

SECOND REGULAR SESSION
HOUSE COMMITTEE SUBSTITUTE NO. 2 FOR
SENATE BILL NO. 844
95TH GENERAL ASSEMBLY

4135L.08C

D. ADAM CRUMBLISS, Chief Clerk

AN ACT

To repeal sections 28.190, 29.280, 30.060, 30.070, 30.080, 105.030, 105.040, 105.050, 105.456, 105.470, 105.473, 105.961, 105.963, 105.966, 115.279, 115.281, 115.287, 115.291, 115.292, 115.427, 116.160, 116.180, 116.190, 116.240, 116.334, 130.011, 130.021, 130.031, and 136.055, RSMo, and to enact in lieu thereof forty-nine new sections relating to ethical administration of public institutions and officials, with penalty provisions and a contingent effective date for certain sections.

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

Section A. Sections 28.190, 29.280, 30.060, 30.070, 30.080, 105.030, 105.040, 105.050, 105.456, 105.470, 105.473, 105.961, 105.963, 105.966, 115.279, 115.281, 115.287, 115.291, 115.292, 115.427, 116.160, 116.180, 116.190, 116.240, 116.334, 130.011, 130.021, 130.031, and 136.055, RSMo, are repealed and forty-nine new sections enacted in lieu thereof, to be known as sections 21.860, 26.016, 27.015, 28.190, 29.280, 30.060, 30.080, 34.047, 37.900, 67.314, 105.009, 105.030, 105.040, 105.050, 105.456, 105.459, 105.463, 105.470, 105.473, 105.479, 105.961, 105.963, 105.966, 115.156, 115.276, 115.278, 115.279, 115.281, 115.287, 115.291, 115.292, 115.427, 116.160, 116.180, 116.190, 116.240, 116.334, 130.011, 130.021, 130.031, 130.032, 136.055, 575.021, 1, 2, 3, 4, 5, and 6, to read as follows:

21.860. 1. There is established a joint committee of the general assembly to be known as the "Joint Committee on Ballot Statements", to be composed of nine members. The governor shall choose three members, the president pro tem of the senate shall choose three members, and the speaker of the house shall choose three members. No member of the committee shall hold any other public office during the member's service on the joint committee. Each member shall be appointed for a term of two years or until a successor has been appointed to fill the member's place when the member's term has expired.

EXPLANATION — Matter enclosed in bold-faced brackets [thus] in the above bill is not enacted and is intended to be omitted from the law. Matter in bold-face type in the above bill is proposed language.

Although this sounds like a good way to eliminate the problem of a SOS writing partisan ballot titles, it is clearly unconstitutional. Art. III Sec. 49 specifies that the initiative process be "independent of the general assembly".

8 Members may be reappointed to the joint committee. A majority of the committee shall
9 constitute a quorum, but the concurrence of a majority of the members shall be required
10 for the determination of any matter within the committee's duties.

11 2. The joint committee shall prepare and formally review all summary statements
12 as required by section 116.160.

13 3. The joint committee shall meet within thirty days after its creation and organize
14 by selecting a chair and a vice chair, one of whom shall be a member of the senate and the
15 other a member of the house of representatives with a member of the house of
16 representatives serving as the initial chair. The chair shall alternate between members of
17 the house and senate every two years after the committee's organization.

18 4. The committee shall meet as often as necessary to accomplish the ballot statement
19 process. The committee may meet at locations other than Jefferson City when the
20 committee deems it necessary.

21 5. Subject to appropriations, the committee shall be staffed by legislative personnel
22 as is deemed necessary to assist the committee in the performance of its duties.

23 6. The members of the committee shall serve without compensation but shall be
24 entitled to reimbursement from the joint contingent fund for actual and necessary expenses
25 incurred in the performance of official duties.

26.016. In the case of any vacancy for any cause in the office of lieutenant governor,
2 the governor shall immediately fill such vacancy by special election as provided in section
3 105.030 for the remainder of the term in which the vacancy occurred until a successor is
4 elected and qualified at the next election scheduled for the lieutenant governor under
5 section 17, article IV, Constitution of Missouri. The governor shall take charge of such
6 office and superintend the business of the office until a successor is elected and qualified.
7 In cases of impeachment as provided in chapter 106, the lieutenant governor shall be
8 suspended until the impeachment is determined. If the lieutenant governor is acquitted,
9 the lieutenant governor shall be reinstated to office. If the lieutenant governor is convicted,
10 the vacancy shall be filled in the same manner as provided in this section.

27.015. In the case of any vacancy for any cause in the office of attorney general,
2 the governor shall immediately appoint an acting attorney general to fill such vacancy until
3 the vacancy is filled by special election as provided in section 105.030 for the remainder of
4 the term in which the vacancy occurred until a successor is elected and qualified at the next
5 election scheduled for the attorney general under section 17, article IV, Constitution of
6 Missouri. The acting attorney general shall take charge of such office and superintend the
7 business of the office until a successor is elected and qualified. In cases of impeachment
8 as provided in chapter 106, the attorney general shall be suspended until the impeachment

9 **is determined. If the attorney general is acquitted, the attorney general shall be reinstated**
10 **to office. If the attorney general is convicted, the vacancy shall be filled in the same**
11 **manner as provided in this section.**

28.190. In case of death, resignation, removal from office, impeachment, or vacancy
2 from any cause in the office of **secretary of state**, the governor shall immediately [appoint a
3 qualified person to] fill such vacancy **by special election as provided in section 105.030** for the
4 remainder of the term in which such vacancy occurred [and] until [his] a successor is elected
5 [or appointed, commissioned] and qualified[; and] **at the next election scheduled for the**
6 **secretary of state under section 17, article IV, Constitution of Missouri.** The governor shall
7 take charge of the office and superintend its business until such person is [appointed,
8 commissioned] **elected** and qualified[; except that] . In case of impeachment **as provided in**
9 **chapter 106**, the governor shall appoint a qualified person to serve only until such impeachment
10 is determined, when the suspended officer, if acquitted, shall be reinstated in office[, or] . If the
11 suspended officer is convicted, [a new appointment shall be made] **the vacancy shall be filled**
12 **by the governor as [in the case of other vacancies] provided in this section.**

29.280. When a vacancy occurs in the office of **state auditor**, the governor shall
2 immediately appoint an **acting** auditor to fill such vacancy **until the vacancy is filled by special**
3 **election as provided in section 105.030** for the residue of the term in which the vacancy
4 occurred[, and] until [his] a successor is elected [or appointed, commissioned] and qualified **at**
5 **the next election scheduled for the state auditor under section 17, article IV, Constitution**
6 **of Missouri. The acting auditor shall take charge of such office and superintend the**
7 **business of the office until a successor is elected and qualified. In cases of impeachment**
8 **as provided in chapter 106, the auditor shall be suspended until the impeachment is**
9 **determined.** If the auditor is acquitted, the auditor shall be reinstated to office. If the
10 auditor is convicted, the vacancy shall be filled in the same manner as provided in this
11 section.

30.060. In case of death, resignation, removal from office, impeachment, or vacancy
2 from any cause[,] in the office of the state treasurer, the governor shall **immediately fill such**
3 **vacancy by special election as provided in section 105.030 for the remainder of the term in**
4 **which such vacancy occurred until a successor is elected and qualified at the next election**
5 **scheduled for the state treasurer under section 17, article IV, Constitution of Missouri.**
6 **The governor shall take charge of such office** and superintend the business thereof until a
7 successor is [appointed, commissioned] **elected** and qualified [except] . In case of impeachment
8 **as provided in chapter 106**, when no [appointment] **election** shall be made until a
9 determination of the matter is had, when, in the event of an acquittal, the suspended officer shall

10 be reinstated in office. **If the treasurer is convicted, the vacancy shall be filled in the same**
11 **manner as provided in this section.**

30.080. Immediately after the [appointment] **election** and qualification of a state
2 treasurer, made to fill any vacancy occurring in said office, or the resumption of [his] duties by
3 said officer, after the removal of any disability or temporary suspension therefrom the general
4 assembly if in session, or, if such assembly be not in session, then the governor, shall cause a
5 settlement to be made of the accounts of the former state treasurer, or any such office ad interim,
6 remaining unsettled, and ascertain what balance, if any, is due the state or such officer, as the
7 case may be.

34.047. 1. Notwithstanding any other provision of law to the contrary, the
2 **commissioner of administration shall give priority as the lowest and best bidder to any**
3 **Missouri resident corporation with physical offices and employees located in this state,**
4 **regardless of whether a corporation outside this state with no physical location or**
5 **employees located within this state submits a bid that is determined to be the lowest and**
6 **best bid.**

7 **2. Notwithstanding any other provision of law to the contrary, all letting of bids by**
8 **the office of administration shall be based on a competitive bid process. All corporations**
9 **bidding for work in this state shall be properly registered with the state to work in this**
10 **state. All Missouri minority businesses and disabled veteran businesses shall be given**
11 **priority in the determination of the lowest and best bid, as shall any cost-saving measures**
12 **benefitting this state such as data repositories and "Go Green" programs.**

37.900. 1. Any statewide elected official may request the office of administration
2 **to determine the lowest and best bidder with respect to any contract for purchasing,**
3 **printing, or services for which the official has the authority to contract.**

4 **2. The official shall submit the original request for proposal and any pertinent**
5 **information explaining the evaluation criteria established in the request and any additional**
6 **information the official deems necessary.**

7 **3. The office of administration shall not be required to inquire of or negotiate with**
8 **any offeror submitting a bid and shall only be required to reply to the elected official**
9 **within forty-five days after the submission of the request by naming the offeror the office**
10 **of administration determines to be the lowest and best bidder based on all submitted**
11 **documents.**

67.314. 1. The provisions of this section shall apply to contracts for construction
2 **awarded by political subdivisions of the state of Missouri and shall be known as the**
3 **"Political Subdivision Construction Bidding Standards Act".**

4 **2. As used in this section, the following terms mean:**

5 (1) "Contracts for construction", the construction, alteration, or repair of any
6 structure as defined by drawings and specifications that have been completed for
7 construction and prepared by a design professional duly licensed in Missouri, including
8 but not limited to any building, highway, bridge, street, viaduct, water or sewer line or
9 system, pipeline, demolition, moving, or excavation connected therewith, and shall include
10 the furnishing of surveying, construction engineering, planning or management services,
11 or labor, material, or equipment, as required to perform work under the contract for
12 construction;

13 (2) "Established local construction procurement policy", a policy and procedure
14 for use in soliciting bids for multiple construction projects that has been officially adopted
15 by the governing body of the political subdivision or established by the public works
16 director, engineer, or similar official authorized by the political subdivision to administer
17 the award of construction contracts.

18 3. Nothing in this section shall be construed to require the design or engineering
19 of any project, as the term "project" is defined in section 8.287, to be awarded by
20 competitive bidding if the contract for such services is under a separate contract from a
21 contract for construction and is awarded under sections 8.285 to 8.291, or to construction
22 management services governed by sections 8.675 to 8.687. Neither shall this section be
23 construed to apply to contracts awarded for the design/build method of project delivery,
24 if the political subdivision's procurement of design/build projects is otherwise authorized
25 by statute.

26 4. If a political subdivision is not subject to a specific requirement for advertising
27 for bids or soliciting, awarding, or rejecting bids under Missouri statutes or rules, or
28 federal or state funding requirements, and if the political subdivision has not adopted an
29 established local construction procurement policy that is applicable to the specific political
30 subdivision regarding contracts for construction, the political subdivision shall comply
31 with the following provisions when soliciting bids and awarding construction contracts of
32 ten thousand dollars or more:

33 (1) Contracts for construction shall be advertised in advance of the acceptance of
34 bids. If no provision of Missouri statutes or rules, or federal or state funding requirements,
35 or established local construction procurement policy requiring advertising otherwise
36 applies, bids shall be solicited by advertisement once a week for two consecutive weeks in
37 a newspaper of general circulation, qualified under chapter 493, located in a county where
38 the political subdivision is located. If there is no newspaper in the county qualified under
39 chapter 493, advertisements may be placed in a newspaper in an adjoining county. The
40 last insertion of the advertisement shall be not less than ten days before the date stated in

41 the advertisement for acceptance of bids. For contracts for construction of over two
42 hundred fifty thousand dollars, bids shall also be advertised by providing project and bid
43 solicitation information at least fifteen days in advance of bid opening to one or more
44 commercial or not-for-profit organization, which provides construction project reporting
45 services to construction contractors and suppliers, or that operates internet or paper plan
46 rooms for the use of contractors, subcontractors, and suppliers. Project advertisements
47 and bid solicitations shall state the date and time of the deadline for the acceptance of bids,
48 the place for submission of bids, and shall provide for informing bidders of the date, time,
49 and place where bids shall be opened;

50 (2) If no provision of Missouri statute or rules, or federal or state funding
51 requirements, or established local construction procurement policy otherwise applies,
52 contracts for construction shall be awarded in compliance with this subdivision. The
53 contract shall be awarded to the lowest qualified responsible bidder submitting a bid which
54 is responsive to the contract as advertised by the political subdivision. The political
55 subdivision may reject the low bidder by declaring the bidder ineligible for contract award
56 based on the bidder's failure to provide a performance or payment bond as required by
57 section 107.170, the bidder's nonperformance on previous contracts with the political
58 subdivision, or for other reasons specified as to the bidder's inability to adequately
59 perform the contract. The reasons for bid rejection or award of the contract to another
60 bidder shall be stated in writing to the low bidder within five business days of the rejection
61 of the bid.

62 5. An established local construction procurement policy complies with this section
63 if it provides for advertising of construction contracts in a manner reasonably likely to
64 inform potential bidders of the project on a timely basis, including advertisement in a
65 newspaper of general circulation qualified under chapter 493, and requires that the date,
66 time, and place for submission of bids be stated in the advertisement or solicitation for bids
67 and provides for informing bidders of the date, time, and place bids will be opened. Such
68 established local construction procurement policy shall also state any requirements for
69 prequalification of bidders. If any additional project-specific qualifications are
70 established, such qualifications shall be stated to potential bidders in advance of
71 submission of bids. The established local construction procurement policy shall also state
72 the bid award standard to be used in selecting contractors to perform contracts under the
73 policy.

74 6. In award of contracts for construction, a political subdivision is prohibited from
75 acting in an arbitrary or capricious manner, and shall act in good faith.

