

FIRST REGULAR SESSION

[PERFECTED]

SENATE SUBSTITUTE FOR

SENATE BILL NO. 378

102ND GENERAL ASSEMBLY

INTRODUCED BY SENATOR ROWDEN.

0415S.03P

KRISTINA MARTIN, Secretary

AN ACT

To repeal sections 105.473, 105.963, 105.964, 130.021, 130.034, 130.036, 130.041, 130.046, 130.056, and 347.163, RSMo, and to enact in lieu thereof ten new sections relating to ethics, with penalty provisions.

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

Section A. Sections 105.473, 105.963, 105.964, 130.021,
2 130.034, 130.036, 130.041, 130.046, 130.056, and 347.163, RSMo,
3 are repealed and ten new sections enacted in lieu thereof, to
4 be known as sections 105.473, 105.963, 105.964, 130.021,
5 130.034, 130.036, 130.041, 130.046, 130.056, and 347.163, to
6 read as follows:

105.473. 1. Each lobbyist shall, not later than
2 January fifth of each year or five days after beginning any
3 activities as a lobbyist, file standardized registration
4 forms, verified by a written declaration that it is made
5 under the penalties of perjury, along with a filing fee of
6 ten dollars, with the commission. The forms shall include
7 the lobbyist's name and business address, the name and
8 address of all persons such lobbyist employs for lobbying
9 purposes, the name and address of each lobbyist principal by
10 whom such lobbyist is employed or in whose interest such
11 lobbyist appears or works. The commission shall maintain

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

files on all lobbyists' filings, which shall be open to the public. Each lobbyist shall file an updating statement under oath within one week of any addition, deletion, or change in the lobbyist's employment or representation. The filing fee shall be deposited to the general revenue fund of the state. The lobbyist principal or a lobbyist employing another person for lobbying purposes may notify the commission that a judicial, executive or legislative lobbyist is no longer authorized to lobby for the principal or the lobbyist and should be removed from the commission's files.

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

3. (1) During any period of time in which a lobbyist continues to act as an executive lobbyist, judicial lobbyist, legislative lobbyist, or elected local government official lobbyist, the lobbyist shall file with the commission on standardized forms prescribed by the commission [monthly] reports which shall be due at the close of business on [the tenth day of the following month] **December thirty-first each year, or if December thirty-first is a Saturday or Sunday, on the last Friday of the calendar year;**

(2) Each report filed pursuant to this subsection shall include a statement, verified by a written declaration

44 that it is made under the penalties of perjury, setting
45 forth the following:

46 (a) The total of all expenditures by the lobbyist or
47 his or her lobbyist principals made on behalf of all public
48 officials, their staffs and employees, and their spouses and
49 dependent children, which expenditures shall be separated
50 into at least the following categories by the executive
51 branch, judicial branch and legislative branch of
52 government: printing and publication expenses; media and
53 other advertising expenses; travel; the time, venue, and
54 nature of any entertainment; honoraria; meals, food and
55 beverages; and gifts;

56 (b) The total of all expenditures by the lobbyist or
57 his or her lobbyist principals made on behalf of all elected
58 local government officials, their staffs and employees, and
59 their spouses and children. Such expenditures shall be
60 separated into at least the following categories: printing
61 and publication expenses; media and other advertising
62 expenses; travel; the time, venue, and nature of any
63 entertainment; honoraria; meals; food and beverages; and
64 gifts;

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

72 (d) The total of all expenditures made by a lobbyist
73 or lobbyist principal for occasions and the identity of the
74 group invited, the date and description of the occasion and

75 the amount of the expenditure for each occasion when any of
76 the following are invited in writing:

- 77 a. All members of the senate;
- 78 b. All members of the house of representatives;
- 79 c. All members of a joint committee of the general
80 assembly or a standing committee of either the house of
81 representatives or senate; or
- 82 d. All members of a caucus of the majority party of
83 the house of representatives, minority party of the house of
84 representatives, majority party of the senate, or minority
85 party of the senate;

86 (e) Any expenditure made on behalf of a public
87 official, an elected local government official or such
88 official's staff, employees, spouse or dependent children,
89 if such expenditure is solicited by such official, the
90 official's staff, employees, or spouse or dependent
91 children, from the lobbyist or his or her lobbyist
92 principals and the name of such person or persons, except
93 any expenditures made to any not-for-profit corporation,
94 charitable, fraternal or civic organization or other
95 association formed to provide for good in the order of
96 benevolence;

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

104 4. No expenditure reported pursuant to this section
105 shall include any amount expended by a lobbyist or lobbyist
106 principal on himself or herself. All expenditures disclosed

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

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

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

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

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

141 9. The prosecuting attorney of Cole County shall be
142 reimbursed only out of funds specifically appropriated by
143 the general assembly for investigations and prosecutions for
144 violations of this section.

145 10. Any public official or other person whose name
146 appears in any lobbyist report filed pursuant to this
147 section who contests the accuracy of the portion of the
148 report applicable to such person may petition the commission
149 for an audit of such report and shall state in writing in
150 such petition the specific disagreement with the contents of
151 such report. The commission shall investigate such
152 allegations in the manner described in section 105.959. If
153 the commission determines that the contents of such report
154 are incorrect, incomplete or erroneous, it shall enter an
155 order requiring filing of an amended or corrected report.

156 11. The commission shall provide a report listing the
157 total spent by a lobbyist for the month and year to any
158 member or member-elect of the general assembly, judge or
159 judicial officer, or any other person holding an elective
160 office of state government or any elected local government
161 official on or before the twentieth day of each month. For
162 the purpose of providing accurate information to the public,
163 the commission shall not publish information in either
164 written or electronic form for ten working days after
165 providing the report pursuant to this subsection. The
166 commission shall not release any portion of the lobbyist
167 report if the accuracy of the report has been questioned
168 pursuant to subsection 10 of this section unless it is
169 conspicuously marked "Under Review".

