

FIRST REGULAR SESSION

# SENATE JOINT RESOLUTION NO. 13

98TH GENERAL ASSEMBLY

---

---

INTRODUCED BY SENATOR SCHAAF.

Read 1st time February 3, 2015, and ordered printed.

ADRIANE D. CROUSE, Secretary.

1705S.06I

---

---

## JOINT RESOLUTION

Submitting to the qualified voters of Missouri, an amendment to article VII of the Constitution of Missouri relating to the Missouri anti-corruption amendment.

---

---

*Be it resolved by the Senate, the House of Representatives concurring therein:*

That at the next general election to be held in the state of Missouri, on  
2 Tuesday next following the first Monday in November, 2016, or at a special  
3 election to be called by the governor for that purpose, there is hereby submitted  
4 to the qualified voters of this state, for adoption or rejection, the following  
5 amendment to article VII of the Constitution of the state of Missouri:

Section A. Article VII, Constitution of Missouri, is amended by adding  
2 thereto thirty-nine new sections, to be known as sections 15, 15(a), 16, 17, 18, 19,  
3 20, 21, 22, 23, 24, 24(a), 24(b), 24(c), 24(d), 24(e), 24(f), 24(g), 24(h), 25, 26(a),  
4 26(b), 26(c), 26(d), 26(e), 26(f), 26(g), 27(a), 28(a), 28(b), 28(c), 28(d), 28(e), 28(f),  
5 28(g), 28(h), 29, 30, and 31, to read as follows:

**Section 15. Sections 15(a) to 30 of this article shall be known and  
2 may be cited as the "Missouri Anti-Corruption Amendment".**

**Section 15(a). No statewide elected official or member of the  
2 general assembly shall act or serve as a paid political consultant, act  
3 or serve as a lobbyist, register as a lobbyist, or solicit clients to  
4 represent as a lobbyist until three years after the expiration of any  
5 term of office for which such member is elected. Paid, full-time  
6 employees of such members shall also be barred from acting or serving  
7 as a paid political consultant, acting or serving as a lobbyist,  
8 registering as a lobbyist, or soliciting clients to represent as a lobbyist  
9 until one year after termination of such employee's  
10 employment. Notwithstanding this restriction, a statewide elected  
11 official or member of the general assembly may, without compensation,**

12 act or serve as a lobbyist or solicit clients to represent as a lobbyist for  
13 religious and charitable associations organized under chapter 352,  
14 RSMo, immediately upon vacating such office. For purposes of this  
15 article, "paid political consultants" shall mean a person who is paid to  
16 promote the election of a certain candidate or the interest of an  
17 organization or committee, as defined in section 130.011, RSMo, which  
18 shall include, but not be limited to, planning campaign strategies,  
19 coordinating campaign staff, organizing meetings and public events to  
20 publicize the candidate or cause, public opinion polling, providing  
21 research on issues or opposition background, coordinating, producing,  
22 or purchasing print or broadcast media, direct mail production, phone  
23 solicitation, fund raising, and any other political activities.

Section 16. No statewide elected official or member of the  
2 general assembly shall:

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

9 (2) Attempt, for compensation other than the compensation  
10 provided for the performance of his or her official duties, to influence  
11 the decision of any agency of the state on any matter, except that this  
12 provision shall not be construed to prohibit such person from  
13 participating for compensation in any adversary proceeding or in the  
14 preparation or filing of any public document or conference thereon; or

15 (3) Solicit any registered lobbyist for any position with a hiring  
16 date beginning after such person is no longer an elected official,  
17 whether compensated or not, while such person holds office.

Section 17. No individual or business entity shall solicit a  
2 member of the general assembly to become employed by that individual  
3 or business entity as a legislative lobbyist, or as a paid political  
4 consultant, while such member is holding office as a member of the  
5 general assembly. No member of the general assembly shall solicit  
6 clients to represent as a legislative lobbyist.

Section 18. Neither the governor nor any person acting on behalf  
2 of the governor shall make, nor shall any member of the general

3 assembly accept or agree to accept, any offer or promise to confer an  
4 appointment to any board, commission, committee, council, county  
5 office, department directorship, fee office, judgeship, or any other  
6 position, to any member of the general assembly in exchange for the  
7 member's official vote on any public matter. A violation of this section  
8 shall be a class D felony.

Section 19. No statewide elected official, or any member of the  
2 general assembly, or any of such elected official's staff, employees,  
3 spouse, or dependent children shall accept any tangible or intangible  
4 item, service, or thing of value from any lobbyist.