76 **7. Notwithstanding any other provision of state law, state rule, or federal or state**
77 **funding requirement to the contrary or any provision of an established local construction**
78 **procurement policy, no contract for construction shall be awarded in violation of the**
79 **following requirements:**

80 **(1) No bid shall be opened in advance of the advertised deadline for submission of**
81 **bids or in a place other than that established in subdivision (4) of this subsection;**

82 **(2) No bid shall be accepted unless it is sealed and is in writing. If the letting of the**
83 **project for which bids were solicited is cancelled, bids shall be returned to the bidder**
84 **unopened;**

85 **(3) No bid shall be accepted after the advertised deadline for acceptance of bids;**

86 **(4) All bids received shall be held secure and confidential from all persons until the**
87 **bids are opened on the date and at the time and place established in this section. Bids shall**
88 **be opened in a public meeting on the date and at the time and place stated in the**
89 **advertisement and request for bids or in an amended request for bids communicated to all**
90 **known bidders or potential bidders. If the date, time, or place of bid opening is changed**
91 **from information stated in the original or amended advertisement or solicitation for bids**
92 **or other notice to bidders, notice of the date, time, and place of bid opening shall be made**
93 **to all known or potential bidders and the general public at least two business days in**
94 **advance of the bid opening. Bids shall be opened in a public meeting. No political**
95 **subdivision shall bar any person or persons from observing the bid opening;**

96 **(5) No construction contract shall be awarded in substantial violation of a state**
97 **statute or a political subdivision's established local construction procurement policy;**

98 **(6) No construction contract shall be awarded in violation of section 107.170**
99 **requiring performance and payment of bonds.**

100 **8. Nothing in this section shall be construed to prohibit acceptance and processing**
101 **of bids through an established program of electronic bidding by computer, provided bids**
102 **accepted and processed electronically shall meet standards established by the requirements**
103 **of the electronic bidding program which are comparable to requirements for written bids**
104 **established by this section.**

105 **9. Any person submitting a bid, or who would have submitted a bid except for**
106 **violations of subsection 6 or 7 of this section or sections 34.203 to 34.216, shall have**
107 **standing to seek equitable relief and monetary damages in a court of competent**
108 **jurisdiction for monetary losses resulting from violations of subsection 6 or 7 of this section**
109 **or section 34.203 to 34.216, including but not limited to, setting aside award of a contract,**
110 **ordering a contract to be rebid, requiring award of a contract to a different bidder than**
111 **originally awarded, awarding monetary damages deemed appropriate by the court,**

112 including award of reasonable attorney's fees, or awarding a combination of such forms
113 of relief. Any action for violation of subsection 6 or 7 of this section that is brought by the
114 contractor more than fifteen business days after the award of a contract shall be dismissed
115 by the court. If the court finds there has been fraud, collusion, or corruption, or if the
116 court finds there have been violations of subsection 6 or 7 of this section or sections 34.203
117 to 34.216 in award of the contract and awards monetary damages or equitable relief to the
118 contractor bringing the action, the court may also award attorney's fees to the contractor
119 bringing the action. If the court finds there is no substantial cause for the action or
120 determines that the action was brought by the contractor for purposes of harassment or
121 disruption of the awarded contract, the court may order the contractor to pay the political
122 subdivision's costs of attorney's fees.

123 **10. Nothing in this section shall be construed to require acceptance of a bid which**
124 **exceeds the amount estimated by the political subdivision for the contract. Neither shall**
125 **anything in this section prohibit a political subdivision from awarding contracts without**
126 **competitive bidding when the political subdivision deems it necessary to remove an**
127 **immediate danger to the public health or safety, to prevent loss to public or private**
128 **property which requires government action, or to prevent an interruption of or to restore**
129 **an essential public service.**

130 **11. Nothing in this section shall be construed to prohibit a political subdivision**
131 **from adopting an established local construction procurement policy governing contracts**
132 **for construction after the effective date of this section. Neither shall this section be**
133 **construed to allow a political subdivision to maintain or enact any provision governing**
134 **construction contracts in conflict with subsection 6 or 7 of this section or any state statute**
135 **in effect on the effective date of this section or as subsequently amended or enacted.**

2 **105.009. 1. Before taking office and once every two years thereafter, all state**
3 **elected officials, state executive branch managerial staff, all department directors, and all**
4 **members, officers, and leadership staff of the house of representatives and senate shall be**
5 **subject to chemical testing of their blood or urine for the purpose of determining the drug**
6 **content of the blood. The costs of such testing shall be paid by such official, director,**
7 **officer, member, or staff member.**

8 **2. To be considered valid, chemical tests of the person's blood or urine shall be**
9 **performed according to methods and devices approved by the state department of health**
10 **and senior services, and shall be performed by licensed medical personnel or by a person**
11 **possessing a valid permit issued by the state department of health and senior services for**
12 **this purpose. A blood test shall not be performed if the medical personnel, in good faith**
13 **medical judgment, believe such procedure would endanger the health of the person.**

13 **3. Upon request of the person tested, full information concerning the test shall be**
14 **made available to the person.**

15 **4. No person administering a chemical test under this section or any other person,**
16 **firm, or corporation with whom such person is associated shall be civilly liable for damages**
17 **to the person tested except for negligence or by willful or wanton act or omission.**

105.030. **1.** Whenever any vacancy, caused in any manner or by any means whatsoever,
2 occurs or exists in any state or county office originally filled by election of the people, other than
3 in the offices of lieutenant governor, **attorney general, secretary of state, state auditor, state**
4 **treasurer,** state senator or representative, sheriff, or recorder of deeds in the city of St. Louis,
5 the vacancy shall be filled by appointment by the governor except that when a vacancy occurs
6 in the office of county assessor after a general election at which a person other than the
7 incumbent has been elected, the person so elected shall be appointed to fill the remainder of the
8 unexpired term; and the person appointed after duly qualifying and entering upon the discharge
9 of [his] **the** duties under the appointment shall continue in office until the first Monday in
10 January next following the first ensuing general election, at which general election a person shall
11 be elected to fill the unexpired portion of the term, or for the ensuing regular term, as the case
12 may be, and the person so elected shall enter upon the discharge of the duties of the office the
13 first Monday in January next following his election, except that when the term to be filled begins
14 on any day other than the first Monday in January, the appointee of the governor shall be entitled
15 to hold the office until such other date. This section shall not apply to vacancies in county
16 offices in any county which has adopted a charter for its own government under section 18,
17 article VI of the constitution. Any vacancy in the office of recorder of deeds in the city of St.
18 Louis shall be filled by appointment by the mayor of that city.

19 **2. Any vacancy occurring in the offices of lieutenant governor, attorney general,**
20 **secretary of state, state auditor, or state treasurer, except for vacancies occurring under**
21 **section 106.060, shall be filled by a special election called by the governor for that purpose.**
22 **Upon receiving the notice of vacancies occurring under this subsection, the governor shall**
23 **without delay issue a writ of election to fill the vacancy. The secretary of state shall**
24 **conduct the special election as provided in chapter 115.**

105.040. Whenever a vacancy in the office of senator of the United States from this state
2 exists, the governor[, unless otherwise provided by law,] shall appoint a person to fill such
3 vacancy, who shall continue in office until a successor shall have been duly elected and qualified
4 [according to law] **by a special election called by the governor for that purpose. Upon**
5 **receiving the notice of a vacancy occurring in the office, the governor shall without delay**
6 **appoint a person to fill the vacancy and issue a writ of election to fill the vacancy. The**
7 **secretary of state shall conduct the special election as provided in chapter 115.**

105.050. If any vacancy shall happen from any cause in the office of the [attorney
2 general,] circuit attorney, prosecuting attorney or assistant prosecuting attorney, the governor,
3 upon being satisfied that such vacancy exists, shall appoint some competent person to fill the
4 same until the next regular election for [attorney general,] prosecuting attorney or assistant
5 prosecuting attorney, as the case may be; provided, in the case of a vacancy in the office of
6 prosecuting attorney, if there is no qualified person in the county who can or will accept such
7 appointment, then the governor may appoint any person who possesses all the qualifications set
8 forth in section 56.010, RSMo, except the qualification as to residence.

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

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

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

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

29 other member of the firm. This subdivision shall not be construed to prohibit any inquiry for
30 information or the representation of a person without consideration before a state agency or in
31 a matter involving the state if no consideration is given, charged or promised in consequence
32 thereof.

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

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

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

49 **3. Neither the governor nor any person acting on behalf of the governor shall make**
50 **any offer or promise to confer an appointment to any board, commission, committee,**
51 **council, county office, department directorship, fee office under section 136.055, judgeship,**
52 **or any other position, to any member of the general assembly in exchange for the member's**
53 **official vote on any public matter. Any person making such offer or promise is guilty of**
54 **the crime of bribery of a public servant under section 576.010.**

55 **4. Any member of the general assembly who accepts or agrees to accept an offer or**
56 **promise to confer an appointment to any board, commission, committee, council, county**
57 **office, department directorship, fee office under section 136.055, judgeship, or any other**
58 **position, from the governor or any person acting on behalf of the governor in exchange for**
59 **the member's official vote on any public matter, is guilty of the crime of acceding to**
60 **corruption under section 576.020.**

61 **5. No member of the general assembly shall act, serve, solicit clients to represent**
62 **as a lobbyist, provide legislative consulting services to any lobbyist, or register as a**
63 **legislative lobbyist as defined in section 105.470 within two years after the conclusion of**
64 **the Missouri general assembly of which the person was a member.**

105.459. Any elected or appointed **official** of this state or any political subdivision thereof who is found guilty of or **pleads guilty to any felony** shall immediately **forfeit all benefits** of any kind provided to such official by the state or the political subdivision.

105.463. 1. Upon the appointment by the speaker of the house of representatives or the president pro tempore of the senate appointing any nonmember person to any board, commission, committee, or any other position, the speaker or the president pro tempore shall publicly disclose the name of the appointee and the amount of the contribution that the appointee, the appointee's spouse, or any business in which the appointee or the appointee's spouse holds a substantial interest, has made to any campaign committee, candidate committee, continuing committee, or political party committee of the speaker or the president pro tempore within the four years immediately preceding the appointment.

2. For every appointment made by the governor, the governor shall publicly disclose the name of the appointee, the amount of the contribution by that appointee to any candidate committee, campaign committee, continuing committee, or political party committee for the four years preceding the appointment, and the date the contribution was made. The disclosure shall be included in the letter of transmittal to the senate announcing the appointment and printed in the journal of the senate, and shall be accessible to the public on the governor's and the senate's website.

3. The governor shall not appoint any member of the general assembly to any board, commission, committee, council, county office, department directorship, fee office under section 136.055, judgeship, or any other position, until three hundred sixty-five days after the conclusion of the Missouri general assembly of which the person was a member.

105.470. As used in [section] sections 105.456 and 105.473, unless the context requires otherwise, the following words and terms mean:

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

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

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

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

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

17 (d) Makes total expenditures of fifty dollars or more during the twelve-month period
18 beginning January first and ending December thirty-first for the benefit of one or more public
19 officials or one or more employees of the executive branch of state government in connection
20 with such activity. An "executive lobbyist" shall not include a member of the general assembly,
21 an elected state official, or any other person solely due to such person's participation in any of
22 the following activities:

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

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

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

32 d. Participating in public hearings or public proceedings on rules, grants, or other
33 matters;

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

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

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

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

45 (3) "Expenditure", any payment made or charge, expense, cost, debt or bill incurred; any
46 gift, honorarium or item of value bestowed including any food or beverage; any price, charge or
47 fee which is waived, forgiven, reduced or indefinitely delayed; any loan or debt which is
48 canceled, reduced or otherwise forgiven; the transfer of any item with a reasonably discernible

49 cost or fair market value from one person to another or provision of any service or granting of
50 any opportunity for which a charge is customarily made, without charge or for a reduced charge;
51 except that the term "expenditure" shall not include the following:

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

55 (b) Informational material such as books, reports, pamphlets, calendars or periodicals
56 informing a public official regarding such person's official duties, [or] souvenirs or mementos
57 valued at less than ten dollars, **and any honorarium in recognition of legislative service;**

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

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

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

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

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

80 (4) "Judicial lobbyist", any natural person who acts for the purpose of attempting to
81 influence any purchasing decision by the judicial branch of government or by any elected or
82 appointed official or any employee thereof and in connection with such activity, meets the
83 requirements of any one or more of the following:

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

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

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

92 (d) Makes total expenditures of fifty dollars or more during the twelve-month period
93 beginning January first and ending December thirty-first for the benefit of one or more public
94 officials or one or more employees of the judicial branch of state government in connection with
95 attempting to influence such purchasing decisions by the judiciary. A "judicial lobbyist" shall
96 not include a member of the general assembly, an elected state official, or any other person solely
97 due to such person's participation in any of the following activities:

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

100 b. Participating in public hearings or public proceedings on rules, grants, or other
101 matters;

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

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

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

111 (5) "Legislative lobbyist", any natural person who acts for the purpose of attempting to
112 influence the taking, passage, amendment, delay or defeat of any official action on any bill,
113 resolution, amendment, nomination, appointment, report or any other action or any other matter
114 pending or proposed in a legislative committee in either house of the general assembly, or in any
115 matter which may be the subject of action by the general assembly and in connection with such
116 activity, meets the requirements of any one or more of the following:

117 (a) Is acting in the ordinary course of employment, which primary purpose is to influence
118 legislation on a regular basis, on behalf of or for the benefit of such person's employer, except

119 that this shall not apply to any person who engages in lobbying on an occasional basis only and
120 not as a regular pattern of conduct; or

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

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

125 (d) **Attempts to influence any elected official other than an elected official who**
126 **represents the legislative district where the person resides. This paragraph shall not be**
127 **construed to apply to any person who is testifying before any legislative, executive, or**
128 **administrative committee; or**

129 (e) Makes total expenditures of fifty dollars or more during the twelve-month period
130 beginning January first and ending December thirty-first for the benefit of one or more public
131 officials or one or more employees of the legislative branch of state government in connection
132 with such activity. A "legislative lobbyist" shall include an attorney at law engaged in activities
133 on behalf of any person unless excluded by any of the following exceptions. A "legislative
134 lobbyist" shall not include any member of the general assembly, an elected state official, or any
135 other person solely due to such person's participation in any of the following activities:

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

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

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

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

143 (6) "Lobbyist", any natural person defined as an executive lobbyist, judicial lobbyist,
144 elected local government official lobbyist, or a legislative lobbyist;

145 (7) "Lobbyist principal", any person, business entity, governmental entity, religious
146 organization, nonprofit corporation or association who employs, contracts for pay or otherwise
147 compensates a lobbyist;

148 (8) "Public official", any member or member-elect of the general assembly, judge or
149 judicial officer, or any other person holding an elective office of state government or any agency
150 head, department director or division director of state government or any member of any state
151 board or commission and any designated decision-making public servant designated by persons
152 described in this subdivision.