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

13. **No person serving as an elected local government official or employed by an elected local government official shall accept directly or indirectly a gift of any tangible or intangible item, service, or thing of value from any paid lobbyist or lobbyist principle. This section shall not prevent candidates, including candidates for reelection, from accepting campaign contributions consistent with the Missouri constitution and chapter 130. Nothing in this subsection shall prevent individuals from receiving gifts, family support or anything of value from those related to them within the fourth degree by blood or marriage.**

14. The provisions of this section shall supersede any contradicting ordinances or charter provisions.

105.963. 1. The executive director shall assess every committee, as defined in section 130.011, failing to file with a filing officer other than a local election authority as provided by section 130.026 a campaign disclosure report as required by chapter 130, [other than the report required pursuant to subdivision (1) of subsection 1 of section 130.046,] a late filing fee of [ten] **twenty** dollars for each day after such report is due to the commission, **unless subsection 2 of this section applies.** The executive director shall [mail] **send** a notice[, by registered mail,] to any candidate and the treasurer of any committee who fails to file such report informing such person of such

13 failure and the fees provided by this section. If the
14 candidate or treasurer of any committee persists in such
15 failure for a period in excess of thirty days beyond receipt
16 of such notice, the amount of the late filing fee shall
17 increase to one hundred dollars for each day that the report
18 is not filed, provided that the total amount of such fees
19 assessed pursuant to this subsection per report shall not
20 exceed three thousand dollars.

21 2. (1) Any [candidate for state or local office who]
22 **committee that** fails to file a campaign disclosure report
23 required pursuant to subdivision (1) of subsection 1 of
24 section 130.046 **or pursuant to subdivision (1) of subsection**
25 **3 of section 130.046**, other than a report required to be
26 filed with a local election authority as provided by section
27 130.026, shall be assessed by the executive director a late
28 filing fee of one hundred dollars for each day that the
29 report is not filed, until the first day after the date of
30 the election. After such election date, the amount of such
31 late filing fee shall accrue at the rate of ten dollars per
32 day that such report remains unfiled, except as provided in
33 subdivision (2) of this subsection.

34 (2) The executive director shall [mail] **send a**
35 notice[, by certified mail or other means to give actual
36 notice,] to any candidate [who] **and the treasurer of any**
37 **committee that** fails to file the report described in
38 subdivision (1) of this subsection informing such person of
39 such failure and the fees provided by this section. If the
40 [candidate] **committee** persists in such failure for a period
41 in excess of thirty days beyond receipt of such notice, the
42 amount of the late filing fee shall increase to one hundred
43 dollars for each day that the report is not filed, provided

44 that the total amount of such fees assessed pursuant to this
45 subsection per report shall not exceed six thousand dollars.

46 3. The executive director shall assess every person
47 required to file a financial interest statement pursuant to
48 sections 105.483 to 105.492 failing to file such a financial
49 interest statement with the commission a late filing fee of
50 ten dollars for each day after such statement is due to the
51 commission. The executive director shall [mail] **send** a
52 notice[, by certified mail,] to any person who fails to file
53 such statement informing the individual required to file of
54 such failure and the fees provided by this section. If the
55 person persists in such failure for a period in excess of
56 thirty days beyond receipt of such notice, the amount of the
57 late filing fee shall increase to one hundred dollars for
58 each day thereafter that the statement is late, provided
59 that the total amount of such fees assessed pursuant to this
60 subsection per statement shall not exceed six thousand
61 dollars.

62 4. Any person assessed a late filing fee may seek
63 review of such assessment or the amount of late filing fees
64 assessed, at the person's option, by filing a petition
65 within fourteen days after receiving [actual] notice of
66 assessment with the administrative hearing commission, or
67 without exhausting the person's administrative remedies may
68 seek review of such issues with the circuit court of Cole
69 County.

70 5. The executive director of the Missouri ethics
71 commission shall collect such late filing fees as are
72 provided for in this section. Unpaid late filing fees shall
73 be collected by action filed by the commission. The
74 commission shall contract with the appropriate entity to
75 collect such late filing fees after a thirty-day

76 delinquency. If not collected within one hundred twenty
77 days, the Missouri ethics commission shall file a petition
78 in Cole County circuit court to seek a judgment on said
79 fees. All late filing fees collected pursuant to this
80 section shall be transmitted to the state treasurer and
81 deposited to the general revenue fund.

82 6. The late filing fees provided by this section shall
83 be in addition to any penalty provided by law for violations
84 of sections 105.483 to 105.492 or chapter 130.

85 7. **The late filing fees and corresponding cumulative**
86 **late filing fee limits described in subsections 1 and 2 of**
87 **this section shall be increased as provided in this**
88 **subsection. On January 1, 2025, and on January first of**
89 **successive years, the executive director of the commission**
90 **shall measure the increase in the cost of living by the**
91 **percentage increase as of the preceding July over the level**
92 **as of July of the immediately preceding year of the Consumer**
93 **Price Index for Urban Wage Earners and Clerical Workers (CPI-**
94 **W) or successor index as published by the U.S. Department of**
95 **Labor or its successor agency. On January 1, 2025, the**
96 **dollar amounts listed in this subsection shall be increased**
97 **by the percentage increase in the cost of living as measured**
98 **in this subsection, and this shall be known as the base**
99 **amount. The base amount shall be the dollar amount that is**
100 **increased each year pursuant to this subsection. If in any**
101 **given year, the base amount has cumulatively increased by an**
102 **increment of five dollars or more from the original dollar**
103 **amount listed in this subsection, the late filing fee shall**
104 **be increased by five dollars.**

105 8. If any candidate fails to file a campaign
106 disclosure report in a timely manner and that candidate is
107 assessed a late filing fee, the candidate, candidate

108 committee treasurer or assistant treasurer may file an
109 appeal of the assessment of the late filing fee with the
110 commission. The commission may forgive the assessment of
111 the late filing fee upon a showing of good cause. Such
112 appeal shall be filed within ten days of the receipt of
113 notice of the assessment of the late filing fee.

105.964. 1. When the last day of filing any report,
2 statement or other document required to be filed with the
3 commission pursuant to the provisions of this chapter or
4 chapter 130 falls on a Saturday or Sunday or on an official
5 state holiday, the deadline for filing is extended to 5:00
6 p.m. on the next day which is not a Saturday or Sunday or
7 official **state** holiday, **unless the report, statement, or**
8 **other document is filed with the commission electronically,**
9 **then the deadline shall be 11:59 p.m.**

10 2. The provisions of subsection 1 of this section
11 shall not apply to any report or disclosure required to be
12 filed less than eight days prior to an election when such
13 report or disclosure contains information relating to such
14 election.