Section 20. No lobbyist shall deliver any tangible or intangible  
2 item, service, or thing of value to any statewide elected officer, or any  
3 member of the general assembly or to any of such elected official's staff,  
4 employees, spouse, or dependent children.

Section 21. Within ten days of submission of an appointment  
2 letter to the secretary of state for the appointment of any person to a  
3 board or commission, the governor shall deliver to the president pro  
4 tempore of the senate a list of any political contributions and  
5 expenditures made by the appointee within the previous four years.

Section 22. No person shall intentionally offer to any elected or  
2 appointed official or employee of the state or any political subdivision  
3 thereof, nor shall any such official or employee accept, any item,  
4 service, or thing of value, including a contribution, in direct exchange  
5 for voting in favor of, voting against, or engaging in any legislative,  
6 executive, or judicial course of action designed to benefit, delay, or  
7 hinder the passage or failure of any specific state legislation, rule, or  
8 regulation, or any specific local legislation, order, ordinance, rule, or  
9 regulation. A violation of this section shall be a class E felony.

Section 23. Within one hundred twenty days of taking office, all  
2 statewide elected officials and all members of the general assembly  
3 shall complete four hours of ethics training that addresses, at  
4 minimum, ethics laws regulating conflicts of interest and lobbying,  
5 campaign finance, and offenses affecting government. Such officials  
6 shall also complete such requirements once every two years.

Section 24. Except as provided to the contrary in this article, the  
2 provisions of chapter 130, RSMo, as existed on January 1, 2015, relating  
3 to campaign finance are hereby incorporated into this article.

Section 24(a). A person acting as a treasurer or deputy treasurer  
2 for a committee shall not act as a treasurer or deputy treasurer for any  
3 other committee at the same time. In addition to those entities  
4 considered committees under chapter 130, RSMo, the term "committee"  
5 shall also, for purposes of this article, include organizations exempt  
6 from taxation under federal law, including organizations exempt from  
7 taxation as of January 1, 2015, under 26 U.S.C. Section 501(c)(4) as  
8 amended.

Section 24(b). No person shall form a new committee or serve as  
2 a treasurer or deputy treasurer of any committee until the person, or  
3 the treasurer of any committee previously formed by the person, or  
4 where the person served as treasurer or deputy treasurer, has filed all  
5 required campaign disclosure reports or statements of limited activity  
6 for all prior elections and paid outstanding previously imposed fees  
7 assessed against that person by the ethics commission. No candidate  
8 shall form, control, or direct a continuing committee. For purposes of  
9 this article, continuing committee shall include a committee of  
10 continuing existence other than a candidate committee, political party  
11 committee, campaign committee, exploratory committee, or debt service  
12 committee, whose primary or incidental purpose is to receive  
13 contributions or make expenditures to influence or attempt to influence  
14 the action of voters whether or not a particular candidate or  
15 candidates or a particular ballot measure or measures to be supported  
16 or opposed has been determined at the time the committee is required  
17 to file any statement or report pursuant to the provisions of this  
18 article.

Section 24(c). A campaign committee shall terminate either  
2 thirty days after the general election or upon the satisfaction of all  
3 committee debt after the general election, whichever is later, except  
4 that no committee retiring debt shall engage in any other activities in  
5 support of a measure for which the committee was formed. A candidate  
6 committee shall continue in existence for use by an elected candidate  
7 who has publicly declared the specific office for which he or she  
8 intends to run in a subsequent election cycle or shall terminate on the  
9 later of either thirty days after the general election for a candidate who  
10 was not elected or upon the satisfaction of all committee debt after the  
11 election, except that no committee retiring debt shall engage in any

12 activities in support of the candidate for which the committee was  
13 formed.

Section 24(d). No contribution shall be made or accepted, and no  
2 expenditure shall be made or incurred, with the intent to circumvent  
3 the limitations on contributions or expenditures imposed in this article.

4 (1) There shall be a rebuttable presumption that a contribution  
5 is made or accepted with the intent to circumvent the limitations on  
6 contributions imposed in this article when a committee receives a  
7 contribution from two or more committees that are primarily funded  
8 by a single person, individual, or other committee.

9 (2) There shall be a rebuttable presumption that a contribution  
10 is made or accepted with the intent to circumvent the limitations on  
11 contributions imposed in this article when a contribution is received  
12 from a committee that is primarily funded by a single person,  
13 individual, or other committee that has already reached its  
14 contribution limit under any law relating to contribution limitations on  
15 the receiving committee.