105.473. 1. Each lobbyist shall, not later than January fifth of each year or five days
2 after beginning any activities as a lobbyist, file standardized registration forms, verified by a

3 written declaration that it is made under the penalties of perjury, along with a filing fee of ten
4 dollars, with the commission. The forms shall include the lobbyist's name and business address,
5 the name and address of all persons such lobbyist employs for lobbying purposes, the name and
6 address of each lobbyist principal by whom such lobbyist is employed or in whose interest such
7 lobbyist appears or works. The commission shall maintain files on all lobbyists' filings, which
8 shall be open to the public. Each lobbyist shall file an updating statement under oath within one
9 week of any addition, deletion, or change in the lobbyist's employment or representation. The
10 filing fee shall be deposited to the general revenue fund of the state. The lobbyist principal or
11 a lobbyist employing another person for lobbying purposes may notify the commission that a
12 judicial, executive or legislative lobbyist is no longer authorized to lobby for the principal or the
13 lobbyist and should be removed from the commission's files.

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

20 3. (1) During any period of time in which a lobbyist continues to act as an executive
21 lobbyist, judicial lobbyist, legislative lobbyist, or elected local government official lobbyist, the
22 lobbyist shall file with the commission on standardized forms prescribed by the commission
23 monthly reports which shall be due at the close of business on the tenth day of the following
24 month;

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

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

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

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

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

46 a. All members of the senate;

47 b. All members of the house of representatives;

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

50 d. All members of a caucus of the majority party of the house of representatives, minority
51 party of the house of representatives, majority party of the senate, or minority party of the senate;

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

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

62 4. No expenditure reported pursuant to this section shall include any amount expended
63 by a lobbyist or lobbyist principal on himself or herself. All expenditures disclosed pursuant to
64 this section shall be valued on the report at the actual amount of the payment made, or the
65 charge, expense, cost, or obligation, debt or bill incurred by the lobbyist or the person the
66 lobbyist represents. Whenever a lobbyist principal employs more than one lobbyist, expenditures
67 of the lobbyist principal shall not be reported by each lobbyist, but shall be reported by one of
68 such lobbyists. No expenditure shall be made on behalf of a state senator or state representative,
69 or such public official's staff, employees, spouse, or dependent children for travel or lodging
70 outside the state of Missouri unless such travel or lodging was approved prior to the date of the
71 expenditure by the administration and accounts committee of the house or the administration
72 committee of the senate.

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

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

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

85 **8. [No] Any lobbyist [shall] found to knowingly omit, conceal, or falsify in any manner**
86 **information required pursuant to this section shall be guilty of a class D felony.**

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

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

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

106 12.] Each lobbyist or lobbyist principal by whom the lobbyist was employed, or in whose
107 behalf the lobbyist acted, shall provide a general description of the proposed legislation or action
108 by the executive branch or judicial branch which the lobbyist or lobbyist principal supported or

109 opposed. This information shall be supplied to the commission on March fifteenth and May
110 thirtieth of each year.

111 [13.] 12. The provisions of this section shall supersede any contradicting ordinances or
112 charter provisions.

**105.479. No member of the general assembly, statewide official, or any person
2 acting at the request of a member or statewide official or on the member's or statewide
3 official's behalf, shall accept or receive any cumulative expenditures from a lobbyist in
4 excess of two thousand five hundred dollars, as expenditure is defined in subdivision (3)
5 of section 105.470, but excluding any expenditure as described in paragraph (d) of
6 subdivision (2) of subsection 3 of section 104.473. Any item having a value of less than ten
7 dollars shall not be included in the cumulative determination. Perhaps should be some \$ annually?**

105.961. 1. Upon receipt of a complaint as described by section 105.957, the
2 commission shall assign the complaint **or investigation** to a special investigator, who may be
3 a commission employee, who shall investigate and determine the merits of the complaint.
4 Within ten days of such assignment, the special investigator shall review such complaint and
5 disclose, in writing, to the commission any conflict of interest which the special investigator has
6 or might have with respect to the investigation and subject thereof. Within [one hundred twenty]
7 **ninety** days of receipt of the complaint from the commission, the special investigator shall
8 submit the special investigator's report to the commission. The commission, after review of such
9 report, shall determine:

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

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

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

18 2. When the commission concludes, based on the report from the special investigator,
19 or based on an audit conducted pursuant to section 105.959, that there are reasonable grounds
20 to believe that a violation of any criminal law has occurred, and if the commission believes that
21 criminal prosecution would be appropriate upon a vote of four members of the commission, the
22 commission shall refer the report to the Missouri office of prosecution services, prosecutors
23 coordinators training council established in section 56.760, RSMo, which shall submit a panel
24 of five attorneys for recommendation to the court having criminal jurisdiction, for appointment

25 of an attorney to serve as a special prosecutor; except that, the attorney general of Missouri or
26 any assistant attorney general shall not act as such special prosecutor. The court shall then
27 appoint from such panel a special prosecutor pursuant to section 56.110, RSMo, who shall have
28 all the powers provided by section 56.130, RSMo. The court shall allow a reasonable and
29 necessary attorney's fee for the services of the special prosecutor. Such fee shall be assessed as
30 costs if a case is filed, or ordered by the court if no case is filed, and paid together with all other
31 costs in the proceeding by the state, in accordance with rules and regulations promulgated by the
32 state courts administrator, subject to funds appropriated to the office of administration for such
33 purposes. If the commission does not have sufficient funds to pay a special prosecutor, the
34 commission shall refer the case to the prosecutor or prosecutors having criminal jurisdiction. If
35 the prosecutor having criminal jurisdiction is not able to prosecute the case due to a conflict of
36 interest, the court may appoint a special prosecutor, paid from county funds, upon appropriation
37 by the county or the attorney general to investigate and, if appropriate, prosecute the case. The
38 special prosecutor or prosecutor shall commence an action based on the report by the filing of
39 an information or seeking an indictment within sixty days of the date of such prosecutor's
40 appointment, or shall file a written statement with the commission explaining why criminal
41 charges should not be sought. If the special prosecutor or prosecutor fails to take either action
42 required by this subsection, upon request of the commission, a new special prosecutor, who may
43 be the attorney general, shall be appointed. The report may also be referred to the appropriate
44 disciplinary authority over the person who is the subject of the report.

45 3. When the commission concludes, based on the report from the special investigator or
46 based on an audit conducted pursuant to section 105.959, that there are reasonable grounds to
47 believe that a violation of any law has occurred which is not a violation of criminal law or that
48 criminal prosecution is not appropriate, the commission shall conduct a hearing which shall be
49 a closed meeting and not open to the public. The hearing shall be conducted pursuant to the
50 procedures provided by sections 536.063 to 536.090, RSMo, and shall be considered to be a
51 contested case for purposes of such sections. The commission shall determine, in its discretion,
52 whether or not that there is probable cause that a violation has occurred. If the commission
53 determines, by a vote of at least four members of the commission, that probable cause exists that
54 a violation has occurred, the commission may refer its findings and conclusions to the
55 appropriate disciplinary authority over the person who is the subject of the report, as described
56 in subsection 7 of this section. After the commission determines by a vote of at least four
57 members of the commission that probable cause exists that a violation has occurred, and the
58 commission has referred the findings and conclusions to the appropriate disciplinary authority
59 over the person subject of the report, the subject of the report may appeal the determination of

60 the commission to the administrative hearing commission. Such appeal shall stay the action of
61 the Missouri ethics commission. Such appeal shall be filed not later than the fourteenth day after
62 the subject of the commission's action receives actual notice of the commission's action.

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

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

72 (2) Notify the person of the requirement to file, amend or correct any report, statement,
73 or other document or information required by sections 105.473, 105.483 to 105.492, or chapter
74 130, RSMo, and that the commission may seek judicial enforcement of its decision pursuant to
75 subsection 5 of this section; and

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

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

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

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

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

86 (1) Cease and desist violation of any provision of sections 105.450 to 105.496, or chapter
87 130, RSMo, or sections 105.955 to 105.963;

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

90 (3) File any reports, statements, or other documents or information required by sections
91 105.450 to 105.496, or chapter 130, RSMo; or

92 (4) Pay restitution for any unjust enrichment the violator obtained as a result of any
93 violation of any criminal statute as described in subsection 6 of this section. The Missouri ethics
94 commission shall give actual notice to the subject of the complaint of the proposed action as set

95 out in this section. The subject of the complaint may appeal the action of the Missouri ethics
96 commission, other than a referral for criminal prosecution, to the administrative hearing
97 commission. Such appeal shall stay the action of the Missouri ethics commission. Such appeal
98 shall be filed no later than fourteen days after the subject of the commission's actions receives
99 actual notice of the commission's actions.

100 6. In the proceeding in circuit court, the commission may seek restitution against any
101 person who has obtained unjust enrichment as a result of violation of any provision of sections
102 105.450 to 105.496, or chapter 130, RSMo, and may recover on behalf of the state or political
103 subdivision with which the alleged violator is associated, damages in the amount of any unjust
104 enrichment obtained and costs and attorney's fees as ordered by the court.

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

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

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

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

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

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

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

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

124 (8) In a case involving the attorney general, the report shall be referred to the prosecuting
125 attorney of Cole County.

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

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

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

133 (3) To administer oaths and affirmations;

134 (4) Upon refusal by any person to comply with a request for information relevant to an
135 investigation, an investigator may issue a subpoena for any person to appear and give testimony,
136 or for a subpoena duces tecum to produce documentary or other evidence which the investigator
137 deems relevant to a matter under the investigator's inquiry. The subpoenas and subpoenas duces
138 tecum may be enforced by applying to a judge of the circuit court of Cole County or any county
139 where the person or entity that has been subpoenaed resides or may be found, for an order to
140 show cause why the subpoena or subpoena duces tecum should not be enforced. The order and
141 a copy of the application therefor shall be served in the same manner as a summons in a civil
142 action, and if, after hearing, the court determines that the subpoena or subpoena duces tecum
143 should be sustained and enforced, the court shall enforce the subpoena or subpoena duces tecum
144 in the same manner as if it had been issued by the court in a civil action; and

145 (5) To request from the commission such investigative, clerical or other staff assistance
146 or advancement of other expenses which are necessary and convenient for the proper completion
147 of an investigation. Within the limits of appropriations to the commission, the commission may
148 provide such assistance, whether by contract to obtain such assistance or from staff employed
149 by the commission, or may advance such expenses.

150 9. (1) Any retired judge may request in writing to have the judge's name removed from
151 the list of special investigators subject to appointment by the commission or may request to
152 disqualify himself or herself from any investigation. Such request shall include the reasons for
153 seeking removal;

154 (2) By vote of four members of the commission, the commission may disqualify a judge
155 from a particular investigation or may permanently remove the name of any retired judge from
156 the list of special investigators subject to appointment by the commission.

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

160 11. The provisions of sections 105.957, 105.959 and 105.961 are in addition to other
161 provisions of law under which any remedy or right of appeal or objection is provided for any
162 person, or any procedure provided for inquiry or investigation concerning any matter. The

163 provisions of this section shall not be construed to limit or affect any other remedy or right of
164 appeal or objection.

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

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

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

177 15. The special investigator and members and staff of the commission shall maintain
178 confidentiality with respect to all matters concerning a complaint until and if a report is filed
179 with the commission, with the exception of communications with any person which are
180 necessary to the investigation. The report filed with the commission resulting from a complaint
181 acted upon under the provisions of this section shall not contain the name of the complainant or
182 other person providing information to the investigator, if so requested in writing by the
183 complainant or such other person. Any person who violates the confidentiality requirements
184 imposed by this section or subsection 17 of section 105.955 required to be confidential is guilty
185 of a class A misdemeanor and shall be subject to removal from or termination of employment
186 by the commission.

187 16. Any judge of the court of appeals or circuit court who ceases to hold such office by
188 reason of the judge's retirement and who serves as a special investigator pursuant to this section
189 shall receive annual compensation, salary or retirement for such services at the rates of
190 compensation provided for senior judges by subsections 1, 2 and 4 of section 476.682, RSMo.
191 Such retired judges shall by the tenth day of each month following any month in which the judge
192 provided services pursuant to this section certify to the commission and to the state courts
193 administrator the amount of time engaged in such services by hour or fraction thereof, the dates
194 thereof, and the expenses incurred and allowable pursuant to this section. The commission shall
195 then issue a warrant to the state treasurer for the payment of the salary and expenses to the extent,
196 and within limitations, provided for in this section. The state treasurer upon receipt of such

197 warrant shall pay the same out of any appropriations made for this purpose on the last day of the
198 month during which the warrant was received by the state treasurer.

105.963. 1. The executive director shall assess every committee, as defined in section
2 130.011, RSMo, failing to file with a filing officer other than a local election authority as
3 provided by section 130.026, RSMo, a campaign disclosure report **or statement of limited**
4 **activity** as required by chapter 130, RSMo, other than the report required pursuant to subdivision
5 (1) of subsection 1 of section 130.046, RSMo, **a late filing fee of [ten] fifty dollars** for each day
6 after such report is due to the commission, **provided that the total amount of such fees**
7 **assessed under this subsection per report shall not exceed three thousand dollars.** The
8 executive director shall [mail] **send** a notice[, by registered mail,] to any candidate and the
9 treasurer of any committee who fails to file such report **within seven business days of such**
10 **failure to file** informing such person of such failure and the fees provided by this section. [If
11 the candidate or treasurer of any committee persists in such failure for a period in excess of thirty
12 days beyond receipt of such notice, the amount of the late filing fee shall increase to one hundred
13 dollars for each day that the report is not filed, provided that the total amount of such fees
14 assessed pursuant to this subsection per report shall not exceed three thousand dollars.]

