

SECOND EXTRAORDINARY SESSION

SENATE BILL NO. 4

99TH GENERAL ASSEMBLY

INTRODUCED BY SENATOR SCHAAF.

Read 1st time June 12, 2017, and ordered printed.

ADRIANE D. CROUSE, Secretary.

2442S.011

AN ACT

To repeal section 130.041 as enacted by senate bill no. 844, ninety-fifth general assembly, second regular session, and section 130.041 as enacted by senate bills nos. 31 & 285, ninetieth general assembly, first regular session, and to enact in lieu thereof one new section relating to financial disclosure under campaign finance laws.

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

Section A. Section 130.041 as enacted by senate bill no. 844, ninety-fifth
2 general assembly, second regular session, and section 130.041 as enacted by
3 senate bills nos. 31 & 285, ninetieth general assembly, first regular session, are
4 repealed and one new section enacted in lieu thereof, to be known as section
5 130.041, to read as follows:

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

(1) The full name, as required in the statement of
9 organization pursuant to subsection 5 of section 130.021, and
10 mailing address of the committee filing the report and the full
11 name, mailing address and telephone number of the committee's
12 treasurer and deputy treasurer if the committee has named a
13

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

14 deputy treasurer;

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

17 (3) Receipts for the period, including:

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

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

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

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

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

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

50 terms of the loan;

51 (4) Expenditures for the period, including:

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

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

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

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

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

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

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

75 (7) The amount of expenditures for or against a candidate
76 or ballot measure during the period covered and the cumulative
77 amount of expenditures for or against that candidate or ballot
78 measure, with each candidate being listed by name, mailing
79 address and office sought. For the purpose of disclosure reports,
80 expenditures made in support of more than one candidate or ballot
81 measure or both shall be apportioned reasonably among the
82 candidates or ballot measure or both. In apportioning expenditures
83 to each candidate or ballot measure, political party committees and
84 political action committees need not include expenditures for
85 maintaining a permanent office, such as expenditures for salaries

86 of regular staff, office facilities and equipment or other
87 expenditures not designed to support or oppose any particular
88 candidates or ballot measures; however, all such expenditures shall
89 be listed pursuant to subdivision (4) of this subsection;

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

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

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

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

117 (1) In the case of a candidate committee, the period shall
118 begin on the date on which the candidate became a candidate
119 according to the definition of the term "candidate" in section
120 130.011 and end at 11:59 p.m. on the day of the primary election,
121 if the candidate has such an election or at 11:59 p.m. on the day of

122 the general election. If the candidate has a general election held
123 after a primary election, the next aggregating period shall begin at
124 12:00 midnight on the day after the primary election day and shall
125 close at 11:59 p.m. on the day of the general election. Except that
126 for contributions received during the thirty-day period immediately
127 following a primary election, the candidate shall designate whether
128 such contribution is received as a primary election contribution or
129 a general election contribution;

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

134 (3) In the case of a political party committee or a political
135 action committee, the period shall begin on the first day of January
136 of the year in which the report or statement is being filed and end
137 on the closing date for the period for which the report or statement
138 is required; except, if the report or statement is required to be filed
139 prior to the first day of July in any given year, the period shall
140 begin on the first day of July of the preceding year.

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

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

130.041. 1. Except as provided in subsection 5 of section 130.016, the
2 candidate, if applicable, treasurer or deputy treasurer of every committee which

3 is required to file a statement of organization, shall file a legibly printed or typed
4 disclosure report of receipts and expenditures. The reports shall be filed with the
5 appropriate officer designated in section 130.026 at the times and for the periods
6 prescribed in section 130.046. Except as provided in sections 130.049 and
7 130.050, each report shall set forth:

8 (1) The full name, as required in the statement of organization pursuant
9 to subsection 5 of section 130.021, and mailing address of the committee filing the
10 report and the full name, mailing address and telephone number of the
11 committee's treasurer and deputy treasurer if the committee has named a deputy
12 treasurer;

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

15 (3) Receipts for the period, including:

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

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

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

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

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

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

44 (4) Expenditures for the period, including:

