals,
315 corporation, partnership, committee, proprietorship, joint venture,
316 any department, agency, board, institution or other entity of the
317 state or any of its political subdivisions, union, labor organization,
318 trade or professional or business association, association, political
319 party or any executive committee thereof, or any other club or
320 organization however constituted or any officer or employee of such
321 entity acting in the person's official capacity;

322 (22) "Political action committee", a committee of continuing
323 existence which is not formed, controlled or directed by a
324 candidate, and is a committee other than a candidate committee,
325 political party committee, campaign committee, exploratory

326 committee, or debt service committee, whose primary or incidental
327 purpose is to receive contributions or make expenditures to
328 influence or attempt to influence the action of voters whether or
329 not a particular candidate or candidates or a particular ballot
330 measure or measures to be supported or opposed has been
331 determined at the time the committee is required to file any
332 statement or report pursuant to the provisions of this
333 chapter. Such a committee includes, but is not limited to, any
334 committee organized or sponsored by a business entity, a labor
335 organization, a professional association, a trade or business
336 association, a club or other organization and whose primary
337 purpose is to solicit, accept and use contributions from the
338 members, employees or stockholders of such entity and any
339 individual or group of individuals who accept and use contributions
340 to influence or attempt to influence the action of voters. Such
341 committee shall be formed no later than sixty days prior to the
342 election for which the committee receives contributions or makes
343 expenditures;

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

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

354 (25) "Political party committee", a committee of a political
355 party which may be organized as a not-for-profit corporation under
356 Missouri law and has the primary or incidental purpose of
357 receiving contributions and making expenditures to influence or
358 attempt to influence the action of voters on behalf of the political
359 party. Political party committees shall only take the following
360 forms:

361 (a) One congressional district committee per political party

362 for each congressional district in the state; and
363 (b) One state party committee per political party;
364 (26) "Public office" or "office", any state, judicial, county,
365 municipal, school or other district, ward, township, or other
366 political subdivision office or any political party office which is
367 filled by a vote of registered voters;
368 (27) "Regular session", includes that period beginning on
369 the first Wednesday after the first Monday in January and ending
370 following the first Friday after the second Monday in May;
371 (28) "Write-in candidate", an individual whose name is not
372 printed on the ballot but who otherwise meets the definition of
373 candidate in subdivision (4) of
374 this section.]

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

58 c. A corporation, cooperative association, partnership, proprietorship, or
59 joint venture organized or operated for a primary or principal purpose other than

60 that of influencing or attempting to influence the action of voters for or against
61 the nomination or election to public office of one or more candidates or the
62 qualification, passage or defeat of any ballot measure, and it accepts no
63 contributions, and all expenditures it makes are from its own funds or property
64 obtained in the usual course of business or in any commercial or other transaction
65 and which are not contributions as defined by subdivision (12) of this section;

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

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

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

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

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

96 committee retiring debt shall engage in any other activities in support of a
97 measure for which the committee was formed;

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

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

127 (11) "Connected organization", any organization such as a corporation, a
128 labor organization, a membership organization, a cooperative, or trade or
129 professional association which expends funds or provides services or facilities to
130 establish, administer or maintain a committee or to solicit contributions to a
131 committee from its members, officers, directors, employees or security holders. An

132 organization shall be deemed to be the connected organization if more than fifty
133 percent of the persons making contributions to the committee during the current
134 calendar year are members, officers, directors, employees or security holders of
135 such organization or their spouses;

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

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

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

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

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

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

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

165 (g) Facilities, office space or equipment supplied by any person to a
166 candidate or committee without charge or at reduced charges, except gratuitous
167 space for meeting purposes which is made available regularly to the public,

168 including other candidates or committees, on an equal basis for similar purposes
169 on the same conditions;

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

174 (i) "Contribution" does not include:

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

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

183 c. Interest earned on deposit of committee funds;

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

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

191 (14) **"Covered communication":**

192 **(a) Paid advertisements broadcast over radio, television, cable,**
193 **or satellite in this state;**

194 **(b) Paid placement of content on the internet or other electronic**
195 **communication network targeted to voters in this state;**

196 **(c) Paid advertisements published in a periodical or on a**
197 **billboard in this state;**

198 **(d) Paid telephone communications to five hundred or more**
199 **households in this state;**

200 **(e) Mailings sent or distributed through the United States Postal**
201 **Service or similar private mail carriers to two thousand or more**
202 **recipients in this state; and**