15 3. The provisions of this section shall also apply to
16 any report, statement or other document required to be filed
17 with an appropriate officer, other than the ethics
18 commission, as indicated pursuant to the provisions of
19 section 130.026.

130.021. 1. Every committee shall have a treasurer
2 who, except as provided in subsection 10 of this section,
3 shall be a resident of this state and reside in the district
4 or county in which the committee sits. A committee may also
5 have a deputy treasurer who, except as provided in
6 subsection 10 of this section, shall be a resident of this
7 state and reside in the district or county in which the

8 committee sits, to serve in the capacity of committee
9 treasurer in the event the committee treasurer is unable for
10 any reason to perform the treasurer's duties.

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

32 3. A candidate who has more than one candidate
33 committee supporting the person's candidacy shall designate
34 one of those candidate committees as the committee
35 responsible for consolidating the aggregate contributions to
36 all such committees under the candidate's control and
37 direction as required by section 130.041.

38 4. (1) Every committee shall have a single official
39 fund depository within this state which shall be a federally

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

69 (2) A committee treasurer, deputy treasurer or
70 candidate may withdraw funds from a committee's official
71 depository account and deposit such funds in one or more

savings accounts in the committee's name in any bank, savings and loan association or credit union within this state, and may also withdraw funds from an official depository account for investment in the committee's name in any **mutual funds**, certificate of deposit, bond, or security. Proceeds from interest or dividends from a savings account or other investment or proceeds from withdrawals from a savings account or from the sale of an investment shall not be expended or reinvested, except in the case of renewals of certificates of deposit, without first redepositing such proceeds in an official depository account. Investments, other than savings accounts, held outside the committee's official depository account at any time during a reporting period shall be disclosed by description, amount, any identifying numbers and the name and address of any institution or person in which or through which it is held in an attachment to disclosure reports the committee is required to file. Proceeds from an investment such as interest or dividends or proceeds from its sale, shall be reported by date and amount. In the case of the sale of an investment, the names and addresses of the persons involved in the transaction shall also be stated. Funds held in savings accounts and investments, including interest earned, shall be included in the report of money on hand as required by section 130.041.

(3) Notwithstanding any other provision of law to the contrary, funds held in candidate committees, campaign committees, debt service committees, and exploratory committees shall be liquid such that these funds shall be readily available for the specific and limited purposes allowed by law. These funds may be invested only in **mutual funds or** short-term treasury instruments or short-term bank

certificates with durations of one year or less, or that allow the removal of funds at any time without any additional financial penalty other than the loss of interest income. Continuing committees, political party committees, and other committees such as out-of-state committees not formed for the benefit of any single candidate or ballot issue shall not be subject to the provisions of this subdivision. This subdivision shall not be interpreted to restrict the placement of funds in an interest-bearing checking account.

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

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

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

137 (3) The name, mailing address and telephone number of
138 the committee treasurer, and the name, mailing address and
139 telephone number of its deputy treasurer if the committee
140 has named a deputy treasurer;

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

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

145 (6) The name and mailing address of its depository,
146 and the name and account number of each account the
147 committee has in the depository. The account number of each
148 account shall be redacted prior to disclosing the statement
149 to the public;

150 (7) Identification of the major nature of the
151 committee such as a candidate committee, campaign committee,
152 continuing committee, political party committee, incumbent
153 committee, or any other committee according to the
154 definition of committee in section 130.011;

155 (8) In the case of the candidate committee designated
156 in subsection 3 of this section, the full name and address
157 of each other candidate committee which is under the control
158 and direction of the same candidate, together with the name,
159 address and telephone number of the treasurer of each such
160 other committee;

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

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

165 6. A committee may omit the information required in
166 subdivisions (9) and (10) of subsection 5 of this section

167 if, on the date on which it is required to file a statement
168 of organization, the committee has not yet determined the
169 particular candidates or particular ballot measures it will
170 support or oppose.

171 7. A committee which has filed a statement of
172 organization and has not terminated shall not be required to
173 file another statement of organization, except that when
174 there is a change in any of the information previously
175 reported as required by subdivisions (1) to (8) of
176 subsection 5 of this section an amended statement of
177 organization shall be filed within twenty days after the
178 change occurs, but no later than the date of the filing of
179 the next report required to be filed by that committee by
180 section 130.046.

181 8. Upon termination of a committee, a termination
182 statement indicating dissolution shall be filed not later
183 than ten days after the date of dissolution with the
184 appropriate officer or officers with whom the committee's
185 statement of organization was filed. The termination
186 statement shall include: the distribution made of any
187 remaining surplus funds and the disposition of any deficits;
188 and the name, mailing address and telephone number of the
189 individual responsible for preserving the committee's
190 records and accounts as required in section 130.036.

191 9. Any statement required by this section shall be
192 signed and attested by the committee treasurer or deputy
193 treasurer, and by the candidate in the case of a candidate
194 committee.

195 10. A committee domiciled outside this state shall be
196 required to file a statement of organization and appoint a
197 treasurer residing in this state and open an account in a

198 depository within this state; provided that either of the
199 following conditions prevails:

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

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

208 11. If a committee domiciled in this state receives a
209 contribution of one thousand five hundred dollars or more
210 from any committee domiciled outside of this state, the
211 committee domiciled in this state shall file a disclosure
212 report with the commission. The report shall disclose the
213 full name, mailing address, telephone numbers and domicile
214 of the contributing committee and the date and amount of the
215 contribution. The report shall be filed within forty-eight
216 hours of the receipt of such contribution if the
217 contribution is received after the last reporting date
218 before the election.

219 12. Each legislative and senatorial district committee
220 shall retain only one address in the district it sits for
221 the purpose of receiving contributions.

130.034. 1. Contributions as defined in section
2 130.011, received by any committee shall not be converted to
3 any personal use.