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

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

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

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

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

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

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

65 (7) The amount of expenditures for or against a candidate or ballot
66 measure during the period covered and the cumulative amount of expenditures
67 for or against that candidate or ballot measure, with each candidate being listed
68 by name, mailing address and office sought. For the purpose of disclosure
69 reports, expenditures made in support of more than one candidate or ballot
70 measure or both shall be apportioned reasonably among the candidates or ballot
71 measure or both. In apportioning expenditures to each candidate or ballot
72 measure, political party committees and political action committees need not
73 include expenditures for maintaining a permanent office, such as expenditures
74 for salaries of regular staff, office facilities and equipment or other expenditures

75 not designed to support or oppose any particular candidates or ballot measures;
76 however, all such expenditures shall be listed pursuant to subdivision (4) of this
77 subsection;

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

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

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

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

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

111 whether such contribution is received as a primary election contribution or a
112 general election contribution;

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

116 (3) In the case of a political party committee or a political action
117 committee, the period shall begin on the first day of January of the year in which
118 the report or statement is being filed and end on the closing date for the period
119 for which the report or statement is required; except, if the report or statement
120 is required to be filed prior to the first day of July in any given year, the period
121 shall begin on the first day of July of the preceding year.

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

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

135 **5. The provisions of subsections 5 to 17 of this section shall be**
136 **known, and may be cited as, the "Dark Money Disclosure Act".**

137 **6. For the purposes of subsections 5 to 17 of this section, the**
138 **term "reportable outlay" shall mean any contribution, expenditure,**
139 **covered transfer, or elected official communication payment.**

140 **7. For the purposes of subsections 5 to 17 of this section, the**
141 **terms "contribution" and "expenditure" shall have the meanings they are**
142 **given in section 130.011.**

143 **8. (1) For the purposes of subsections 5 to 17 of this section, the**
144 **term "covered transfer" shall mean any monetary or in-kind transfer or**
145 **payment made to another person with the intention that any part of**
146 **such transfer or payment be used to make or pay for a reportable**

147 outlay by someone other than the person making the transfer or
148 payment. There shall be a rebuttable presumption that a transfer or
149 payment is a covered transfer if the person making the transfer or
150 payment:

151 (a) Designates, requests, suggests, or discusses the possibility
152 that any part of the transfer or payment be used for:

153 a. A reportable outlay; or

154 b. Making a transfer or payment to another person for the
155 purpose of making or paying for a reportable outlay;

156 (b) Made such transfer or payment in response to a solicitation
157 or other request for a donation or payment for:

158 a. The making of a reportable outlay; or

159 b. Making a transfer or payment to another person for the
160 purpose of making or paying for a reportable outlay;

161 (c) Knew or had reason to know that the person receiving the
162 transfer or payment intended to use any part of it for:

163 a. The making of a reportable outlay; or

164 b. Making a transfer or payment to another person for the
165 purpose of making or paying for a reportable outlay;

166 (d) Knew or had reason to know that the person receiving the
167 transfer or payment had made reportable outlays in an aggregate
168 amount of ten thousand dollars or more during the two-year period
169 ending on the date of the transfer or payment, provided that it was a
170 non-natural person who received the transfer or payment; or

171 (e) Knew or had reason to know that the person receiving the
172 transfer or payment would make reportable outlays in an aggregate
173 amount of ten thousand dollars or more during the two-year period
174 beginning on the date of the transfer or payment, provided that it was
175 a non-natural person who received the transfer or payment.

176 (2) "Covered transfer" shall not include any of the following:

177 (a) A transfer or payment made in a commercial transaction in
178 the ordinary course of any trade or business conducted by the covered
179 person or in the form of investments made by the covered person;

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

184 (c) A transfer or payment if:

185 a. The person making the transfer or payment prohibited, in
186 writing, the use of such transfer or payment for reportable outlays; and

187 b. The recipient of the transfer or payment agreed to follow the
188 prohibition and deposited the funds in an account segregated from any
189 account used to make reportable outlays.