203 **(f) Printed materials exceeding two thousand copies distributed**

204 **in this state;**

205 **(15) "Covered organization", any organization that is exempt from**
206 **taxation under Section 501(c)(4) of the Internal Revenue Code of 1986,**
207 **as amended;**

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

211 ~~[(15)]~~ **(17) "Election", any primary, general or special election held to**
212 **nominate or elect an individual to public office, to retain or recall an elected**
213 **officeholder or to submit a ballot measure to the voters, and any caucus or other**
214 **meeting of a political party or a political party committee at which that party's**
215 **candidate or candidates for public office are officially selected. A primary election**
216 **and the succeeding general election shall be considered separate elections;**

217 **(18) "Electioneering activities":**

218 **(a) Any covered communication that influences or attempts to**
219 **influence the action of voters for or against the nomination or election**
220 **to public office of one or more candidates or the qualification, passage,**
221 **or defeat of any ballot measure; and**

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

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

226 **b. Identifies or depicts a particular ballot measure by name or**
227 **by its proposition or amendment number but does not specifically call**
228 **for its qualification, passage, or defeat;**

229 ~~[(16)]~~ **(19) "Expenditure", a payment, advance, conveyance, deposit,**
230 **donation or contribution of money or anything of value for the purpose of**
231 **supporting or opposing the nomination or election of any candidate for public**
232 **office or the qualification or passage of any ballot measure or for the support of**
233 **any committee which in turn supports or opposes any candidate or ballot measure**
234 **or for the purpose of paying a previously incurred campaign debt or obligation of**
235 **a candidate or the debts or obligations of a committee; a payment, or an**
236 **agreement or promise to pay, money or anything of value, including a candidate's**
237 **own money or property, for the purchase of goods, services, property, facilities or**
238 **anything of value for the purpose of supporting or opposing the nomination or**
239 **election of any candidate for public office or the qualification or passage of any**

240 ballot measure or for the support of any committee which in turn supports or
241 opposes any candidate or ballot measure or for the purpose of paying a previously
242 incurred campaign debt or obligation of a candidate or the debts or obligations of
243 a committee. An expenditure of anything of value shall be deemed to have a
244 money value equivalent to the fair market value. "Expenditure" includes, but is
245 not limited to:

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

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

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

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

257 (e) "Expenditure" does not include:

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

262 b. The internal dissemination by any membership organization,
263 proprietorship, labor organization, corporation, association or other entity of
264 information advocating the election or defeat of a candidate or candidates or the
265 passage or defeat of a ballot measure or measures to its directors, officers,
266 members, employees or security holders, provided that the cost incurred is
267 reported pursuant to subsection 2 of section 130.051;

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

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

275 e. The costs incurred by any connected organization listed pursuant to

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

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

284 [(17)] **(20)** "Exploratory committees", a committee which shall be formed
285 by an individual to receive contributions and make expenditures on behalf of this
286 individual in determining whether or not the individual seeks elective
287 office. Such committee shall terminate no later than December thirty-first of the
288 year prior to the general election for the possible office;

289 [(18)] **(21)** "Fund-raising event", an event such as a dinner, luncheon,
290 reception, coffee, testimonial, rally, auction or similar affair through which
291 contributions are solicited or received by such means as the purchase of tickets,
292 payment of attendance fees, donations for prizes or through the purchase of
293 goods, services or political merchandise;

294 [(19)] **(22)** "In-kind contribution" or "in-kind expenditure", a contribution
295 or expenditure in a form other than money;

296 [(20)] **(23)** "Labor organization", any organization of any kind, or any
297 agency or employee representation committee or plan, in which employees
298 participate and which exists for the purpose, in whole or in part, of dealing with
299 employers concerning grievances, labor disputes, wages, rates of pay, hours of
300 employment, or conditions of work;

301 [(21)] **(24)** "Loan", a transfer of money, property or anything of
302 ascertainable monetary value in exchange for an obligation, conditional or not,
303 to repay in whole or in part and which was contracted, used, or intended for use
304 in an election campaign, or which was made or received by a committee or which
305 was contracted, used, or intended to pay previously incurred campaign debts or
306 obligations of a candidate or the debts or obligations of a committee;

307 [(22)] **(25)** "Person", an individual, group of individuals, corporation,
308 partnership, committee, proprietorship, joint venture, any department, agency,
309 board, institution or other entity of the state or any of its political subdivisions,
310 union, labor organization, trade or professional or business association,
311 association, political party or any executive committee thereof, or any other club