4 2. Contributions may be used for any purpose allowed
5 by law including, but not limited to:

6 (1) Any ordinary expenses incurred relating to a
7 campaign;

8 (2) Any ordinary and necessary expenses incurred in
9 connection with the duties of a holder of elective office;

10 (3) Any expenses associated with the duties of
11 candidacy or of elective office pertaining to the
12 entertaining of or providing social courtesies to
13 constituents, professional associations, or other holders of
14 elective office;

15 (4) **Any reasonable legal fees incurred in defense of a**
16 **legal proceeding arising out of the official duties of a**
17 **holder of elective office;**

18 (5) The return of any contribution to the person who
19 made the contribution to the candidate or holder of elective
20 office;

21 [(5)] (6) To contribute to a political organization or
22 candidate committee as allowed by law;

23 [(6)] (7) To establish a new committee as defined by
24 this chapter;

25 [(7)] (8) To make an unconditional gift which is fully
26 vested to any charitable, fraternal or civic organizations
27 or other associations formed to provide for some good in the
28 order of benevolence, if such candidate, former candidate or
29 holder of elective office or such person's immediate family
30 gain no direct financial benefit from the unconditional gift;

31 [(8)] (9) Except when such candidate, former candidate
32 or holder of elective office dies while the committee
33 remains in existence, the committee may make an
34 unconditional gift to a fund established for the benefit of
35 the spouse and children of the candidate, former candidate
36 or holder of elective office. The provisions of this
37 subdivision shall expire October 1, 1997.

38 3. Upon the death of the candidate, former candidate
39 or holder of elective office who received such

40 contributions, all contributions shall be disposed of
41 according to this section and any funds remaining after
42 final settlement of the candidate's decedent's estate, or if
43 no estate is opened, then twelve months after the
44 candidate's death, will escheat to the state of Missouri to
45 be deposited in the general revenue fund.

46 4. No contributions, as defined in section 130.011,
47 received by a candidate, former candidate or holder of
48 elective office shall be used to make restitution payments
49 ordered of such individual by a court of law or for the
50 payment of any fine resulting from conviction of a violation
51 of any local, state or federal law.

52 5. Committees described in subdivision (17) of section
53 130.011 shall make expenditures only for the purpose of
54 determining whether an individual will be a candidate. Such
55 expenditures include polling information, mailings, personal
56 appearances, telephone expenses, office and travel expenses
57 but may not include contributions to other candidate
58 committees.

59 6. Any moneys in the exploratory committee fund may be
60 transferred to the candidate committee upon declaration of
61 candidacy for the position being explored. Such funds shall
62 be included for the purposes of reporting and limitation.
63 In the event that candidacy is not declared for the position
64 being explored, the remaining exploratory committee funds
65 shall be returned to the contributors on a pro rata basis.
66 In no event shall the amount returned exceed the amount
67 given by each contributor nor be less than ten dollars.

68 7. Funds held in candidate committees, campaign
69 committees, debt service committees, and exploratory
70 committees shall be liquid such that these funds shall be
71 readily available for the specific and limited purposes

72 allowed by law. These funds may be invested only in **mutual**
73 **funds or in** short-term treasury instruments or short-term
74 bank certificates with durations of one year or less, or
75 that allow the removal of funds at any time without any
76 additional financial penalty other than the loss of interest
77 income. Continuing committees, political party committees,
78 and other committees such as out-of-state committees not
79 formed for the benefit of any single candidate or ballot
80 issue shall not be subject to the provisions of this
81 subsection. This subsection shall not be interpreted to
82 restrict the placement of funds in an interest-bearing
83 checking account.

130.036. 1. The candidate, treasurer or deputy
2 treasurer of a committee shall maintain accurate records and
3 accounts on a current basis. The records and accounts shall
4 be maintained in accordance with accepted normal bookkeeping
5 procedures and shall contain the bills, receipts, deposit
6 records, cancelled checks and other detailed information
7 necessary to prepare and substantiate any statement or
8 report required to be filed pursuant to this chapter. Every
9 person who acts as an agent for a committee in receiving
10 contributions, making expenditures or incurring indebtedness
11 for the committee shall, on request of that committee's
12 treasurer, deputy treasurer or candidate, but in any event
13 within five days after any such action, render to the
14 candidate, committee treasurer or deputy treasurer a
15 detailed account thereof, including names, addresses, dates,
16 exact amounts and any other details required by the
17 candidate, treasurer or deputy treasurer to comply with this
18 chapter. Notwithstanding the provisions of subsection 4 of
19 section 130.021 prohibiting commingling of funds, an
20 individual, trade or professional association, business

entity, or labor organization which acts as an agent for a committee in receiving contributions may deposit contributions received on behalf of the committee to the agent's account within a financial institution within this state, for purposes of facilitating transmittal of the contributions to the candidate, committee treasurer or deputy treasurer. Such contributions shall not be held in the agent's account for more than five days after the date the contribution was received by the agent, and shall not be transferred to the account of any other agent or person, other than the committee treasurer.

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

3. Notwithstanding the provisions of section 130.041 that only contributors of more than one hundred dollars shall be reported by name and address for all committees, the committee's records shall contain a listing of each contribution received by the committee, including those accepted and those which are rejected and either returned to the donor or transmitted to the state treasurer. Each contribution, regardless of the amount, shall be recorded by date received, name and address of the contributor and the amount of the contribution, except that any contributions from unidentifiable persons which are received through fund-raising activities and events as permitted in subsection 6 of section 130.031 shall be recorded to show the dates and amounts of all such contributions received together with information contained in statements required by subsection 6

53 of section 130.031. The procedure for recording
54 contributions shall be of a type which enables the
55 candidate, committee treasurer or deputy treasurer to
56 maintain a continuing total of all contributions received
57 from any one contributor.

58 4. Notwithstanding the provisions of section 130.041
59 that certain expenditures need not be identified in reports
60 by name and address of the payee, the committee's records
61 shall include a listing of each expenditure made and each
62 contract, promise or agreement to make an expenditure,
63 showing the date and amount of each transaction, the name
64 and address of the person to whom the expenditure was made
65 or promised, and the purpose of each expenditure made or
66 promised.

67 5. In the case of a committee which makes expenditures
68 for both the support or opposition of any candidate and the
69 passage or defeat of a ballot measure, the committee
70 treasurer shall maintain records segregated according to
71 each candidate or measure for which the expenditures were
72 made.

73 6. Records shall indicate which transactions, either
74 contributions received or expenditures made, were cash
75 transactions or in-kind transactions.