16 (3) For purposes of this subdivision, a committee shall be deemed  
17 to be primarily funded by a single person, individual, or other  
18 committee when the committee receives more than fifty percent of its  
19 annual funding from that single person, individual, or other committee.

20 (4) When a committee receives a contribution from two or more  
21 committees that are primarily funded by a single person, individual, or  
22 other committee, or when a contribution is received from a committee  
23 that is primarily funded by a single person, individual, or other  
24 committee that has already reached its contribution limit under any  
25 law relating to contribution limitations on the receiving committee, the  
26 ethics commission shall investigate. Such investigation shall, when  
27 directed by the ethics commission, be assisted by the office of the  
28 attorney general, the elections division of the office of the secretary of  
29 state, or the prosecuting attorney of the county in which the violation  
30 occurred. The ethics commission, office of the attorney general,  
31 elections division of the office of the secretary of state, and any  
32 prosecuting attorney of any county or city not within a county assisting  
33 an investigation under this paragraph may use electronic  
34 communication devices for matters related to such investigation,  
35 including telephones and videoconferencing, when subject to shortened

36 time limits required for an investigation under this paragraph.

Section 24(f). Any person who receives contributions for a  
2 committee shall disclose to that committee's treasurer, deputy  
3 treasurer, or candidate the recipient's own name and address and the  
4 name and address of the actual source of each contribution such person  
5 has received for the committee. The ethics commission may, in its  
6 discretion, require additional information be disclosed. Any person  
7 who makes expenditures for a committee shall disclose to that  
8 committee's treasurer, deputy treasurer, or candidate such person's  
9 own name and address, the name and address of each person to whom  
10 an expenditure has been made, and the amount and purpose of the  
11 expenditures such person has made for that committee.

Section 24(g). Beginning on January 1, 2017, all committees  
2 required to file campaign financial disclosure reports with the Missouri  
3 ethics commission shall file any required disclosure report in an  
4 electronic format as prescribed by the ethics commission.

Section 24(h). No committee shall transfer any funds to another  
2 committee if the treasurer of the committee receiving the funds, or any  
3 other person acting as an agent for such committee in receiving  
4 contributions, making expenditures, or incurring indebtedness for such  
5 committee, is the treasurer or acts as an agent in receiving  
6 contributions, making expenditures, or incurring indebtedness for the  
7 committee transferring the funds.

Section 25. 1. No contribution of cash in an amount of more than  
2 one hundred dollars shall be made by or accepted from any single  
3 contributor for any election by a continuing committee, a campaign  
4 committee, political party committee, candidate committee, or an  
5 exploratory committee.

6 2. No contribution shall be made or accepted and no expenditure  
7 shall be made or incurred, directly or indirectly, in a fictitious name,  
8 in the name of another person, or by or through another person in such  
9 a manner as to, or with the intent to, conceal the identity of the actual  
10 source of the contribution or the actual recipient and purpose of the  
11 expenditure.

12 3. No contribution shall be made or accepted, and no expenditure  
13 shall be made or incurred, with the intent to conceal the identity of the  
14 actual source of the contribution or the actual recipient and purpose

15 of the expenditure. There shall be a rebuttable presumption that a  
16 contribution is made or accepted or an expenditure is made or incurred  
17 with the intent to conceal the identity of the actual source of the  
18 contribution or the actual recipient and purpose of the expenditure  
19 when the source of a contribution or the recipient and purpose of an  
20 expenditure is misreported to the ethics commission through a  
21 repeated misspelling of such source or recipient or purpose.

22 4. Any person who receives contributions for a committee shall  
23 disclose to that committee's treasurer, deputy treasurer, or candidate  
24 the recipient's own name and address and the name and address of the  
25 actual source of each contribution such person has received for the  
26 committee. The ethics committee may require further information be  
27 disclosed as it deems necessary. Any person who makes expenditures  
28 for a committee shall disclose to that committee's treasurer, deputy  
29 treasurer, or candidate such person's own name and address, the name  
30 and address of each person to whom an expenditure has been made,  
31 and the amount and purpose of the expenditures such person has made  
32 for that committee.