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

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

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

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

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

55 6. The late filing fees provided by this section shall be in addition to any penalty
56 provided by law for violations of sections 105.483 to 105.492 or chapter 130, RSMo.

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

105.966. 1. [Except as provided in subsection 2 of this section,] The ethics commission shall complete and make determinations pursuant to subsection 1 of section 105.961 on all complaint investigations[, except those complaint investigations assigned to a retired judge,] within ninety days of initiation.

2. [The commission may file a petition in the Cole County circuit court to request an additional ninety days for investigation upon proving by a preponderance of the evidence that additional time is needed. Upon filing the petition, the ninety-day period shall be tolled until the court determines whether additional time is needed.

3. The hearing shall be held in camera before the Cole County circuit court and all records of the proceedings shall be closed.

4. The provisions of this section shall apply to all ongoing complaint investigations on July 13, 1999.

5.] Any complaint investigation not completed and decided upon by the ethics commission within the time allowed by this section shall be deemed to not have been a violation.

115.156. 1. The secretary of state shall establish procedures for absent uniformed services voters and overseas voters to request, by mail or electronically, that voter registration applications be sent to the voter, and to request that such voter registration applications be sent by mail or electronically in the preferred method of transmission designated by the voter. The secretary of state shall designate not less than one means of electronic communication for use by absent uniformed services voters and overseas voters to request voter registration applications and to send such voter registration applications.

2. No election authority shall refuse to accept and process any otherwise valid voter registration application submitted by an absent uniformed services voter or an overseas voter solely on the basis of restrictions on paper type.

115.276. 1. Each local election authority shall establish one advance voting center in each state senatorial district in the state, or if a state senatorial district contains more than one county, in each county located in such senatorial district. Only as provided in this section, any registered voter of this state may vote by advance ballot in person in any election in which presidential and vice presidential electors or the offices of United States senator, governor, lieutenant governor, secretary of state, state auditor, state treasurer, or attorney general are on the ballot at an advance voting center in the senatorial district in which the voter is registered during the advance voting period established in this section.

2. The advance voting period shall begin on the second Saturday immediately preceding an election and end on the Wednesday immediately preceding an election, excluding Sundays. All local election authorities shall conduct advance voting at each

12 **advance voting center established by the local election authority between nine o'clock in**
13 **the morning and five o'clock in the evening on weekdays and for a four-hour period**
14 **between nine o'clock in the morning and five o'clock in the evening on Saturdays during**
15 **the advance voting period.**

16 **3. The secretary of state and each local election authority shall provide adequate**
17 **public notice of the advance voting centers and periods, including but not limited to,**
18 **posting such information at each local election authority's office and on the website of each**
19 **local election authority that maintains a web site, and by such other methods as the**
20 **secretary of state and the local election authority may select. Except as otherwise provided**
21 **in this section, all provisions relating to appointment of election judges and polling places**
22 **established by state law shall apply to any advance voting center established under this**
23 **section.**

24 **4. Absentee ballots printed and distributed under this chapter shall be used during**
25 **the advance voting period. No statement of the voter's reason for voting an absentee ballot**
26 **shall be required for voters using an absentee ballot under this subsection as such**
27 **statements are required for absentee ballots. All procedures for casting and counting an**
28 **absentee ballot under this chapter shall apply to advance voting under this section, except**
29 **as such procedures are changed as provided in this section.**

30 **5. All costs associated with the implementation of advance voting under this section**
31 **shall be reimbursed from the general revenue of this state by an appropriation for that**
32 **purpose. If there is no appropriation of state funds, an election authority shall not conduct**
33 **advance voting.**

115.278. The secretary of state shall establish procedures for absent uniformed
2 **services voters and overseas voters to request, by mail or electronically, that absentee ballot**
3 **applications be sent to the voter, and to request that such absentee ballot applications be**
4 **sent by mail or electronically in the preferred method of transmission designated by the**
5 **voter. The secretary of state shall designate not less than one means of electronic**
6 **communication for use by absent uniformed services voters and overseas voters to request**
7 **absentee ballot applications, to send such absentee ballot applications, and to provide**
8 **related voting, balloting, and election information to such voters.**

115.279. 1. Application for an absentee ballot may be made by the applicant in person,
2 **or by mail, or for the applicant, in person, by his or her guardian or a relative within the second**
3 **degree by consanguinity or affinity. The election authority shall accept applications by facsimile**
4 **transmission within the limits of its telecommunications capacity.**

5 2. Each application shall be made to the election authority of the jurisdiction in which
6 the person is or would be registered. Each application shall be in writing and shall state the
7 applicant's name, address at which he or she is or would be registered, his or her reason for
8 voting an absentee ballot [and] , the address to which the ballot is to be mailed, if mailing is
9 requested, **and for absent uniformed services and overseas applicants, the applicant's email**
10 **address if electronic transmission is requested.** Each application to vote in a primary election
11 shall also state which ballot the applicant wishes to receive. If any application fails to designate
12 a ballot, the election authority shall, within three working days after receiving the application,
13 notify the applicant by mail that it will be unable to deliver an absentee ballot until the applicant
14 designates which political party ballot he or she wishes to receive. If the applicant does not
15 respond to the request for political party designation, the election authority is authorized to
16 provide the voter with that part of the ballot for which no political party designation is required.

17 3. **Except as provided in subsection 3 of section 115.281,** all applications for absentee
18 ballots received prior to the sixth Tuesday before an election shall be stored at the office of the
19 election authority until such time as the applications are processed in accordance with section
20 115.281. No application for an absentee ballot received in the office of the election authority by
21 mail, by facsimile transmission or by a guardian or relative after 5:00 p.m. on the Wednesday
22 immediately prior to the election shall be accepted by any election authority. No application for
23 an absentee ballot submitted by the applicant in person after 5:00 p.m. on the day before the
24 election shall be accepted by any election authority, except as provided in subsections 6, 8 and
25 9 of this section.

26 4. Each application for an absentee ballot shall be signed by the applicant or, if the
27 application is made by a guardian or relative pursuant to this section, the application shall be
28 signed by the guardian or relative, who shall note on the application his or her relationship to the
29 applicant. If an applicant, guardian or relative is blind, unable to read or write the English
30 language or physically incapable of signing the application, he or she shall sign by mark,
31 witnessed by the signature of an election official or person of his or her own choosing. Any
32 person who knowingly makes, delivers or mails a fraudulent absentee ballot application shall be
33 guilty of a class one election offense.

34 5. (1) Notwithstanding any law to the contrary, any resident of the state of Missouri who
35 resides outside the boundaries of the United States or who is on active duty with the armed forces
36 of the United States or members of their immediate family living with them may request an
37 absentee ballot for both the primary and subsequent general election with one application. [In
38 addition, the election authority shall provide to each absent uniformed services voter and each

39 overseas voter who submits an absentee ballot request an absentee ballot through the next two
40 regularly scheduled general elections for federal office.]

41 (2) The election authority shall provide each absent uniformed services voter and each
42 overseas voter who submits a voter registration application or an absentee ballot request, if the
43 election authority rejects the application or request, with the reasons for the rejection.

44 (3) Notwithstanding any other law to the contrary, if a standard oath regarding material
45 misstatements of fact is adopted for uniformed and overseas voters pursuant to the Help America
46 Vote Act of 2002, the election authority shall accept such oath for voter registration, absentee
47 ballot, or other election-related materials.

48 (4) Not later than sixty days after the date of each regularly scheduled general election
49 for federal office, each election authority which administered the election shall submit to the
50 secretary of state in a format prescribed by the secretary a report on the combined number of
51 absentee ballots transmitted to, and returned by, absent uniformed services voters and overseas
52 voters for the election. The secretary shall submit to the Election Assistance Commission a
53 combined report of such information not later than ninety days after the date of each regularly
54 scheduled general election for federal office and in a standardized format developed by the
55 commission pursuant to the Help America Vote Act of 2002. The secretary shall make the report
56 available to the general public.

57 (5) As used in this section, the terms "absent uniformed services voter" and "overseas
58 voter" shall have the meaning prescribed in 42 U.S.C. 1973ff-6.

59 6. An application for an absentee ballot by a new resident, as defined in section 115.275,
60 shall be submitted in person by the applicant in the office of the election authority in the election
61 jurisdiction in which such applicant resides. The application shall be received by the election
62 authority no later than 7:00 p.m. on the day of the election. Such application shall be in the form
63 of an affidavit, executed in duplicate in the presence of the election authority or any authorized
64 officer of the election authority, and in substantially the following form:

65

66 "STATE OF.....

67 COUNTY OF....., ss.

68 I,....., do solemnly swear that:

69 (1) Before becoming a resident of this state, I resided at
70 (residence address) in (town, township,
71 village or city) of County in the state of

72 (2) I moved to this state after the last day to register to vote in such general presidential
73 election and I am now residing in the county of, state of Missouri;

74 (3) I believe I am entitled pursuant to the laws of this state to vote in the presidential
75 election to be held November, (year);

76 (4) I hereby make application for a presidential and vice presidential ballot. I have not
77 voted and shall not vote other than by this ballot at such election.

78 Signed

79 (Applicant)

80

81 (Residence Address)

82 Subscribed and sworn to before me this day of

83,

84 Signed

85 (Title and name of officer authorized to administer oaths)"

86 7. The election authority in whose office an application is filed pursuant to subsection
87 6 of this section shall immediately send a duplicate of such application to the appropriate official
88 of the state in which the new resident applicant last resided and shall file the original of such
89 application in its office.

90 8. An application for an absentee ballot by an intrastate new resident, as defined in
91 section 115.275, shall be made in person by the applicant in the office of the election authority
92 in the election jurisdiction in which such applicant resides. The application shall be received by
93 the election authority no later than 7:00 p.m. on the day of the election. Such application shall
94 be in the form of an affidavit, executed in duplicate in the presence of the election authority or
95 an authorized officer of the election authority, and in substantially the following form:

96

97 "STATE OF

98 COUNTY OF, ss.

99 I,, do solemnly swear that:

100 (1) Before becoming a resident of this election jurisdiction, I resided at
101 (residence address) in (town, township,
102 village or city) of county in the state of

103 (2) I moved to this election jurisdiction after the last day to register to vote in such
104 election;

105 (3) I believe I am entitled pursuant to the laws of this state to vote in the election to be
106 held (date);

107 (4) I hereby make application for an absentee ballot for candidates and issues on which
108 I am entitled to vote pursuant to the laws of this state. I have not voted and shall not vote other
109 than by this ballot at such election.

110 Signed

111 (Applicant)

112

113 (Residence Address)

114 Subscribed and sworn to before me this day of,

115 Signed

116 (Title and name of officer authorized to administer oaths)"

117 9. An application for an absentee ballot by an interstate former resident, as defined in
118 section 115.275, shall be received in the office of the election authority where the applicant was
119 formerly registered by 5:00 p.m. on the Wednesday immediately prior to the election, unless the
120 application is made in person by the applicant in the office of the election authority, in which
121 case such application shall be made no later than 7:00 p.m. on the day of the election.

115.281. 1. **Except as provided in subsection 3 of this section**, not later than the sixth
2 Tuesday prior to each election, or within fourteen days after candidates' names or questions are
3 certified pursuant to section 115.125, the election authority shall cause to have printed and made
4 available a sufficient quantity of absentee ballots, ballot envelopes and mailing envelopes. As
5 soon as possible after the proper officer calls a special state or county election, the election
6 authority shall cause to have printed and made available a sufficient quantity of absentee ballots,
7 ballot envelopes and mailing envelopes.

8 2. All absentee ballots for an election shall be in the same form as the official ballots for
9 the election, except that in lieu of the words "Official Ballot" at the top of the ballot, the words
10 "Official Absentee Ballot" shall appear.

11 **3. Not later than forty-five days before each general, primary, and special election**
12 **for federal office, the election authority shall cause to have printed and made available a**
13 **sufficient quantity of absentee ballots, ballot envelopes, and mailing envelopes for absent**
14 **uniformed services voters and overseas voters.**

115.287. 1. Upon receipt of a signed application for an absentee ballot and if satisfied
2 the applicant is entitled to vote by absentee ballot, the election authority shall, within three
3 working days after receiving the application, or if absentee ballots are not available at the time
4 the application is received, within five working days after they become available, deliver to the
5 voter an absentee ballot, ballot envelope and such instructions as are necessary for the applicant
6 to vote. Delivery shall be made to the voter personally in the office of the election authority or

7 by bipartisan teams appointed by the election authority, or by first class, registered, or certified
8 mail at the discretion of the election authority, **or in the case of absent uniformed services**
9 **voters and overseas voters, by electronic transmission if electronic transmission is**
10 **requested by the voter.** Where the election authority is a county clerk, the members of
11 bipartisan teams representing the political party other than that of county clerk shall be selected
12 from a list of persons submitted to the county clerk by the county chairman of that party. If no
13 list is provided by the time that absentee ballots are to be made available, the county clerk may
14 select a person or persons from lists provided in accordance with section 115.087. If the election
15 authority is not satisfied that any applicant is entitled to vote by absentee ballot, it shall not
16 deliver an absentee ballot to the applicant. Within three working days of receiving such an
17 application, the election authority shall notify the applicant and state the reason he or she is not
18 entitled to vote by absentee ballot. The applicant may appeal the decision of the election
19 authority to the circuit court in the manner provided in section 115.223.

20 2. If, after 5:00 p.m. on the Wednesday before an election, any voter from the jurisdiction
21 has become hospitalized, becomes confined due to illness or injury, or is confined in an adult
22 boarding facility, intermediate care facility, residential care facility, or skilled nursing facility,
23 as defined in section 198.006, RSMo, in the county in which the jurisdiction is located or in the
24 jurisdiction or an adjacent election authority within the same county, the election authority shall
25 appoint a team to deliver, witness the signing of and return the voter's application and deliver,
26 witness the voting of and return the voter's absentee ballot. In counties with a charter form of
27 government and in cities not within a county, and in each city which has over three hundred
28 thousand inhabitants, and is situated in more than one county, if the election authority receives
29 ten or more applications for absentee ballots from the same address it may appoint a team to
30 deliver and witness the voting and return of absentee ballots by voters residing at that address,
31 except when such addresses are for an apartment building or other structure wherein individual
32 living units are located, each of which has its own separate cooking facilities. Each team
33 appointed pursuant to this subsection shall consist of two registered voters, one from each major
34 political party. Both members of any team appointed pursuant to this subsection shall be present
35 during the delivery, signing or voting and return of any application or absentee ballot signed or
36 voted pursuant to this subsection.