76 7. Any candidate who, pursuant to section 130.016, is
77 exempt from the requirements to form a committee shall
78 maintain records of each contribution received or
79 expenditure made in support of his candidacy. Any other
80 person or combination of persons who, although not deemed to
81 be a committee according to the definition of the term
82 "committee" in section 130.011, accepts contributions or
83 makes expenditures, other than direct contributions from the
84 person's own funds, for the purpose of supporting or

85 opposing the election or defeat of any candidate or for the
86 purpose of supporting or opposing the qualifications,
87 passage or defeat of any ballot measure shall maintain
88 records of each contribution received or expenditure made.
89 The records shall include name, address and amount
90 pertaining to each contribution received or expenditure made
91 and any bills, receipts, cancelled checks or other documents
92 relating to each transaction.

93 8. All records and accounts of receipts and
94 expenditures shall be preserved for at least three years
95 after the date of the election to which the records
96 pertain. Records and accounts regarding supplemental
97 disclosure reports or reports not required pursuant to an
98 election shall be preserved for at least three years after
99 the date of the report to which the records pertain. Such
100 records shall be available for inspection by the [campaign
101 finance review board] **Missouri ethics commission** and its
102 duly authorized representatives.

130.041. 1. Except as provided in subsection 5 of
2 section 130.016, the candidate, if applicable, treasurer or
3 deputy treasurer of every committee which is required to
4 file a statement of organization, shall file a legibly
5 printed or typed disclosure report of receipts and
6 expenditures. The reports shall be filed with the
7 appropriate officer designated in section 130.026 at the
8 times and for the periods prescribed in section 130.046.
9 Except as provided in sections 130.049 and 130.050, each
10 report shall set forth:

11 (1) The full name, as required in the statement of
12 organization pursuant to subsection 5 of section 130.021,
13 and mailing address of the committee filing the report and
14 the full name, mailing address and telephone number of the

15 committee's treasurer and deputy treasurer if the committee
16 has named a deputy treasurer;

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

19 (3) Receipts for the period, including:

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

35 (b) Total amount of all anonymous contributions
36 accepted;

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

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

45 (e) A separate listing by name and address and
46 employer, or occupation if self-employed or notation of

47 retirement, of each person from whom the committee received
48 contributions, in money or any other thing of value,
49 aggregating more than one hundred dollars, together with the
50 date and amount of each such contribution;

51 (f) A listing of each loan received by name and
52 address of the lender and date and amount of the loan. For
53 each loan of more than one hundred dollars, a separate
54 statement shall be attached setting forth the name and
55 address of the lender and each person liable directly,
56 indirectly or contingently, and the date, amount and terms
57 of the loan;

58 (4) Expenditures for the period, including:

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

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

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

65 (d) The full name and mailing address of each person
66 to whom an expenditure of money or any other thing of value
67 in the amount of more than [one] two hundred dollars has
68 been made, contracted for or incurred, together with the
69 date, amount and purpose of each expenditure. Expenditures
70 of [one] two hundred dollars or less may be grouped and
71 listed by categories of expenditure showing the total dollar
72 amount of expenditures in each category, except that the
73 report shall contain an itemized listing of each payment
74 made to campaign workers by name, address, date, amount and
75 purpose of each payment and the aggregate amount paid to
76 each such worker. **The reporting threshold listed in this**
77 **section shall be increased as provided in this paragraph.**
78 **On January 1, 2025, and on January first of successive**

79 years, the executive director of the commission shall
80 measure the increase in the cost of living by the percentage
81 increase as of the preceding July over the level as of July
82 of the immediately preceding year of the Consumer Price
83 Index for Urban Wage Earners and Clerical Workers (CPI-W) or
84 successor index as published by the U.S. Department of Labor
85 or its successor agency. On January 1, 2025, the dollar
86 amount listed in this paragraph shall be increased by the
87 percentage increase in the cost of living as measured in
88 this paragraph, and this shall be known as the base amount.
89 The base amount shall be the dollar amount that is increased
90 each year pursuant to this paragraph. If in any given year,
91 the base amount has cumulatively increased by an increment
92 of five dollars or more from the original dollar amount
93 listed in this paragraph, the reporting threshold shall be
94 increased by five dollars;

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

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

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

103 (7) The amount of expenditures for or against a
104 candidate or ballot measure during the period covered and
105 the cumulative amount of expenditures for or against that
106 candidate or ballot measure, with each candidate being
107 listed by name, mailing address and office sought. For the
108 purpose of disclosure reports, expenditures made in support
109 of more than one candidate or ballot measure or both shall
110 be apportioned reasonably among the candidates or ballot

measure or both. In apportioning expenditures to each candidate or ballot measure, political party committees and continuing committees need not include expenditures for maintaining a permanent office, such as expenditures for salaries of regular staff, office facilities and equipment or other expenditures not designed to support or oppose any particular candidates or ballot measures; however, all such expenditures shall be listed pursuant to subdivision (4) of this subsection;

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

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

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

designated or restricted by that contributor and the date and amount of such contribution.

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

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

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

(3) In the case of a political party committee or a continuing committee, the period shall begin on the first day of January of the year in which the report or statement is being filed and end on the closing date for the period for which the report or statement is required; except, if

the report or statement is required to be filed prior to the first day of July in any given year, the period shall begin on the first day of July of the preceding year.

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

4. The words "consulting or consulting services, fees, or expenses", or similar words, shall not be used to describe the purpose of a payment as required in this section. The reporting of any payment to such an independent contractor shall be on a form supplied by the appropriate officer, established by the ethics commission and shall include identification of the specific service or services provided including, but not limited to, public opinion polling, research on issues or opposition background, print or broadcast media production, print or broadcast media purchase, computer programming or data entry, direct mail production, postage, rent, utilities, phone solicitation, or fund raising, and the dollar amount prorated for each service.

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

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

(2) Not later than the thirtieth day after an election for a period closing on the twenty-fifth day after the election, if the committee has made any contribution or expenditure either in support of or opposition to any

13 candidate or ballot measure; except that, a successful
14 candidate who takes office prior to the twenty-fifth day
15 after the election shall have complied with the report
16 requirement of this subdivision if a disclosure report is
17 filed by such candidate and any candidate committee under
18 the candidate's control before such candidate takes office,
19 and such report shall be for the period closing on the day
20 before taking office; and

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

23 Notwithstanding the provisions of this subsection, if any
24 committee accepts contributions or makes expenditures in
25 support of or in opposition to a ballot measure or a
26 candidate, and the report required by this subsection for
27 the most recent calendar quarter is filed prior to the
28 fortieth day before the election on the measure or
29 candidate, the committee shall file an additional disclosure
30 report not later than the fortieth day before the election
31 for the period closing on the forty-fifth day before the
32 election.