190 9. (1) For the purposes of subsections 5 to 17 of this section, the
191 term "elected official communication payment" shall mean a payment
192 for a communication that:

193 (a) Is in the form of:

194 a. Radio, television, cable, or satellite broadcast;

195 b. Printed material such as advertisements, pamphlets, circulars,
196 flyers, brochures, or letters;

197 c. Telephone communication; or

198 d. Paid internet advertising; and

199 (b) Is made:

200 a. In substantial consultation with or at the suggestion of an
201 elected official or an employee of or a consultant to an elected official;

202 b. By a person who is managed, operated, or founded by an
203 individual who, in the two years preceding the communication, served
204 as an employee or consultant for a person who is an elected official at
205 the time of the communication;

206 c. By or in consultation with or at the suggestion of a family
207 member of an elected official;

208 d. By a person founded by or at the suggestion of an elected
209 official or the family member of an elected official; or

210 e. By a person for which an elected official has raised money in
211 the two years before the communication; and

212 (c) Includes the name, likeness, or voice of or otherwise clearly
213 identifies any Missouri elected official.

214 (2) The phrase "elected official communication payment" shall
215 not include a payment for a communication of either of the following
216 types:

217 (a) Communications with a professional journalist or newscaster,
218 including an editorial board or editorial or opinion writer of a
219 newspaper, magazine, news agency, press association, or wire service;

220 or

221 (b) A communication that is:

222 a. Directed, sent or distributed by the distributing organization
223 only to individuals who affirmatively consent to be members of the
224 distributing organization, contribute funds to the distributing
225 organization, or, pursuant to the distributing organization's articles or
226 bylaws, have the right to vote directly or indirectly for the election of
227 directors or officers, or on changes to bylaws, disposition or all or
228 substantially all of the distributing entity's assets or the merger or
229 dissolution of the distributing entity; or

230 b. For the purpose of promoting or staging any candidate debate,
231 town hall or similar forum to which at least two candidates seeking the
232 same office, or two proponents of differing positions on a referendum
233 or question submitted to voters, or two proponents of differing
234 positions on a proposed official action of a governmental body, are
235 invited as participants, and which does not promote or advance one
236 candidate or position over another.

237 10. (1) Any person which is not a defined committee, has
238 accepted one or more covered transfers since the most recent general
239 election, and has made a reportable outlay or reportable outlays
240 aggregating five thousand dollars or more since the most recent
241 general election, shall file reports as prescribed in this subsection.

242 (2) Subsequent to each general election, a person required to file
243 reports by subdivision (1) of this subsection shall file a report no later
244 than fourteen days after first making a reportable outlay which by
245 itself or when added to all other reportable outlays made since the
246 general election equals five thousand dollars or more. After such
247 initial report, an additional report shall be filed no later than fourteen
248 days after any date on which the reporting person makes a reportable
249 outlay which by itself or when added to all other reportable outlays
250 made since the reportable outlay most recently reported equals five
251 thousand dollars or more, except that, if such reportable outlay is made
252 during the thirty days before an election, such additional report shall
253 be filed within forty-eight hours after the date on which the reporting
254 person made such reportable outlay.

255 (3) All reports filed under this subsection shall contain the
256 following information:

257 (a) The name and address of the reporting person, and, if that

258 person is a natural person, the name and address of that person's
259 employer;

260 (b) If the reporting person is a non-natural person, that person's
261 owners, partners, board members, and officers, or their equivalents. In
262 the event that a report does not otherwise include the name of a
263 natural person associated with the reporting person, the report shall
264 include the name, address, and other contact information of at least one
265 natural person with managerial control over the reporting person;

266 (c) For each reportable outlay made by the reporting person
267 since the most recent general election:

268 a. The date and dollar value of each reportable outlay;

269 b. The name and address of the recipient of each reportable
270 outlay; and

271 c. A description of the nature and purpose of each reportable
272 outlay, including, in addition to any other information required by
273 rules promulgated by the ethics commission, the name of any candidate
274 or ballot measure supported or opposed, and, if the reportable outlay
275 is an elected official communication payment, the name of any elected
276 official identified by the communication and the name of any elected
277 official in connection with whom the communication is made;