37 3. On the mailing and ballot envelopes for each applicant in federal service, the election
38 authority shall stamp prominently in black the words "FEDERAL BALLOT, STATE OF
39 MISSOURI" and "U.S. Postage Paid, 39 U.S.C. 3406".

40 4. No information which encourages a vote for or against a candidate or issue shall be
41 provided to any voter with an absentee ballot.

115.291. 1. Upon receiving an absentee ballot **in person or by mail**, the voter shall
2 mark the ballot in secret, place the ballot in the ballot envelope, seal the envelope and fill out the
3 statement on the ballot envelope. The affidavit of each person voting an absentee ballot shall
4 be subscribed and sworn to before the election official receiving the ballot, a notary public or
5 other officer authorized by law to administer oaths, unless the voter is voting absentee due to
6 incapacity or confinement due to the provisions of section 115.284, illness or physical disability,
7 **or the voter is an absent uniformed services voter or an overseas voter**. If the voter is blind,
8 unable to read or write the English language, or physically incapable of voting the ballot, the
9 voter may be assisted by a person of the voter's own choosing. Any person assisting a voter who
10 is not entitled to such assistance, and any person who assists a voter and in any manner coerces
11 or initiates a request or a suggestion that the voter vote for or against or refrain from voting on
12 any question, ticket or candidate, shall be guilty of a class one election offense. If, upon
13 counting, challenge or election contest, it is ascertained that any absentee ballot was voted with
14 unlawful assistance, the ballot shall be rejected.

15 2. **Except as provided in subsection 4 of this section**, each absentee ballot shall be
16 returned to the election authority in the ballot envelope and shall only be returned by the voter
17 in person, or in person by a relative of the voter who is within the second degree of consanguinity
18 or affinity, by mail or registered carrier or by a team of deputy election authorities; except that
19 persons in federal service, when sent from a location determined by the secretary of state to be
20 inaccessible on election day, shall be allowed to return their absentee ballots cast by use of
21 facsimile transmission or under a program approved by the Department of Defense for electronic
22 transmission of election materials.

23 3. In cases of an emergency declared by the President of the United States or the
24 governor of this state where the conduct of an election may be affected, the secretary of state may
25 provide for the delivery and return of absentee ballots by use of a facsimile transmission device
26 or system. Any rule promulgated pursuant to this subsection shall apply to a class or classes of
27 voters as provided for by the secretary of state.

28 4. **No election authority shall refuse to accept and process any otherwise valid**
29 **marked absentee ballot submitted in any manner by an absent uniformed services voter**
30 **or overseas voter solely on the basis of restrictions on envelope type.**

31 5. **As provided in the Military and Overseas Voter Empowerment Act, the secretary**
32 **of state shall, in coordination with local election authorities, develop a free access system**
33 **by which an absent uniformed services voter or overseas voter may determine whether the**
34 **voter's absentee ballot has been received by the appropriate election authority.**

115.292. 1. Notwithstanding any other provision of this chapter, a qualified absentee voter, as described in subsection 3 of this section, may apply for a special write-in absentee ballot within eighty days of a special, primary, or general election for federal office. Such a ballot shall be for voting for all offices being contested at such election.

2. A qualified absentee voter applying for a special write-in absentee ballot pursuant to this section shall apply to the local election authority of the area which contains his last residence in this state for such ballot. The application for a special write-in absentee ballot may be made on the federal postcard application form, by letter, or on a form provided by the local election authority.

3. [In order to qualify for a special write-in absentee ballot, the voter shall state that he is unable to vote by any other means due to requirements of military service or due to living in isolated or extremely remote areas of the world. This statement may be made by federal postcard application, by letter, or on a form prepared by the local election authority.

4.] Upon receipt of the application, the election authority shall issue a special write-in absentee ballot. Such ballot shall permit the voter to cast a ballot by writing in a party preference for each office, the names of specific candidates, or the names of persons whom the voter prefers.

[5.] 4. The election authority shall issue a regular absentee ballot as soon as such ballots are available. If both the regular absentee ballot and the special write-in absentee ballot are returned, the regular absentee ballot shall be counted and the special write-in absentee ballot shall be voided.

5. The special write-in absentee ballot provided for in this section shall be used instead of the federal write-in absentee ballot in general, special, and primary elections for federal office as authorized in Title 42, U.S.C. Section 1973ff-2(e), as amended.

115.427. 1. [Before receiving a ballot, voters] **Persons seeking to vote in a public election** shall establish their identity and eligibility to vote at the polling place by presenting a form of personal identification **to election officials**. ["Personal identification" shall mean only] **No form of personal identification other than the forms listed in this section shall be accepted to establish a voter's qualifications to vote. Forms of personal identification that satisfy the requirements of this section are any one of the following:**

(1) Nonexpired Missouri driver's license [showing the name and a photograph or digital image of the individual]; [or]

(2) Nonexpired or nonexpiring Missouri nondriver's license [showing the name and a photographic or digital image of the individual]; [or]

11 (3) **Any identification containing a photograph of the individual that is issued by**
12 **the Missouri National Guard, the United States armed forces, or the United States**
13 **Department of Veterans Affairs to a member or former member of the Missouri National**
14 **Guard or the United States armed forces and that does not have an expiration date;**

15 (4) A document that satisfies all of the following requirements:

16 (a) The document contains the name of the individual to whom the document was issued,
17 and the name substantially conforms to the most recent signature in the individual's voter
18 registration record;

19 (b) The document shows a [photographic or digital image] **photograph** of the
20 individual;

21 (c) The document includes an expiration date, and the document is not expired, or if
22 expired, **the document** expired [not before] **after** the date of the most recent general election;
23 and

24 (d) The document was issued by the United States or the state of Missouri; or

25 (4) Any identification containing a [photographic or digital image] **photograph** of the
26 individual which is issued by the Missouri National Guard, the United States armed forces, or
27 the United States Department of Veteran Affairs to a member or former member of the Missouri
28 National Guard or the United States armed forces and that does not have an expiration date.

29 2. [The] **All election authority costs associated with the implementation of the photo**
30 **identification requirements of this section shall be reimbursed from the general revenue**
31 **of this state by an appropriation for that purpose. If there is no appropriation of state**
32 **funds, then election authorities shall not enforce the photo identification requirements of**
33 **this section.**

34 **3. Each** election authority shall post a clear and conspicuous notice at each polling place
35 informing each voter who appears at the polling place without a form of personal identification
36 that satisfies the requirements of [subsection 1 of] this section that the voter may return to the
37 polling place with a proper form of personal identification and vote a regular ballot after election
38 judges have verified the voter's identity and eligibility under [subsection 1 of] this section. In
39 addition to such posting, the election judges **at each polling place** may also inform such voters
40 by written or oral communication of such information posted in the notice. Voters who return
41 to the polling place during the uniform polling hours established by section 115.407 with a
42 current and valid form of personal identification shall be given priority in any voting lines.

43 [3.] **4.** An individual who appears at a polling place without **a form of personal**
44 identification [in the form] described in [subsection 1 of] this section and who is otherwise
45 qualified to vote at that polling place may execute an affidavit averring that the voter is the

46 person listed in the precinct register [and that the voter] , does not possess a form of **personal**
47 identification specified in this section, and is unable to obtain a current and valid form of
48 personal identification because of:

49 (1) A physical or mental disability or handicap of the voter, if the voter is otherwise
50 competent to vote under Missouri law; [or]

51 (2) **The inability to pay for a birth certificate or other supporting documentation**
52 **that is necessary to obtain the identification required to vote under this section;**

53 (3) A sincerely held religious belief against the forms of personal identification described
54 in [subsection 1 of] this section; or

55 [(3)] (4) The voter being born on or before January 1, 1941.

56

57 Upon executing such affidavit, the individual may cast a provisional ballot. Such provisional
58 ballot shall be counted, provided the election authority verifies the identity of the individual by
59 comparing that individual's signature to the signature on file with the election authority and
60 determines that the individual was eligible to cast a ballot at the polling place where the ballot
61 was cast.

62 [4.] 5. The affidavit to be used for voting under subsection 3 of this section shall be
63 substantially in the following form:

64

65 "State of

66 County of

67 I do solemnly swear (or affirm) that my name is; that I reside at
68; and that I am the person listed in the precinct register under this name
69 and at this address. I further swear (or affirm) that I am unable to obtain a current and valid form
70 of personal identification because of:

71

72 A physical or mental disability or handicap; [or]

73 **An inability to pay for a birth certificate or other supporting documentation necessary**
74 **to obtain the identification required to vote under this section;**

75 A sincerely held religious belief; or

76 My being born on or before January 1, 1941.

77

78 I understand that knowingly providing false information is a violation of law and subjects me to
79 possible criminal prosecution.

80

81 Signature of voter

82 Subscribed and affirmed before me this day of, 20....

83

84 Signature of election official"

85 [5.] 6. A voter shall be allowed to cast a provisional ballot under section 115.430 even
86 if the election judges cannot establish the voter's identity under [subsection 1 of] this section.
87 The election judges shall make a notation on the provisional ballot envelope to indicate that the
88 voter's identity was not verified. The provisional ballot cast by such voter shall not be counted
89 unless:

90 (1) The voter returns to the polling place during the uniform polling hours established
91 by section 115.407 and provides a form of personal identification that allows the election judges
92 to verify the voter's identity as provided in [subsection 1 of] this section; and

93 (2) The provisional ballot otherwise qualifies to be counted under section 115.430.

94 [6.] 7. The secretary of state shall provide advance notice of the personal identification
95 requirements of [subsection 1 of] this section in a manner calculated to inform the public
96 generally of the requirement for [photographic] **forms of** personal identification as provided in
97 this section. Such advance notice shall include, at a minimum, the use of advertisements and
98 public service announcements in print, broadcast television, radio, and cable television media,
99 as well as the posting of information on the opening pages of the official state Internet websites
100 of the secretary of state and governor.

101 [7.] 8. The provisions of section 136.055[, RSMo,] and section 302.181[, RSMo,]
102 notwithstanding, **the state shall provide at least one such form of the personal identification**
103 **required to vote at no cost to any otherwise qualified voter who does not already possess**
104 **such identification and who desires the identification in order to vote.** Any applicant who
105 requests a nondriver's license with a photograph or digital image for the purpose of voting shall
106 not be required to pay a fee if the applicant executes an affidavit averring that the applicant does
107 not have any other form of [photographic] personal identification that meets the requirements
108 of [subsection 1 of] this section. The state of Missouri shall pay the legally required fees for any
109 such applicant. The director shall design an affidavit to be used for this purpose. [However, any
110 disabled or elderly person otherwise competent to vote shall be issued a nondriver's license photo
111 identification through a mobile processing system operated by the Missouri department of
112 revenue upon request if the individual is physically unable to otherwise obtain a nondriver's
113 license photo identification. The department of revenue shall make nondriver's license photo
114 identifications available through its mobile processing system only at facilities licensed under
115 chapter 198, RSMo, and other public places accessible to and frequented by disabled and elderly

116 persons. The department shall provide advance notice of the times and places when the mobile
117 processing system will be available. At least nine mobile units housed under the office of
118 administration shall remain available for dispatch upon the request of the department of revenue
119 to fulfill the requirements of this section.] The total cost associated with nondriver's license
120 photo identification under this subsection shall be borne by the state of Missouri from funds
121 appropriated to the department of revenue for that specific purpose. The department of revenue
122 and a local election authority may enter into a contract that allows the local election authority to
123 assist the department in issuing nondriver's license photo identifications.

124 [8.] 9. The director of the department of revenue shall, by January first of each year,
125 prepare and deliver to each member of the general assembly a report documenting the number
126 of individuals who have requested and received a nondriver's license photo identification for the
127 purposes of voting under this section. The report shall also include the number of persons
128 requesting a nondriver's license for purposes of voting under this section, but not receiving such
129 license, and the reason for the denial of the nondriver's license.

130 [9.] 10. The precinct register shall serve as the voter identification certificate. The
131 following form shall be printed at the top of each page of the precinct register:

132 VOTER'S IDENTIFICATION CERTIFICATE

133

134 Warning: It is against the law for anyone to vote, or attempt to vote, without having a lawful
135 right to vote.

136 PRECINCT

137 WARD OR TOWNSHIP

138 GENERAL (SPECIAL, PRIMARY) ELECTION

139 Held, 20....

140 Date

141

142 I hereby certify that I am qualified to vote at this election by signing my name and verifying my
143 address by signing my initials next to my address.

144 [10.] 11. The secretary of state shall promulgate rules to effectuate the provisions of this
145 section.

146 [11.] 12. Any rule or portion of a rule, as that term is defined in section 536.010, RSMo,
147 that is created under the authority delegated in this section shall become effective only if it
148 complies with and is subject to all of the provisions of chapter 536, RSMo, and, if applicable,
149 section 536.028, RSMo. This section and chapter 536, RSMo, are nonseverable and if any of
150 the powers vested with the general assembly pursuant to chapter 536, RSMo, to review, to delay

151 the effective date or to disapprove and annul a rule are subsequently held unconstitutional, then
152 the grant of rulemaking authority and any rule proposed or adopted after August 28, 2002, shall
153 be invalid and void.

154 [12.] **13.** If any voter is unable to sign his name at the appropriate place on the certificate
155 or computer printout, an election judge shall print the name and address of the voter in the
156 appropriate place on the precinct register, the voter shall make his mark in lieu of signature, and
157 the voter's mark shall be witnessed by the signature of an election judge.