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

38 (1) In addition to the disclosure reports required to
39 be filed pursuant to subsection 1 of this section the
40 treasurer of a committee, other than a continuing committee,
41 supporting or opposing a petition effort to qualify a
42 measure to appear on the ballot or to remove an incumbent
43 from office shall file an initial disclosure report fifteen

44 days after the committee begins the process of raising or
45 spending money. After such initial report, the committee
46 shall file quarterly disclosure reports as required by
47 subdivision (3) of subsection 1 of this section until such
48 time as the reports required by subdivisions (1) and (2) of
49 subsection 1 of this section are to be filed. In addition
50 the committee shall file a second disclosure report no later
51 than the fifteenth day after the deadline date for
52 submitting such petition. The period covered in the initial
53 report shall begin on the day the committee first accepted
54 contributions or made expenditures to support or oppose the
55 petition effort for qualification of the measure and shall
56 close on the fifth day prior to the date of the report;

57 (2) If the measure has qualified to be on the ballot
58 in an election and if a committee subject to the
59 requirements of subdivision (1) of this subsection is also
60 required to file a preelection disclosure report for such
61 election any time within thirty days after the date on which
62 disclosure reports are required to be filed in accordance
63 with subdivision (1) of this subsection, the treasurer of
64 such committee shall not be required to file the report
65 required by subdivision (1) of this subsection, but shall
66 include in the committee's preelection report all
67 information which would otherwise have been required by
68 subdivision (1) of this subsection.

69 3. The candidate, if applicable, treasurer or deputy
70 treasurer of a committee shall file disclosure reports
71 pursuant to this section, except for any calendar quarter in
72 which the contributions received by the committee or the
73 expenditures or contributions made by the committee do not
74 exceed five hundred dollars. The reporting dates and
75 periods covered for such quarterly reports shall not be

76 later than the fifteenth day of January, April, July and
77 October for periods closing on the thirty-first day of
78 December, the thirty-first day of March, the thirtieth day
79 of June and the thirtieth day of September. No candidate,
80 treasurer or deputy treasurer shall be required to file the
81 quarterly disclosure report required not later than the
82 fifteenth day of any January immediately following a
83 November election, provided that such candidate, treasurer
84 or deputy treasurer shall file the information required on
85 such quarterly report on the quarterly report to be filed
86 not later than the fifteenth day of April immediately
87 following such November election. Each report by such
88 committee shall be cumulative from the date of the last
89 report. In the case of the continuing committee's first
90 report, the report shall be cumulative from the date of the
91 continuing committee's organization. Every candidate,
92 treasurer or deputy treasurer shall file, at a minimum, the
93 campaign disclosure reports covering the quarter immediately
94 preceding the date of the election and those required by
95 subdivisions (1) and (2) of subsection 1 of this section. A
96 continuing committee shall submit additional reports if it
97 makes aggregate expenditures, other than contributions to a
98 committee, of five hundred dollars or more, within the
99 reporting period at the following times for the following
100 periods:

101 (1) Not later than the eighth day before an election
102 for the period closing on the twelfth day before the
103 election;

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

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

110 4. The reports required to be filed no later than the
111 thirtieth day after an election and any subsequently
112 required report shall be cumulative so as to reflect the
113 total receipts and disbursements of the reporting committee
114 for the entire election campaign in question. The period
115 covered by each disclosure report shall begin on the day
116 after the closing date of the most recent disclosure report
117 filed and end on the closing date for the period covered.
118 If the committee has not previously filed a disclosure
119 report, the period covered begins on the date the committee
120 was formed; except that in the case of a candidate
121 committee, the period covered begins on the date the
122 candidate became a candidate according to the definition of
123 the term candidate in section 130.011.

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

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

130 (a) If there are less than fifty days between a
131 primary election and the immediately succeeding general
132 election, the disclosure report required to be filed
133 quarterly; provided that, any other report required to be
134 filed prior to the primary election and all other reports
135 required to be filed not later than the eighth day before
136 the general election are filed no later than the final dates
137 for filing such reports;

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

(2) No disclosure report needs to be filed for any reporting period if during that reporting period the committee has neither received contributions aggregating more than five hundred dollars nor made expenditure aggregating more than five hundred dollars and has not received contributions aggregating more than three hundred dollars from any single contributor and if the committee's treasurer files a statement with the appropriate officer that the committee has not exceeded the identified thresholds in the reporting period. Any contributions received or expenditures made which are not reported because this statement is filed in lieu of a disclosure report shall be included in the next disclosure report filed by the committee. This statement shall not be filed in lieu of the report for two or more consecutive disclosure periods if either the contributions received or expenditures made in the aggregate during those reporting periods exceed five hundred dollars. This statement shall not be filed, in lieu of the report, later than the thirtieth day after an election if that report would show a deficit of more than one thousand dollars.

6. (1) If the disclosure report required to be filed by a committee not later than the thirtieth day after an election shows a deficit of unpaid loans and other

170 outstanding obligations in excess of five thousand dollars,
171 semiannual supplemental disclosure reports shall be filed
172 with the appropriate officer for each succeeding semiannual
173 period until the deficit is reported in a disclosure report
174 as being reduced to five thousand dollars or less; except
175 that, a supplemental semiannual report shall not be required
176 for any semiannual period which includes the closing date
177 for the reporting period covered in any regular disclosure
178 report which the committee is required to file in connection
179 with an election. The reporting dates and periods covered
180 for semiannual reports shall be not later than the fifteenth
181 day of January and July for periods closing on the thirty-
182 first day of December and the thirtieth day of June.

183 (2) Committees required to file reports pursuant to
184 subsection 2 or 3 of this section which are not otherwise
185 required to file disclosure reports for an election shall
186 file semiannual reports as required by this subsection if
187 their last required disclosure report shows a total of
188 unpaid loans and other outstanding obligations in excess of
189 five thousand dollars.

190 7. In the case of a committee which disbands and is
191 required to file a termination statement pursuant to the
192 provisions of section 130.021 with the appropriate officer
193 not later than the tenth day after the committee was
194 dissolved, the candidate, committee treasurer or deputy
195 treasurer shall attach to the termination statement a
196 complete disclosure report for the period closing on the
197 date of dissolution. A committee shall not utilize the
198 provisions of subsection 8 of section 130.021 or the
199 provisions of this subsection to circumvent or otherwise
200 avoid the reporting requirements of subsection 6 or 7 of
201 this section.