278 (d) Each report shall include receipts of covered transfers
279 accepted since the most recent general election, including:

280 a. The total dollar value of all covered transfers accepted;

281 b. (i) A separate listing by name and address, and employer, if
282 any, of each person from whom the reporting person accepted covered
283 transfers aggregating more than five thousand dollars, together with
284 the date and dollar value of each such covered transfer, as well as a
285 description of each such covered transfer that was in-kind;

286 (ii) The names of the owners, partners, board members, and
287 officers, or their equivalents, of any non-natural person listed pursuant
288 to item (i) of this subparagraph;

289 c. A listing of each covered transfer that was received in the
290 form of a loan, such loans listed by name and address of the lender and
291 date and amount of the loan. For each such loan of more than one
292 hundred dollars, a separate statement shall be attached setting forth
293 the name and address of the lender and each person liable directly,
294 indirectly or contingently, and the date, amount and terms of the loan;

295 and

296 d. A listing of each covered transfer accepted that was restricted
297 or designated in whole or in part for a particular purpose by the
298 transferor, such listing including the name and address of the
299 transferor, together with the date and dollar value of the covered
300 transfer, together with a reasonably detailed description of the purpose
301 for which all or part of that covered transfer was restricted or
302 designated.

303 11. (1) If the person filing a report under subsection 10 of this
304 section has filed any previous report under subsection 10 of this section
305 since the most recent general election, the subsequent report need only
306 include updated information, and need not contain information
307 identical to that provided in previous reports.

308 (2) Reports filed under subsection 10 of this section need not
309 include information about reportable outlays made before the date on
310 which subsection 10 of this section becomes effective or on covered
311 transfers accepted prior to such date.

312 (3) (a) For purposes of subsection 10 of this section, if a covered
313 transfer accepted is a payment to an organization of bona fide
314 membership dues that do not exceed two thousand five hundred dollars
315 in a five-year period, the name and other identifying information of the
316 person making the covered transfer need not be reported.

317 (b) Any report that withholds information pursuant to paragraph
318 (a) of this subdivision shall report the aggregate value of all covered
319 transfers for which information is so withheld, stating that full
320 disclosure has been withheld pursuant to paragraph (a) of this
321 subdivision.

322 (c) Notwithstanding any other provision of law to the contrary,
323 no provision of subsections 5 to 17 of this section shall be construed in
324 such a way as to negate the exception provided for in paragraph (a) of
325 this subdivision or otherwise be construed in such a way as to require
326 that any person's name or other identifying information be disclosed to
327 any entity as a result of such person having made a payment to an
328 organization of bona fide membership dues that do not exceed two
329 thousand five hundred dollars in a five-year period.

330 12. (1) No reportable outlay shall be made or accepted, directly
331 or indirectly, in a fictitious name, in the name of another person, or by

332 or through another person with the intent to conceal the original
333 source of the reportable outlay.

334 (2) (a) The Missouri ethics commission shall promulgate rules to
335 ensure that each person who, during the period between two general
336 elections, is the original source of more than five thousand dollars of
337 expenditures used to support or oppose any single candidate or ballot
338 measure is publicly reported as such, together with the total amount of
339 expenditures used to support or oppose that candidate or ballot
340 measure for which such person is the original source, and together with
341 a listing of any intermediaries that facilitated the transfer by receiving
342 and transferring funds or items on their path between the original
343 source and the recipient person, including the values, immediate
344 sources, and immediate recipients of such funds or items received and
345 transferred by each such intermediary. For the purposes of this
346 paragraph, "expenditure" shall not include contributions or covered
347 transfers, nor transfers or payments made prior to the date on which
348 this paragraph takes effect as law.

349 (b) The Missouri ethics commission shall promulgate rules to
350 ensure that each person who, during the period between two general
351 elections, is the original source of more than five thousand dollars of
352 contributions or covered transfers received by any single person is
353 publicly reported as such, together with the total amount of
354 contributions or covered transfers to such recipient for which such
355 contributor or transferor is the original source, and together with a
356 listing of any intermediaries that facilitated the transfer by receiving
357 and transferring funds or items on their path between the original
358 source and the recipient person, including the values, immediate
359 sources, and immediate recipients of such funds or items received and
360 transferred by each such intermediary. For the purposes of this
361 paragraph, the terms "contribution" and "covered transfer" shall not
362 include transfers or payments made prior to the date on which this
363 paragraph takes effect as law.