158 [13. For any election held on or before November 1, 2008, an individual who appears
159 at a polling place without identification in the form described in subsection 1 of this section, and
160 who is otherwise qualified to vote at that polling place, may cast a provisional ballot after:

161 (1) Executing an affidavit which is also signed by two supervising election judges, one
162 from each major political party, who attest that they have personal knowledge of the identity of
163 the voter, provided that the two supervising election judges who sign an affidavit under this
164 subdivision shall not be involved or participate in the verification of the voter's eligibility by the
165 election authority after the provisional ballot is cast; or

166 (2) (a) Executing an affidavit affirming his or her identity; and

167 (b) Presenting a form of identification from the following list:

168 a. Identification issued by the state of Missouri, an agency of the state, or a local election
169 authority of the state;

170 b. Identification issued by the United States government or agency thereof;

171 c. Identification issued by an institution of higher education, including a university,
172 college, vocational and technical school, located within the state of Missouri;

173 d. A copy of a current utility bill, bank statement, government check, paycheck, or other
174 government document that contains the name and address of the voter; or

175 e. Driver's license or state identification card issued by another state. Such provisional
176 ballot shall be entitled to be counted, provided the election authority verifies the identity of the
177 individual by comparing that individual's signature to the current signature on file with the
178 election authority and determines that the individual was otherwise eligible to cast a ballot at the
179 polling place where the ballot was cast.

180 14. The affidavit to be used for voting under subsection 13 of this section shall be
181 substantially in the following form:

182

183 "State of

184 County of

185 I do solemnly swear (or affirm) that my name is; that I reside at
186; and that I am the person listed in the precinct register under this name
187 and at this address.

188
189 I understand that knowingly providing false information is a violation of law and subjects me to
190 possible criminal prosecution.

191

192 Signature of voter

193 Subscribed and affirmed before me this day of, 20....

194

195 Signature of Election Official".

196 15. The provisions of subsections 1 to 5 and 8 to 14 of this section shall become
197 effective August 28, 2006, and this subsection shall expire September 1, 2006.]

116.160. 1. If the general assembly adopts a joint resolution proposing a constitutional
2 amendment or a bill without a fiscal note summary, which is to be referred to a vote of the
3 people, after receipt of such resolution or bill the secretary of state shall promptly forward the
4 resolution or bill to the state auditor. If the general assembly adopts a joint resolution proposing
5 a constitutional amendment or a bill without an official summary statement, **or for any initiative**
6 **petition, call for a constitutional convention, or referendum measure** which is to be referred
7 to a vote of the people, within twenty days after [receipt] **certification** of the **petition**, resolution
8 or bill, the [secretary of state] **joint committee on ballot statements** shall prepare and transmit
9 to the attorney general a summary statement of the measure as the proposed summary statement.
10 The [secretary of state] **joint committee on ballot statements** may seek the advice of the
11 legislator who introduced the constitutional amendment or bill [and] , the speaker of the house
12 or the president pro tem of the [legislative chamber that originated the measure] **senate**. The
13 summary statement may be distinct from the legislative title of the proposed constitutional
14 amendment or bill. The attorney general shall within ten days approve the legal content and form
15 of the proposed statement.

16 2. The official summary statement shall contain no more than fifty words, excluding
17 articles. The title shall be a true and impartial statement of the purposes of the proposed measure
18 in language neither intentionally argumentative nor likely to create prejudice either for or against
19 the proposed measure.

116.180. Within three days after [receiving] **approving** the official summary statement
2 **and receiving** the approved fiscal note summary and the fiscal note relating to any statewide
3 ballot measure, the [secretary of state] **joint committee on ballot statements** shall certify the

4 official ballot title in separate paragraphs with the fiscal note summary immediately following
5 the summary statement of the measure and shall deliver a copy of the official ballot title and the
6 fiscal note to the speaker of the house or the president pro tem of the legislative chamber that
7 originated the measure or, in the case of initiative or referendum petitions, to the person whose
8 name and address are designated under section 116.332. Persons circulating the petition shall
9 affix the official ballot title to each page of the petition prior to circulation and signatures shall
10 not be counted if the official ballot title is not affixed to the page containing such signatures.

116.190. 1. Any citizen who wishes to challenge the official ballot title or the fiscal note
2 prepared for a proposed constitutional amendment submitted by the general assembly, by
3 initiative petition, or by constitutional convention, or for a statutory initiative or referendum
4 measure, may bring an action in the circuit court of Cole County. The action must be brought
5 within ten days after the official ballot title is certified by the [secretary of state] **joint committee**
6 **on ballot statements** in accordance with the provisions of this chapter.

7 2. The [secretary of state] **joint committee on ballot statements** shall be named as a
8 party defendant in any action challenging the official ballot title prepared by the [secretary of
9 state] **joint committee**. When the action challenges the fiscal note or the fiscal note summary
10 prepared by the auditor, the state auditor shall also be named as a party defendant. The president
11 pro tem of the senate, the speaker of the house and the sponsor of the measure and the [secretary
12 of state] **joint committee on ballot statements** shall be the named party defendants in any action
13 challenging the official summary statement, fiscal note or fiscal note summary prepared pursuant
14 to section 116.155.

15 3. The petition shall state the reason or reasons why the summary statement portion of
16 the official ballot title is insufficient or unfair and shall request a different summary statement
17 portion of the official ballot title. Alternatively, the petition shall state the reasons why the fiscal
18 note or the fiscal note summary portion of the official ballot title is insufficient or unfair and
19 shall request a different fiscal note or fiscal note summary portion of the official ballot title.

20 4. The action shall be placed at the top of the civil docket. Insofar as the action
21 challenges the summary statement portion of the official ballot title, the court shall consider the
22 petition, hear arguments, and in its decision certify the summary statement portion of the official
23 ballot title to the secretary of state. Insofar as the action challenges the fiscal note or the fiscal
24 note summary portion of the official ballot title, the court shall consider the petition, hear
25 arguments, and in its decision, either certify the fiscal note or the fiscal note summary portion
26 of the official ballot title to the secretary of state or remand the fiscal note or the fiscal note
27 summary to the auditor for preparation of a new fiscal note or fiscal note summary pursuant to
28 the procedures set forth in section 116.175. Any party to the suit may appeal to the supreme

29 court within ten days after a circuit court decision. In making the legal notice to election
 30 authorities under section 116.240, and for the purposes of section 116.180, the [secretary of state]
 31 **joint committee** shall certify the language which the court certifies to him or her.

116.240. Not later than the tenth Tuesday prior to an election at which a statewide ballot
 2 measure is to be voted on, the secretary of state shall send each election authority a certified copy
 3 of the legal notice to be published. The legal notice shall include the date and time of the
 4 election and a sample ballot, **including all fiscal note information prepared by the secretary**
 5 **of state and the official summary statement prepared by the joint committee on ballot**
 6 **statements.** The fiscal note is prepared by the Auditor, not SOS.

116.334. 1. If the petition form is approved, the [secretary of state] **joint committee on**
 2 **ballot statements** shall within ten days prepare and transmit to the attorney general a summary
 3 statement of the measure which shall be a concise statement not exceeding one hundred words.
 4 This statement shall be in the form of a question using language neither intentionally
 5 argumentative nor likely to create prejudice either for or against the proposed measure. The
 6 attorney general shall within ten days approve the legal content and form of the proposed
 7 statement.

8 2. Signatures obtained prior to the date the official ballot title is certified by the secretary
 9 of state shall not be counted.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

50 c. A corporation, cooperative association, partnership, proprietorship, or joint venture
51 organized or operated for a primary or principal purpose other than that of influencing or
52 attempting to influence the action of voters for or against the nomination or election to public

53 office of one or more candidates or the qualification, passage or defeat of any ballot measure, and
54 it accepts no contributions, and all expenditures it makes are from its own funds or property
55 obtained in the usual course of business or in any commercial or other transaction and which are
56 not contributions as defined by subdivision (12) of this section;

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

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

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

72 (b) The term "committee" includes, but is not limited to, each of the following
73 committees: campaign committee, candidate committee, continuing committee, **exploratory**
74 **committee**, and political party committee;

75 (8) "Campaign committee", a committee, other than a candidate committee, which shall
76 be formed by an individual or group of individuals to receive contributions or make expenditures
77 and whose sole purpose is to support or oppose the qualification and passage of one or more
78 particular ballot measures in an election or the retention of judges under the nonpartisan court
79 plan[, such committee shall be formed no later than thirty days prior to the election for which the
80 committee receives contributions or makes expenditures, and which shall terminate the later of
81 either thirty days after the general election or upon the satisfaction of all committee debt after
82 the general election, except that no committee retiring debt shall engage in any other activities
83 in support of a measure for which the committee was formed];

84 (9) "Candidate committee", a committee which shall be formed by a candidate to receive
85 contributions or make expenditures [in] **on** behalf of the person's candidacy [and which shall
86 continue in existence for use by an elected candidate or which shall terminate the later of either
87 thirty days after the general election for a candidate who was not elected or upon the satisfaction

88 of all committee debt after the election, except that no committee retiring debt shall engage in
89 any other activities in support of the candidate for which the committee was formed]. Any
90 candidate for elective office shall have only one candidate committee for the elective office
91 sought, which is controlled directly by the candidate for the purpose of making expenditures.
92 A candidate committee is presumed to be under the control and direction of the candidate unless
93 the candidate files an affidavit with the appropriate officer stating that the committee is acting
94 without control or direction on the candidate's part;

95 (10) "Continuing committee", a committee of continuing existence [which is not formed,
96 controlled or directed by a candidate], and is a committee other than a candidate committee or
97 campaign committee, whose primary or incidental purpose is to receive contributions or make
98 expenditures to influence or attempt to influence the action of voters whether or not a particular
99 candidate or candidates or a particular ballot measure or measures to be supported or opposed
100 has been determined at the time the committee is required to file any statement or report pursuant
101 to the provisions of this chapter. "Continuing committee" includes, but is not limited to, any
102 committee organized or sponsored by a business entity, a labor organization, a professional
103 association, a trade or business association, a club or other organization and whose primary
104 purpose is to solicit, accept and use contributions from the members, employees or stockholders
105 of such entity and any individual or group of individuals who accept and use contributions to
106 influence or attempt to influence the action of voters[. Such committee shall be formed no later
107 than sixty days prior to the election for which the committee receives contributions or makes
108 expenditures];

109 (11) "Connected organization", any organization such as a corporation, a labor
110 organization, a membership organization, a cooperative, or trade or professional association
111 which expends funds or provides services or facilities to establish, administer or maintain a
112 committee or to solicit contributions to a committee from its members, officers, directors,
113 employees or security holders. An organization shall be deemed to be the connected
114 organization if more than fifty percent of the persons making contributions to the committee
115 during the current calendar year are members, officers, directors, employees or security holders
116 of such organization or their spouses;

117 (12) "Contribution", a payment, gift, loan, advance, deposit, or donation of money or
118 anything of value for the purpose of supporting or opposing the nomination or election of any
119 candidate for public office or the qualification, passage or defeat of any ballot measure, or for
120 the support of any committee supporting or opposing candidates or ballot measures or for paying
121 debts or obligations of any candidate or committee previously incurred for the above purposes.

122 A contribution of anything of value shall be deemed to have a money value equivalent to the fair
123 market value. "Contribution" includes, but is not limited to:

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

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

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

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

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

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

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

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

149 (i) "Contribution" does not include:

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

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

158 c. Interest earned on deposit of committee funds;

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

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

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

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

173 (16) "Expenditure", a payment, advance, conveyance, deposit, donation or contribution
174 of money or anything of value for the purpose of supporting or opposing the nomination or
175 election of any candidate for public office or the qualification or passage of any ballot measure
176 or for the support of any committee which in turn supports or opposes any candidate or ballot
177 measure or for the purpose of paying a previously incurred campaign debt or obligation of a
178 candidate or the debts or obligations of a committee; a payment, or an agreement or promise to
179 pay, money or anything of value, including a candidate's own money or property, for the
180 purchase of goods, services, property, facilities or anything of value for the purpose of supporting
181 or opposing the nomination or election of any candidate for public office or the qualification or
182 passage of any ballot measure or for the support of any committee which in turn supports or
183 opposes any candidate or ballot measure or for the purpose of paying a previously incurred
184 campaign debt or obligation of a candidate or the debts or obligations of a committee. An
185 expenditure of anything of value shall be deemed to have a money value equivalent to the fair
186 market value. "Expenditure" includes, but is not limited to:

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

- 189 (b) The purchase of tickets, goods, services or political merchandise in connection with
190 any testimonial affair or fund-raising event of or for candidates or committees, or the purchase
191 of advertising in a brochure, booklet, program or pamphlet of a candidate or committee;
- 192 (c) The transfer of funds by one committee to another committee;
- 193 (d) The direct or indirect payment by any person, other than a connected organization
194 for a committee, of the costs of establishing, administering or maintaining a committee,
195 including legal, accounting and computer services, fund raising and solicitation of contributions
196 for a committee; but
- 197 (e) "Expenditure" does not include:
- 198 a. Any news story, commentary or editorial which is broadcast or published by any
199 broadcasting station, newspaper, magazine or other periodical without charge to the candidate
200 or to any person supporting or opposing a candidate or ballot measure;
- 201 b. The internal dissemination by any membership organization, proprietorship, labor
202 organization, corporation, association or other entity of information advocating the election or
203 defeat of a candidate or candidates or the passage or defeat of a ballot measure or measures to
204 its directors, officers, members, employees or security holders, provided that the cost incurred
205 is reported pursuant to subsection 2 of section 130.051;
- 206 c. Repayment of a loan, but such repayment shall be indicated in required reports;
- 207 d. The rendering of voluntary personal services by an individual of the sort commonly
208 performed by volunteer campaign workers and the payment by such individual of the individual's
209 necessary and ordinary personal expenses incidental to such volunteer activity, provided no
210 compensation is, directly or indirectly, asked or given;
- 211 e. The costs incurred by any connected organization listed pursuant to subdivision (4)
212 of subsection 5 of section 130.021 for establishing, administering or maintaining a committee,
213 or for the solicitation of contributions to a committee which solicitation is solely directed or
214 related to the members, officers, directors, employees or security holders of the connected
215 organization;
- 216 f. The use of a candidate's own money or property for expense of the candidate's personal
217 food, lodging, travel, and payment of any fee necessary to the filing for public office, if such
218 expense is not reimbursed to the candidate from any source;
- 219 (17) "Exploratory [committees] **committee**", a committee which shall be formed by an
220 individual to receive contributions and make expenditures on behalf of this individual in
221 determining whether or not the individual seeks elective office. Such committee shall terminate
222 no later than December thirty-first of the year prior to the general election for the possible office;

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

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

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

233 (21) "Loan", a transfer of money, property or anything of ascertainable monetary value
234 in exchange for an obligation, conditional or not, to repay in whole or in part and which was
235 contracted, used, or intended for use in an election campaign, or which was made or received by
236 a committee or which was contracted, used, or intended to pay previously incurred campaign
237 debts or obligations of a candidate or the debts or obligations of a committee;

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

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

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

251 (25) "Political party committee", a state, district, county, city, or area committee of a
252 political party, as [defined] **authorized** in section 115.603, RSMo, which may be organized as
253 a not-for-profit corporation under Missouri law, and which committee is of continuing existence,
254 and has the primary or incidental purpose of receiving contributions and making expenditures
255 to influence or attempt to influence the action of voters on behalf of the political party;

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

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

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

130.021. 1. Every committee shall have a treasurer who, except as provided in
2 subsection 10 of this section, shall be a resident of this state and reside in the district or county
3 in which the committee sits. A committee may also have a deputy treasurer who, except as
4 provided in subsection 10 of this section, shall be a resident of this state and reside in the district
5 or county in which the committee sits, to serve in the capacity of committee treasurer in the event
6 the committee treasurer is unable for any reason to perform the treasurer's duties.