202 8. Disclosure reports shall be filed with the
203 appropriate officer not later than 5:00 p.m. [prevailing
204 local time] of the day designated for the filing of the
205 report and a report postmarked not later than midnight of
206 the day previous to the day designated for filing the report
207 shall be deemed to have been filed in a timely manner. The
208 appropriate officer may establish a policy whereby
209 disclosure reports may be filed by facsimile transmission.
210 **Notwithstanding the requirements of this subsection, the**
211 **deadline for the filing of any disclosure report, where the**
212 **appropriate officer is the Missouri ethics commission and**
213 **the report is filed electronically, shall be not later than**
214 **11:59 p.m. of the day designated for the filing of the**
215 **report.**

216 9. Each candidate for the office of state
217 representative, state senator, and for statewide elected
218 office shall file all disclosure reports described in
219 section 130.041 electronically with the Missouri ethics
220 commission. The Missouri ethics commission shall promulgate
221 rules establishing the standard for electronic filings with
222 the commission and shall propose such rules for the
223 importation of files to the reporting program.

224 10. (1) **The executive director of the Missouri ethics**
225 **commission may extend the deadline for the filing of any**
226 **report or statement to be filed with the commission pursuant**
227 **to this chapter if, in the discretion of the executive**
228 **director, there are extraordinary circumstances affecting**
229 **the commission's ability to accept electronic filings from**
230 **all filers, provided that such deadline extension shall not**
231 **extend more than two business days, exclusive of Saturdays,**
232 **Sundays, or official state holidays beyond the established**
233 **deadline.**

(2) The executive director of the Missouri ethics commission may extend the deadline for the filing of any report or statement to be filed with the commission pursuant to this chapter if there has been a governor-declared state of emergency, provided such extension shall not extend beyond thirty days.

11. Any rule or portion of a rule, as that term is defined in section 536.010, that is created under the authority delegated in this section shall become effective only if it complies with and is subject to all of the provisions of chapter 536 and, if applicable, section 536.028. This section and chapter 536 are nonseverable and if any of the powers vested with the general assembly pursuant to chapter 536 to review, to delay the effective date, or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after August 28, 2006, shall be invalid and void.

130.056. 1. The executive director of the Missouri ethics commission shall:

(1) Take such steps as are necessary to disseminate among the general public such information as may serve to guide all persons who are or may become subject to the provisions of this chapter for the purpose of facilitating voluntary compliance with the purposes and provisions of this chapter;

(2) Be responsible for expediting the filing of all reports, statements and other information required to be filed pursuant to the provisions of this chapter and, in connection therewith, be responsible for developing procedures whereby all candidates shall be informed of the provisions of section 130.016 so as to assure the timely

15 filing of statements which some candidates are eligible to
16 file as provided in section 130.016;

17 (3) Develop and publish forms and printed
18 instructional material and furnish such forms and
19 instructions to persons required to file reports and
20 statements pursuant to the provisions of this chapter,
21 together with a summary of the provisions of chapter 115,
22 which apply to candidates and committees covered by this
23 chapter, provided, however, such forms shall not seek
24 information which is not specifically required by this
25 chapter. All forms furnished pursuant to this chapter shall
26 clearly state in readable type on the face of the form the
27 date on which the form became effective. The forms
28 published by the executive director shall provide for
29 compliance with reporting and other provisions of this
30 chapter. Any report form published by the executive
31 director for purposes of compliance with section 130.041
32 shall provide for reporting contributions from individuals,
33 corporations, labor organizations and fictitious entities
34 and contributions from committees on the same form.
35 Contributions from committees shall be listed first on each
36 report form. All expenditures shall also be reported on a
37 single report form;

38 (4) Develop a filing, coding and cross-indexing system
39 for reports and statements required to be filed with the
40 Missouri ethics commission, and preserve such reports and
41 statements for a period of not less than five years from
42 date of receipt;

43 (5) Make the reports and statements filed with the
44 Missouri ethics commission available for public inspection
45 and copying, commencing as soon as practicable but not later
46 than the end of the second day after which a report was

received, and permit copying of any such report or statement by hand or by duplicating machine, as requested by any person, at the expense of such person, but no information obtained from such reports and statements shall be sold or utilized by any person for any commercial purpose;

(6) Examine each report and statement filed with the Missouri ethics commission pursuant to the requirements of this chapter to determine if the statements are properly completed and filed within the time required by this chapter;

(7) Notify a person required to file a report or statement pursuant to this chapter with the Missouri ethics commission immediately if, upon examination of the official ballot or other circumstances surrounding any election, it appears that the person has failed to file a report or statement as required by law;

(8) From reports filed with the Missouri ethics commission, prepare and publish an annual report including compilations of amounts contributed and expended for the influencing of nominations and elections;

(9) Prepare and publish such other reports as the Missouri ethics commission deems appropriate;

(10) Disseminate statistics, summaries, and reports prepared under this chapter;

(11) Employ staff and retain such contract services, including legal services to represent the commission before any state agency or before the courts as the executive director deems necessary within the limits authorized by appropriation by the general assembly.

2. Each appropriate officer other than the executive director of the Missouri ethics commission shall:

(1) Assist the executive director in furnishing forms and printed instructional material to persons required to

79 file reports and statements pursuant to the provisions of
80 this chapter;

81 (2) Accept reports and statements required to be filed
82 with the person's office;

83 (3) Develop for the officer's constituency a filing,
84 coding, and cross-indexing system consonant with the
85 purposes of this chapter;

86 (4) Make the reports and statements filed with the
87 officer available for public inspection and copying,
88 commencing as soon as practicable but not later than the end
89 of the second day after which a report was received, and
90 permit copying of any such report or statement by hand or by
91 duplicating machine, as requested by any person, at the
92 expense of such person, but no information obtained from
93 such reports and statements shall be sold or utilized by any
94 person for any commercial purpose;

95 (5) Preserve such reports and statements for a period
96 of not less than five years from the date of receipt;

97 (6) Examine each report and statement filed with the
98 person's office pursuant to the requirements of this chapter
99 to determine if the reports and statements appear to be
100 complete and filed within the required time;