312 or organization however constituted or any officer or employee of such entity
313 acting in the person's official capacity;

314 [(23)] (26) "Political merchandise", goods such as bumper stickers, pins,
315 hats, ties, jewelry, literature, or other items sold or distributed at a fund-raising
316 event or to the general public for publicity or for the purpose of raising funds to
317 be used in supporting or opposing a candidate for nomination or election or in
318 supporting or opposing the qualification, passage or defeat of a ballot measure;

319 [(24)] (27) "Political party", a political party which has the right under
320 law to have the names of its candidates listed on the ballot in a general election;

321 [(25)] (28) "Political party committee", a state, district, county, city, or
322 area committee of a political party, as defined in section 115.603, which may be
323 organized as a not-for-profit corporation under Missouri law, and which
324 committee is of continuing existence, and has the primary or incidental purpose
325 of receiving contributions and making expenditures to influence or attempt to
326 influence the action of voters on behalf of the political party;

327 [(26)] (29) "Public office" or "office", any state, judicial, county,
328 municipal, school or other district, ward, township, or other political subdivision
329 office or any political party office which is filled by a vote of registered voters;

330 [(27)] (30) "Regular session", includes that period beginning on the first
331 Wednesday after the first Monday in January and ending following the first
332 Friday after the second Monday in May;

333 [(28)] (31) "Write-in candidate", an individual whose name is not printed
334 on the ballot but who otherwise meets the definition of candidate in subdivision
335 (3) of this section.

**130.062. 1. By January thirty-first of each year, any covered
2 organization that made expenditures for the purpose of electioneering
3 activities by means of a covered communication, or that made a
4 contribution, including in-kind contributions, to a committee in the
5 previous calendar year shall disclose in an electronic disclosure report
6 to the ethics commission:**

7 **(1) All expenditures made for purposes of electioneering
8 activities by means of a covered communication in the previous
9 calendar year;**

10 **(2) All contributions, including in-kind contributions, made to a
11 committee in the previous calendar year;**

12 **(3) The percentage of their total expenditures from the previous**

13 calendar year for purposes of electioneering activities by means of a
14 covered communication;

15 (4) The percentage of their total expenditures made from the
16 previous calendar year for contributions, including in-kind
17 contributions, to a committee during the previous calendar year;

18 (5) The name and address of each person or entity making any
19 single contribution to the covered organization over one thousand
20 dollars, and each person or entity who has made, in the aggregate,
21 contributions over one thousand dollars to such organization during
22 the previous calendar year; and

23 (6) The date and amount of each contribution over one thousand
24 dollars, or of any donation from a person who has made, in the
25 aggregate, contributions over one thousand dollars to such
26 organization during the previous calendar year.

27 Such information shall be a matter of public record which the ethics
28 commission shall subsequently make available to the public.

29 2. Any covered organization required to file disclosure reports
30 under subsection 1 of this section shall make such disclosures
31 electronically.

32 3. Any covered organization that makes expenditures in excess
33 of five thousand dollars for the purpose of electioneering activities by
34 means of a covered communication shall make an electronic disclosure
35 report to the ethics commission within forty-eight hours of exceeding
36 such limit. The report shall state specifically the expenditure amount,
37 the person or entity receiving the expenditures, and with what ballot
38 measure or candidate each expenditure concerns. If a covered
39 communication calls specifically for the passage, election, or defeat of
40 a candidate or measure, the report shall indicate such information.

41 4. Any covered organization that makes contributions, including
42 in-kind contributions, of over five thousand dollars to a committee shall
43 make an electronic disclosure report to the ethics commission within
44 forty-eight hours of exceeding such limit. The report shall specifically
45 state the contribution amount and the committee to which each
46 contribution was made.

47 5. Every electronic disclosure report required under section 4 of
48 this section shall include the date and amount of each contribution, as
49 well as the name, address, and employer, occupation if self-employed,

50 or notation of retirement of each person who has contributed over five
51 thousand dollars to the covered organization in the previous twelve-
52 month period.

53 6. The ethics commission shall assess fees on the board of
54 directors of a covered organization in the same manner as provided in
55 section 105.963 for failure to file reports required by this section.

Section B. The repeal and reenactment of section 130.011 and the
2 enactment of 130.062 of this act shall become effective January 1, 2019.

Unofficial ✓

Bill

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