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

19 3. [A candidate who has more than one candidate committee supporting the person's
20 candidacy shall designate one of those candidate committees as the committee responsible for
21 consolidating the aggregate contributions to all such committees under the candidate's control
22 and direction as required by section 130.041] **No person shall form a new committee or serve
23 as a treasurer or deputy treasurer of any committee as defined in section 130.011 until the
24 person or the treasurer of any committee previously formed by the person or where the
25 person served as treasurer or deputy treasurer has filed all required campaign disclosure
26 reports or statements of limited activity for all prior elections and paid outstanding
27 previously imposed fees assessed against that person by the ethics commission. No**

28 **candidate shall form, control, or direct a continuing committee as defined in section**
29 **130.011.**

30 4. (1) Every committee shall have a single official fund depository within this state
31 which shall be a federally or state-chartered bank, a federally or state-chartered savings and loan
32 association, or a federally or state-chartered credit union in which the committee shall open and
33 thereafter maintain at least one official depository account in its own name. An "official
34 depository account" shall be a checking account or some type of negotiable draft or negotiable
35 order of withdrawal account, and the official fund depository shall, regarding an official
36 depository account, be a type of financial institution which provides a record of deposits,
37 canceled checks or other canceled instruments of withdrawal evidencing each transaction by
38 maintaining copies within this state of such instruments and other transactions. All contributions
39 which the committee receives in money, checks and other negotiable instruments shall be
40 deposited in a committee's official depository account. Contributions shall not be accepted and
41 expenditures shall not be made by a committee except by or through an official depository
42 account and the committee treasurer, deputy treasurer or candidate. Contributions received by
43 a committee shall not be commingled with any funds of an agent of the committee, a candidate
44 or any other person, except that contributions from a candidate of the candidate's own funds to
45 the person's candidate committee shall be deposited to an official depository account of the
46 person's candidate committee. No expenditure shall be made by a committee when the office
47 of committee treasurer is vacant except that when the office of a candidate committee treasurer
48 is vacant, the candidate shall be the treasurer until the candidate appoints a new treasurer.

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

63 names and addresses of the persons involved in the transaction shall also be stated. Funds held
64 in savings accounts and investments, including interest earned, shall be included in the report of
65 money on hand as required by section 130.041.

66 5. The treasurer or deputy treasurer acting on behalf of any person or organization or
67 group of persons which is a committee by virtue of the definitions of committee in section
68 130.011 and any candidate who is not excluded from forming a committee in accordance with
69 the provisions of section 130.016 shall file a statement of organization with the appropriate
70 officer within twenty days after the person or organization becomes a committee but no later than
71 [the date for filing the first report required pursuant to the provisions of section 130.046] **thirty**
72 **days prior to the election for which the committee receives contributions or makes**
73 **expenditures, except that a continuing committee shall file a statement of organization with**
74 **the appropriate officer no later than sixty days prior to the election for which the**
75 **committee receives contributions or makes expenditures.** The statement of organization shall
76 contain the following information:

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

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

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

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

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

90 (6) The name and mailing address of its depository, and the name and account number
91 of each account the committee has in the depository. The account number of each account shall
92 be redacted prior to disclosing the statement to the public;

93 (7) Identification of the major nature of the committee such as a candidate committee,
94 campaign committee, continuing committee, political party committee, incumbent committee,
95 or any other committee according to the definition of committee in section 130.011;

96 (8) In the case of the candidate committee designated in subsection 3 of this section, the
97 full name and address of each other candidate committee which is under the control and direction

98 of the same candidate, together with the name, address and telephone number of the treasurer of
99 each such other committee;

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

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

104 6. A committee may omit the information required in subdivisions (9) and (10) of
105 subsection 5 of this section if, on the date on which it is required to file a statement of
106 organization, the committee has not yet determined the particular candidates or particular ballot
107 measures it will support or oppose.

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

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

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

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

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

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

131 11. If a committee domiciled in this state receives a contribution of one thousand five
132 hundred dollars or more from any committee domiciled outside of this state, the committee

133 domiciled in this state shall file a disclosure report with the commission. The report shall
134 disclose the full name, mailing address, telephone numbers and domicile of the contributing
135 committee and the date and amount of the contribution. The report shall be filed within
136 forty-eight hours of the receipt of such contribution if the contribution is received after the last
137 reporting date before the election.

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

140 130.031. 1. No contribution of cash in an amount of more than one hundred dollars shall
141 be made by or accepted from any single contributor for any election by a continuing committee,
142 a campaign committee, a political party committee, an exploratory committee or a candidate
143 committee.

144 2. Except for expenditures from a petty cash fund which is established and maintained
145 by withdrawals of funds from the committee's depository account and with records maintained
146 pursuant to the record-keeping requirements of section 130.036 to account for expenditures made
147 from petty cash, each expenditure of more than fifty dollars, except an in-kind expenditure, shall
148 be made by check drawn on the committee's depository and signed by the committee treasurer,
149 deputy treasurer or candidate. A single expenditure from a petty cash fund shall not exceed fifty
150 dollars, and the aggregate of all expenditures from a petty cash fund during a calendar year shall
151 not exceed the lesser of five thousand dollars or ten percent of all expenditures made by the
152 committee during that calendar year. A check made payable to "cash" shall not be made except
153 to replenish a petty cash fund.

154 3. No contribution shall be made or accepted and no expenditure shall be made or
155 incurred, directly or indirectly, in a fictitious name, in the name of another person, or by or
156 through another person in such a manner as to conceal the identity of the actual source of the
157 contribution or the actual recipient and purpose of the expenditure. Any person who receives
158 contributions for a committee shall disclose to that committee's treasurer, deputy treasurer or
159 candidate the recipient's own name and address and the name and address of the actual source
160 of each contribution such person has received for that committee. Any person who makes
161 expenditures for a committee shall disclose to that committee's treasurer, deputy treasurer or
162 candidate such person's own name and address, the name and address of each person to whom
163 an expenditure has been made and the amount and purpose of the expenditures the person has
164 made for that committee.

165 4. No anonymous contribution of more than twenty-five dollars shall be made by any
166 person, and no anonymous contribution of more than twenty-five dollars shall be accepted by any
167 candidate or committee. If any anonymous contribution of more than twenty-five dollars is
168

29 received, it shall be returned immediately to the contributor, if the contributor's identity can be
30 ascertained, and if the contributor's identity cannot be ascertained, the candidate, committee
31 treasurer or deputy treasurer shall immediately transmit that portion of the contribution which
32 exceeds twenty-five dollars to the state treasurer and it shall escheat to the state.

33 5. The maximum aggregate amount of anonymous contributions which shall be accepted
34 in any calendar year by any committee shall be the greater of five hundred dollars or one percent
35 of the aggregate amount of all contributions received by that committee in the same calendar
36 year. If any anonymous contribution is received which causes the aggregate total of anonymous
37 contributions to exceed the foregoing limitation, it shall be returned immediately to the
38 contributor, if the contributor's identity can be ascertained, and, if the contributor's identity
39 cannot be ascertained, the committee treasurer, deputy treasurer or candidate shall immediately
40 transmit the anonymous contribution to the state treasurer to escheat to the state.

41 6. Notwithstanding the provisions of subsection 5 of this section, contributions from
42 individuals whose names and addresses cannot be ascertained which are received from a
43 fund-raising activity or event, such as defined in section 130.011, shall not be deemed
44 anonymous contributions, provided the following conditions are met:

45 (1) There are twenty-five or more contributing participants in the activity or event;

46 (2) The candidate, committee treasurer, deputy treasurer or the person responsible for
47 conducting the activity or event makes an announcement that it is illegal for anyone to make or
48 receive a contribution in excess of one hundred dollars unless the contribution is accompanied
49 by the name and address of the contributor;

50 (3) The person responsible for conducting the activity or event does not knowingly
51 accept payment from any single person of more than one hundred dollars unless the name and
52 address of the person making such payment is obtained and recorded pursuant to the
53 record-keeping requirements of section 130.036;

54 (4) A statement describing the event shall be prepared by the candidate or the treasurer
55 of the committee for whom the funds were raised or by the person responsible for conducting the
56 activity or event and attached to the disclosure report of contributions and expenditures required
57 by section 130.041. The following information to be listed in the statement is in addition to, not
58 in lieu of, the requirements elsewhere in this chapter relating to the recording and reporting of
59 contributions and expenditures:

60 (a) The name and mailing address of the person or persons responsible for conducting
61 the event or activity and the name and address of the candidate or committee for whom the funds
62 were raised;

63 (b) The date on which the event occurred;

64 (c) The name and address of the location where the event occurred and the approximate
65 number of participants in the event;

66 (d) A brief description of the type of event and the fund-raising methods used;

67 (e) The gross receipts from the event and a listing of the expenditures incident to the
68 event;

69 (f) The total dollar amount of contributions received from the event from participants
70 whose names and addresses were not obtained with such contributions and an explanation of
71 why it was not possible to obtain the names and addresses of such participants;

72 (g) The total dollar amount of contributions received from contributing participants in
73 the event who are identified by name and address in the records required to be maintained
74 pursuant to section 130.036.

75 7. No candidate or committee in this state shall accept contributions from any
76 out-of-state committee unless the out-of-state committee from whom the contributions are
77 received has filed a statement of organization pursuant to section 130.021 or has filed the reports
78 required by sections 130.049 and 130.050, whichever is applicable to that committee.

79 8. Any person publishing, circulating, or distributing any printed matter relative to any
80 candidate for public office or any ballot measure shall on the face of the printed matter identify
81 in a clear and conspicuous manner the person who paid for the printed matter with the words
82 "Paid for by" followed by the proper identification of the sponsor pursuant to this section. For
83 the purposes of this section, "printed matter" shall be defined to include any pamphlet, circular,
84 handbill, sample ballot, advertisement, including advertisements in any newspaper or other
85 periodical, sign, including signs for display on motor vehicles, or other imprinted or lettered
86 material; but "printed matter" is defined to exclude materials printed and purchased prior to May
87 20, 1982, if the candidate or committee can document that delivery took place prior to May 20,
88 1982; any sign personally printed and constructed by an individual without compensation from
89 any other person and displayed at that individual's place of residence or on that individual's
90 personal motor vehicle; any items of personal use given away or sold, such as campaign buttons,
91 pins, pens, pencils, book matches, campaign jewelry, or clothing, which is paid for by a
92 candidate or committee which supports a candidate or supports or opposes a ballot measure and
93 which is obvious in its identification with a specific candidate or committee and is reported as
94 required by this chapter; and any news story, commentary, or editorial printed by a regularly
95 published newspaper or other periodical without charge to a candidate, committee or any other
96 person.

97 (1) In regard to any printed matter paid for by a candidate from the candidate's personal
98 funds, it shall be sufficient identification to print the first and last name by which the candidate
99 is known.

100 (2) In regard to any printed matter paid for by a committee, it shall be sufficient
101 identification to print the name of the committee as required to be registered by subsection 5 of
102 section 130.021 and the name and title of the committee treasurer who was serving when the
103 printed matter was paid for.

104 (3) In regard to any printed matter paid for by a corporation or other business entity,
105 labor organization, or any other organization not defined to be a committee by subdivision (7)
106 of section 130.011 and not organized especially for influencing one or more elections, it shall
107 be sufficient identification to print the name of the entity, the name of the principal officer of the
108 entity, by whatever title known, and the mailing address of the entity, or if the entity has no
109 mailing address, the mailing address of the principal officer.

110 (4) In regard to any printed matter paid for by an individual or individuals, it shall be
111 sufficient identification to print the name of the individual or individuals and the respective
112 mailing address or addresses, except that if more than five individuals join in paying for printed
113 matter it shall be sufficient identification to print the words "For a list of other sponsors contact:"
114 followed by the name and address of one such individual responsible for causing the matter to
115 be printed, and the individual identified shall maintain a record of the names and amounts paid
116 by other individuals and shall make such record available for review upon the request of any
117 person. No person shall accept for publication or printing nor shall such work be completed until
118 the printed matter is properly identified as required by this subsection.

119 9. Any broadcast station transmitting any matter relative to any candidate for public
120 office or ballot measure as defined by this chapter shall identify the sponsor of such matter as
121 required by federal law.

122 10. The provisions of subsection 8 or 9 of this section shall not apply to candidates for
123 elective federal office, provided that persons causing matter to be printed or broadcast
124 concerning such candidacies shall comply with the requirements of federal law for identification
125 of the sponsor or sponsors.

126 11. It shall be a violation of this chapter for any person required to be identified as
127 paying for printed matter pursuant to subsection 8 of this section or paying for broadcast matter
128 pursuant to subsection 9 of this section to refuse to provide the information required or to
129 purposely provide false, misleading, or incomplete information.

130 12. It shall be a violation of this chapter for any committee to offer chances to win prizes
131 or money to persons to encourage such persons to endorse, send election material by mail,

132 deliver election material in person or contact persons at their homes; except that, the provisions
133 of this subsection shall not be construed to prohibit hiring and paying a campaign staff.