101 (7) Notify a person required to file a report or
102 statement pursuant to this chapter immediately if, upon
103 examination of the circumstances surrounding any election,
104 it appears that the person has failed to file a report or
105 statement as required by law;

106 (8) Notify the Missouri ethics commission if the
107 person has reasonable cause to believe that a violation of
108 this chapter has occurred;

109 (9) Assess every candidate for state or local office
110 failing to file with a local election authority pursuant to

section 130.026, a campaign disclosure report as required by this chapter other than the report required pursuant to subdivision (1) of subsection 1 of section 130.046, a late filing fee of **[ten] twenty** dollars for each day such report is due to the election authority. The local election authority shall mail a notice, by registered mail, to any candidate and candidate committee treasurer and deputy treasurer who fails to file such report informing such person of such failure and the fees provided by this subdivision. If the candidate persists in such failure for a period in excess of thirty days beyond the receipt of such notice, the amount of the late filing fee shall increase to one hundred dollars for each day that the report is not filed, provided that the total amount of such fees assessed pursuant to this subsection per report shall not exceed three hundred dollars. **The late filing fees listed in this section shall be increased as provided in this subdivision. On January 1, 2025, and on January first of successive years, the executive director of the commission shall measure the increase in the cost of living by the percentage increase as of the preceding July over the level as of July of the immediately preceding year of the Consumer Price Index for Urban Wage Earners and Clerical Workers (CPI-W) or successor index as published by the U.S. Department of Labor or its successor agency. On January 1, 2025, the fee listed in this subdivision shall be increased by the percentage increase in the cost of living as measured in this subdivision, and this shall be known as the base amount. The base amount shall be the dollar amount that is increased each year pursuant to this subdivision. If in any given year, the base amount has cumulatively increased by an increment of five dollars or more from the original fee**

143 **listed in this subdivision, the late filing fee shall be**
144 **increased by five dollars.**

145 3. Any person receiving from an appropriate officer a
146 copy of, or who is permitted to inspect or make a copy of,
147 any report or statement filed pursuant to the requirements
148 of this chapter shall sign a statement that the person will
149 not utilize the reports or statements or any information
150 thereon for any commercial use, except for public news
151 reporting, whatsoever and will not transfer the information
152 obtained to any other persons for such purposes. It shall
153 be the responsibility of each appropriate officer to
154 instruct any person making a request to inspect, copy or
155 receive a copy of any report or statement or any portion of
156 a report or statement filed pursuant to this chapter that
157 the utilization of any information obtained from such
158 reports for any commercial purpose is a violation of this
159 chapter.

347.163. 1. Every foreign limited liability company
2 now transacting business in or which may hereafter transact
3 business in this state which shall neglect or fail to comply
4 with the provisions of section 347.153 shall be subject to a
5 fine of not less than one thousand dollars. If the
6 secretary is advised that a foreign limited liability
7 company is transacting business within this state in
8 contravention of sections 347.010 to 347.187, the secretary
9 shall report the fact to the prosecuting attorney of any
10 county in which the limited liability company is transacting
11 business, and the prosecuting attorney shall, as soon
12 thereafter as is practical, institute proceedings to recover
13 the fine prescribed in this section. In addition to such
14 penalty, no foreign limited liability company failing to
15 comply with sections 347.010 to 347.187 may maintain any

16 suit or action, either legal or equitable, in any of the
17 courts of this state, upon any demand, whether arising out
18 of contract or tort, while the requirements of sections
19 347.010 to 347.187 have not been met.

20 2. The failure of a foreign limited liability company
21 to register in this state does not impair the validity of
22 any contract or act of the foreign limited liability company
23 or prevent the foreign limited liability company from
24 defending any action, suit or proceeding in any court of
25 this state.

26 3. A member of a foreign limited liability company is
27 not liable for any debts, obligations or liabilities of the
28 foreign limited liability company solely by reason of having
29 transacted business in this state without registration.

30 4. A foreign limited liability company, by transacting
31 business in this state without registration, shall be
32 subject to the provisions of sections 506.500 to 506.520
33 with respect to causes of actions arising out of the
34 transaction of business in this state.

35 5. Without excluding other activities which may not
36 constitute transacting business in this state, a foreign
37 limited liability company shall not be considered to be
38 transacting business in this state, for purposes of sections
39 347.010 to 347.187, by reason of carrying on in this state
40 any one or more of the following activities:

41 (1) Maintaining or defending any action or suit or any
42 administrative or arbitration proceeding, or effecting the
43 settlement thereof or the settlement of claims or disputes;

44 (2) Holding meetings of its members or carrying on
45 other activities concerning its internal affairs;

46 (3) Maintaining bank accounts;

47 (4) Borrowing money or creating evidence of debt,
48 mortgage or lien on or other security interest in real or
49 personal property;

50 (5) Securing or collecting debts or enforcing any
51 rights in properties securing the same;

52 (6) Transacting any business in interstate commerce;
53 [or]

54 (7) Conducting an isolated transaction completed
55 within a period of thirty days and not in the course of a
56 number of repeated transactions of a like nature; or

57 (8) **Making a contribution, as that term is defined in**
58 **section 130.011, to any committee, as that term is defined**
59 **in Article VIII, Section 23 of the Missouri Constitution.**

60 6. A foreign corporation, as defined in section
61 351.015 or section 355.066, shall not be deemed to be
62 transacting business in this state for the purposes of
63 section 351.572 solely for the reason that it is a member of
64 a limited liability company.

65 7. A foreign limited partnership or foreign registered
66 limited liability limited partnership, as defined in section
67 359.011, shall not be deemed to be transacting business in
68 this state for the purposes of section 359.551 solely for
69 the reason that it is a member of a limited liability
70 company.

71 8. A foreign limited liability company as defined in
72 sections 347.010 to 347.187 shall not be deemed to be
73 transacting business in this state for the purposes of this
74 section, solely for the reason that it is a member of a
75 limited liability company.

76 9. A foreign registered limited liability partnership,
77 as defined in section 358.020, shall not be deemed to be
78 transacting business in this state for the purposes of

79 section 351.572 solely for the reason that it is a member of
80 a limited liability company.

81 10. The provisions of this section do not apply in
82 determining the context or activities which may subject a
83 foreign limited liability company to service of process,
84 suit, taxation or regulation under any other statute of this
85 state.

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