364 (c) For the purpose of identifying the original source or original
365 sources of any reportable outlay:

366 a. When a person making a contribution or covered transfer
367 restricts or designates it for a particular purpose, such contribution or
368 covered transfer shall be attributed to a reportable outlay the purpose

369 of which matches that for which the covered transfer was restricted or
370 designated, if such a reportable outlay is made by the immediate
371 recipient of the covered transfer and if no covered transfer received
372 earlier has already been attributed to that reportable outlay pursuant
373 to this subparagraph.

374 b. In all other cases, a contribution or covered transfer shall be
375 attributed to a reportable outlay in the same proportion in which other
376 contributions or covered transfers received by the immediate recipient
377 of the contribution or covered transfer and not covered by
378 subparagraph a. of this paragraph are so attributed.

379 (d) For purposes of this subdivision, an "original source" is a
380 person who makes a payment or transfer from its own sources other
381 than covered transfers, donations or gifts, such as wages, investment
382 income, inheritance, or revenue from the sale of goods or services.

383 13. The disclosure thresholds described in subsection 10 of this
384 section shall be adjusted by an amount based upon the average of the
385 percentage change over a four-year period in the United States Bureau
386 of Labor Statistics Consumer Price Index for Kansas City, all items, all
387 consumers, or its successor index, rounded to the nearest lowest
388 twenty-five dollars and the percentage change over a four-year period
389 in the United States Bureau of Labor Statistics Consumer Price Index
390 for St. Louis, all items, all consumers, or its successor index, rounded
391 to the nearest lowest twenty-five dollars. The first adjustment shall be
392 done in the first quarter of 2019, and then every four years
393 thereafter. The secretary of state shall calculate such an adjustment in
394 each limit and specify the limits in rules promulgated in accordance
395 with chapter 536, as amended from time to time.

396 14. All reports filed with the Missouri ethics commission under
397 this section or under section 130.047 shall be filed in an electronic
398 format as prescribed by the commission. Within five business days of
399 receiving any report, the commission shall make the report available
400 to the public on its website in a searchable format. The commission
401 shall also maintain and update at least weekly an online database of
402 such reports' contents, cleaning the data of errors, assigning a unique
403 identifier to each person whose identifying information is included in
404 the database, ensuring that all appearances of each person's identifying
405 information in the database are tagged with that person's unique

406 identifier, and making the data available to the public for easy
407 download in file formats well-suited for manipulation and analysis of
408 data.

409 15. Every person failing to file a report as required by this
410 section shall receive a warning from the executive director of the
411 Missouri ethics commission. After one warning, a person failing to file
412 a report shall be assessed a late filing fee of one hundred dollars for
413 each day after such report is due to the commission, provided that the
414 total amount of such fees assessed under this subsection shall not
415 exceed five thousand dollars per report. The executive director shall
416 send a notice to any person who fails to file such report within seven
417 business days of such failure to file informing such person of such
418 failure and the fees provided by this section.

419 16. Any rule or portion of a rule, as that term is defined in
420 section 536.010 that is created under the authority delegated in this
421 section shall become effective only if it complies with and is subject to
422 all of the provisions of chapter 536, and, if applicable, section
423 536.028. This subsection and chapter 536 are nonseverable and if any
424 of the powers vested with the general assembly pursuant to chapter
425 536, to review, to delay the effective date, or to disapprove and annul
426 a rule are subsequently held unconstitutional, then the grant of
427 rulemaking authority and any rule proposed or adopted after the
428 effective date of this act, shall be invalid and void.

429 17. The provisions of this section are self-executing. All of the
430 provisions of this section are severable. If any provision of this section
431 is found by a court of competent jurisdiction to be invalid,
432 unconstitutional or unconstitutionally enacted, the remaining
433 provisions of this section shall be and remain valid.

✓