134 **13. No person authorized to transfer committee funds shall transfer any funds**
135 **received by the committee to any other committee with the intent to conceal the identity of**
136 **the actual source of the funds. Any violation of this subdivision shall be punishable as**
137 **follows:**

138 (a) For the first violation, the ethics committee shall notify such person that the
139 transfer to the committee is prohibited under this section within five days of determining
140 that the transfer is prohibited, and that such person shall notify the committee to which the
141 funds were transferred that the funds must be returned within ten days of such
142 notification;

143 (b) For the second violation, the person transferring the funds shall be guilty of a
144 class C misdemeanor;

145 (c) For the third and subsequent violations, the person transferring the funds shall
146 be guilty of a **class D felony**.

147 **14. No statewide office holder shall accept any donation from any person whom the**
148 **statewide office holder appoints with the advice and consent of the senate, and no person**
149 **accepting any appointment by the governor with the advice and consent of the senate, nor**
150 **the appointee's spouse, or any business in which the appointee or the appointee's spouse**
151 **holds a substantial interest shall be solicited by the statewide office holder to make any**
152 **contribution to or engage in any fund-raising activity or fund-raising event for any elected**
153 **official during and for one hundred eighty days after the appointment ends.**

154 **15. No individual or business entity shall make any gift, donation, or contribution**
155 **of any kind to any candidate committee or any state political party committee that makes**
156 **expenditures on behalf of the statewide office holder, any executive department director**
157 **or employee, or any state agency as defined in chapter 536, when that individual or**
158 **business entity has an application, bid, or request for a state grant, loan, appropriation,**
159 **contract, collective bargaining agreement, award, permit other than matters involving a**
160 **driver's license, job, action, appointment, proceeding, or agreement pending before the**
161 **department, state agency, commission, or elected official requiring a decision or**
162 **determination. No statewide office holder shall solicit contributions from an individual or**
163 **business while such individual or business entity has an application, bid, or request for a**
164 **state grant, loan, appropriation, contract, award, permit other than matters involving a**
165 **driver's license, job, action, appointment, proceeding, or agreement, including a collective**

166 bargaining agreement, pending before the department, state agency, commission, or elected
167 official requiring a decision or determination.

168 **16. Beginning August 28, 2010, all committees shall file any required disclosure**
169 **report in an electronic format as prescribed by the ethics commission.**

130.032. In addition to the limitations imposed under section 130.031, the amount
2 **of contributions made by or accepted from any person other than the candidate in any one**
3 **election shall not exceed twenty thousand dollars. This limitation shall apply to campaign**
4 **contributions from an individual to a candidate for statewide office, elected judicial office,**
5 **or an elected political subdivision or special district position.**

136.055. 1. Any person who is selected or appointed by the state director of revenue as
2 provided in subsection 2 of this section to act as an agent of the department of revenue, whose
3 duties shall be the processing of motor vehicle title and registration transactions and the
4 collection of sales and use taxes when required under sections 144.070 and 144.440, RSMo, and
5 who receives no salary from the department of revenue, shall be authorized to collect from the
6 party requiring such services additional fees as compensation in full and for all services rendered
7 on the following basis:

8 (1) For each motor vehicle or trailer registration issued, renewed or transferred--three
9 dollars and fifty cents and seven dollars for those licenses sold or biennially renewed pursuant
10 to section 301.147, RSMo;

11 (2) For each application or transfer of title--two dollars and fifty cents;

12 (3) For each instruction permit, nondriver license, chauffeur's, operator's or driver's
13 license issued for a period of three years or less--two dollars and fifty cents and five dollars for
14 licenses or instruction permits issued or renewed for a period exceeding three years;

15 (4) For each notice of lien processed--two dollars and fifty cents;

16 (5) No notary fee or other fee or additional charge shall be paid or collected except for
17 electronic telephone transmission reception--two dollars.

18 2. The director of revenue shall award fee office contracts under this section [through
19 a competitive bidding process. The competitive bidding process shall give priority to
20 organizations and entities that are exempt from taxation under Section 501(c)(3) or 501(c)(6) of
21 the Internal Revenue Code of 1986, as amended, and political subdivisions, including but not
22 limited to, municipalities, counties, and fire protection districts.] **to county or city collectors or**
23 **treasurers or their agents. The department shall have discretion to determine the number**
24 **and appropriate geographic distribution of fee offices.** The director of the department of
25 revenue may promulgate rules and regulations necessary to carry out the provisions of this
26 subsection. Any rule or portion of a rule, as that term is defined in section 536.010, RSMo, that

27 is created under the authority delegated in this subsection shall become effective only if it
28 complies with and is subject to all of the provisions of chapter 536, RSMo, and, if applicable,
29 section 536.028, RSMo. This section and chapter 536, RSMo, are nonseverable and if any of
30 the powers vested with the general assembly pursuant to chapter 536, RSMo, to review, to delay
31 the effective date, or to disapprove and annul a rule are subsequently held unconstitutional, then
32 the grant of rulemaking authority and any rule proposed or adopted after August 28, 2009, shall
33 be invalid and void.

34 3. All fees collected by a [tax-exempt organization] **county or city collector or**
35 **treasurer or such official's agents** may be retained and used by the [organization] **county in**
36 **which the funds are collected. All fees collected under this section shall be deposited in the**
37 **general revenue fund of the county from which the fees are collected, and such funds may**
38 **be distributed in accordance with general law, charter provision, or ordinance. However,**
39 **the portion of the funds necessary to cover the administrative costs of the city or county**
40 **officials collecting fees under this section shall be granted to such officials.**

41 4. All fees charged shall not exceed those in this section. The fees imposed by this
42 section shall be collected by all permanent offices and all full-time or temporary offices
43 maintained by the department of revenue.

44 5. [Any person acting as agent of the department of revenue for the sale and issuance of
45 registrations, licenses, and other documents related to motor vehicles shall have an insurable
46 interest in all license plates, licenses, tabs, forms and other documents held on behalf of the
47 department.

48 6. The fees authorized by this section shall not be collected by motor vehicle dealers
49 acting as agents of the department of revenue under section 32.095, RSMo, or those motor
50 vehicle dealers authorized to collect and remit sales tax under subsection 8 of section 144.070,
51 RSMo.

52 7.] Notwithstanding any other provision of law to the contrary, the state auditor may
53 audit all records maintained and established by the fee office in the same manner as the auditor
54 may audit any agency of the state, and the department shall ensure that this audit requirement is
55 a necessary condition for the award of all fee office contracts. No confidential records shall be
56 divulged in such a way to reveal personally identifiable information.

575.021. 1. A person commits the crime of obstruction of an ethics investigation if
2 **such person, for the purpose of obstructing or preventing an ethics investigation,**
3 **knowingly commits any of the following acts:**

4 (1) Confers or agrees to confer anything of pecuniary benefit to any person in
5 direct exchange for that person's concealing or withholding any information concerning
6 any violation of sections 105.450 to 105.496 and chapter 130;

7 (2) Accepting or agreeing to accept anything of pecuniary benefit in direct exchange
8 for concealing or withholding any information concerning any violation of sections 105.450
9 to 105.496 or chapter 130;

10 (3) Utters or submits a false statement that the person does not believe to be true
11 to any member or employee of the Missouri ethics commission or to any official
12 investigating any violation of sections 105.450 to 105.496 or chapter 130; or

13 (4) Submits any writing or other documentation that is inaccurate and that the
14 person does not believe to be true to any member or employee of the Missouri ethics
15 commission or to any official investigating any violation of sections 105.450 to 105.496 or
16 chapter 130.

17 2. It is a defense to a prosecution under subdivisions (3) and (4) of subsection 1 of
18 this section that the person retracted the false statement, writing, or other documentation,
19 but this defense shall not apply if the retraction was made after:

20 (1) The falsity of the statement, writing, or other documentation was exposed; or

21 (2) Any member or employee of the Missouri ethics commission or any official
22 investigating any violation of sections 105.450 to 105.496 or chapter 130 took substantial
23 action in reliance on the statement, writing, or other documentation.

24 3. The defendant shall have the burden of injecting the issue of retraction under
25 this section.

26 4. Obstruction of an ethics investigation under this section is a **class D felony**.

Section 1. If any candidate committee **fails to pay or settle all of its outstanding debt**
2 within eighteen months of the termination of the committee, such debt shall be
3 transferrable to the candidate, and such candidate shall be liable for the repayment of the
4 debt. Failure to repay such debt shall be a **class D felony** for conversion of campaign
5 funds. This may violate Article I sec. 13 regarding the impairment of contracts.

Section 2. In any contract for purchasing supplies as defined in section 34.010 not
2 exceeding the threshold for competitive bids set forth under section 34.040, the office of
3 administration shall not prevent any department, office, board, commission, bureau,
4 institution, political subdivision, or any other agency of the state from purchasing supplies
5 from an authorized General Services Administration vendor including "GSA Advantage",
6 "GSA e-Buy", or successor sources.

Section 3. Notwithstanding any other provision of law to the contrary, where state
2 or federal law requires elections or designations or authorizations of employee
3 representation, the right of individuals to vote by secret ballot shall be guaranteed.

Section 4. 1. Notwithstanding any other provision of law to the contrary, where
2 mandatory dues are collected for membership in any labor organization as defined in
3 section 130.111, a member of such organization shall be entitled to designate that such
4 member's dues shall not be used for any political activity whatsoever, including but not
5 limited to advocating for the election of an individual candidate for public office or the
6 promotion of a ballot measure. The designation opting out of the use of dues for political
7 activities shall be clearly and conspicuously placed on the requisite card or form for the
8 payment of dues, or shall be provided as a separate document to each member before
9 payment of such member's dues.

10 2. The treasurer or other official of the labor organization charged with financial
11 affairs shall keep all moneys designated as prohibited from use in political activities in a
12 separate account and shall ensure that such moneys are not spent in violation of the
13 provisions of this section.

14 3. Any person whose dues are actually diverted for an unauthorized political
15 activity in violation of the provisions of this section may bring a suit in a court of
16 competent jurisdiction for compensatory damages in the amount of the dues diverted,
17 punitive damages not to exceed ten thousand dollars per violation, attorney fees and costs,
18 and such injunctive relief as the court may deem equitable and proper.

19 4. Any treasurer or other official of a labor organization knowingly violating the
20 provisions of this section by the actual diversion of funds for an unauthorized political
21 activity shall be guilty of a **class D felony**.

Section 5. 1. Notwithstanding the provisions of section 27.060 or any other
2 provision to the contrary, the governor, lieutenant governor, president pro tempore of the
3 senate, speaker of the house, and speaker pro tempore of the house may institute, in the
4 name and on the behalf of the state, any proceeding in law or in equity requisite or
5 necessary to protect the natural or constitutional rights of persons within the state, and
6 may appear or defend in any proceeding or tribunal the natural or constitutional rights
7 of such persons. Such statewide officials may also argue and defend claims based upon
8 administrative rules, local ordinances, political subdivision charters, state statutes,
9 common law, state compacts, treaties, international law, or any other rules or principles
10 where such claims are properly allowed by the joinder procedures of a court of competent
11 jurisdiction.

12 2. To ensure that there is no conflict among any of such statewide officials or the
13 attorney general acting under section 27.060, as to the single legal position that shall
14 represent the state in regard to a particular question of law, and that shall be attributed
15 as the sole suit in the name and on the behalf of the state with regard to a particular
16 question of law, the filing of cases shall be authorized by a commission as provided in
17 subsections 3 and 4 of this section.

18 3. There is hereby created a commission to be known as the **"Commission for the**
19 **Defense of the Natural and Constitutional Rights"**, which shall consist of the governor, the
20 lieutenant governor, the president pro tempore of the senate, the speaker of the house, the
21 speaker pro tempore of the house and the attorney general. The commission may choose
22 its own rules of procedure in accordance with the restriction that a constitutional majority
23 shall be required to approve any rule of procedure and to adopt the single legal position
24 that shall represent the state in a particular case or controversy. Adoption of such a legal
25 position shall consist of a recorded vote on a motion, brief, or a summary of the proposed
26 legal position to be advocated as allowed by procedural rules adopted by the commission.

27 4. Before filing a case authorized by this section, or a case filed under section 27.060
28 that could create a conflict over the single legal position of the state with regard to a
29 particular question of law as described in this section, the party filing the case shall seek
30 and obtain authorization from the commission. The commission shall rule within ten
31 business days on any request for an authorization to file suit.

32 5. In the event that the commission issues inconsistent authorizations to file suit
33 such that multiple lawsuits concerning a particular question of law are brought, then all
34 such lawsuits shall be null and void, and the supreme court shall issue an injunction
35 requiring the immediate withdrawal of all such lawsuits.

36 6. The supreme court of this state shall have original jurisdiction to hear any
37 dispute involving the provisions of this section and may issue injunctive relief mandating
38 the withdrawal of any litigation in violation of this section. A finding of the supreme court
39 that a party shall not act in the name and on the behalf of this state shall be given full effect
40 in either state or federal court as equivalent to the removal of such party's jurisdiction and
41 authority to bring suit.

Section 6. Notwithstanding any other provision of law to the contrary, no political
2 **subdivision shall submit any question as an advisory referendum to the voters if such**
3 **referendum does not have the force and effect of law.**

2 [30.070. When a vacancy occurs in the office of state treasurer, the
governor shall immediately appoint a state treasurer to fill such vacancy for the

3 residue of the term in which the vacancy occurred, and until his successor is
4 elected or appointed, commissioned and qualified.]

5

Section B. The enactment of sections 115.156, 115.276, and 115.278 and the repeal and
2 reenactment of sections 115.279, 115.281, 115.287, 115.291, 115.292, and 115.427 of section
3 A of this act shall become effective only upon the passage and approval by the voters of a
4 constitutional amendment submitted to them by the general assembly regarding the authorization
5 of advance voting, photo identification, and voter registration requirements by general law.

Section C. Notwithstanding any provision of section 1.140 to the contrary, sections
2 115.156, 115.276, 115.278, 115.279, 115.281, 115.287, 115.291, 115.292, and 115.427 of
3 section A of this act shall be nonseverable, and if any provision of sections 115.156, 115.276,
4 115.278, 115.279, 115.281, 115.287, 115.291, 115.292, and 115.427 of section A of this act is
5 held to be invalid for any reason, such decision shall invalidate all of the remaining provisions
6 of sections 115.156, 115.276, 115.278, 115.279, 115.281, 115.287, 115.291, 115.292, and
7 115.427 of section A of this act.

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