33 5. No anonymous contribution shall be made by any person, nor  
34 shall such contribution be accepted by any candidate or committee. If  
35 any anonymous contribution is received, it shall be returned  
36 immediately to the contributor, if the contributor's identity can be  
37 ascertained, and if the contributor's identity cannot be ascertained, the  
38 candidate, committee treasurer or deputy treasurer shall immediately  
39 transmit that portion of the contribution to the state treasurer and it  
40 shall escheat to the state.

41 6. No candidate or committee in this state shall accept  
42 contributions from any out-of-state committee unless the out-of-state  
43 committee from whom the contributions are received has filed a  
44 statement of organization or has filed the reports required by sections  
45 130.049 and 130.050, RSMo, whichever is applicable to that committee.

46 7. (1) Any independent expenditure that is paid for by an  
47 individual or entity making independent expenditures aggregating one  
48 thousand dollars or more shall disclose information as follows:

49 (a) On any written, typed, or printed communication, or on any  
50 internet text or graphical advertising, in a conspicuous size and style,  
51 the words "paid for by" followed by the name of the individual, or the

52 name of the entity, the name of its owner, chief executive officer or  
53 equivalent, and its principal business address, and, following the words  
54 "Top Three Donors", the three largest aggregate donors to such entity  
55 in the twelve months preceding the initial publication or release of the  
56 communication. Such written disclosures shall further include, in a  
57 conspicuous size and style, the following words: "This advertisement  
58 is funded by an independent expenditure, and is not authorized by any  
59 candidate. More information at (website)." All such disclosures shall  
60 be enclosed in a box within the borders of the communication.

61 (b) On any paid television advertising or paid internet video  
62 advertising, clearly spoken in a pitch and tone substantially similar to  
63 the rest of the advertisement, the words "paid for by" followed by the  
64 name of the individual, or the name of the organization, at the  
65 beginning or end of the advertisement, and, in a conspicuous size and  
66 style, simultaneous with such spoken disclosure, on the screen  
67 displaying the communication, the words "Paid for by" followed by the  
68 name of the individual, or the name of the entity, followed by the  
69 written words "The top three donors to the organization responsible for  
70 this advertisement are" followed by a list of the three largest aggregate  
71 donors to such entity in the twelve months preceding the initial  
72 publication or release of the communication. Such written disclosures  
73 shall further include, in a conspicuous size and style, the following  
74 words: "This advertisement is funded by an independent expenditure,  
75 and is not authorized by any candidate. More information at (website)."  
76 All such disclosures shall be enclosed in a box within the borders of the  
77 communication.

78 (c) In any paid radio advertising, paid internet audio  
79 advertising, or automated telephone call, in a pitch and tone  
80 substantially similar to the rest of the advertisement or message,  
81 clearly spoken at the end of the advertisement or message, the words  
82 "paid for by" followed by the name of the individual, or the name of the  
83 organization, followed by the words "with funding provided by"  
84 followed by a list of the three largest aggregate donors to such entity  
85 in the twelve months preceding the initial publication or release of the  
86 communication. In the case of radio or internet advertising covered by  
87 this clause that is fifteen seconds in duration or shorter, the clearly  
88 spoken words "More information at (website)" may be included in a

89 pitch and tone substantially similar to the rest of the advertisement  
90 instead of the words "with funding provided by" followed by a list of the  
91 three largest aggregate donors.

92 (d) In any non-automated telephone call, clearly spoken during  
93 any such call lasting longer than ten seconds, the words "this call is  
94 paid for by" followed by the name of the individual, or the name of the  
95 organization, followed by the words "more information is available at  
96 (website)."

97 (2) For all communications covered by this section, the following  
98 applies:

99 (a) No donor who contributed less than five thousand dollars to  
100 the disclosing entity shall be listed as a "Top Three Donor;"

101 (b) If an entity only has one or two donors, the words "Top Three  
102 Donors" shall be replaced by the words "Top Donor" or "Top Donors" as  
103 applicable;

104 (c) Expenditures funded by an individual need not contain the  
105 words "Top Three Donors" or a list of donors;

106 (d) If the third largest donor to such an entity has donated the  
107 same amount as the fourth largest donor, the disclosing entity may  
108 choose which three donors to include so long as no donor is included  
109 that has donated less than any other donor that is not included.

110 (3) The ethics commission shall effectuate this section by  
111 providing for the disclosure of the original sources of contributions and  
112 with respect to the statements required to be filed by this article and  
113 shall provide forms suitable for such statements.

114 (4) The enforcement counsel shall, upon application by a donor  
115 or independent spender to be made in a form and manner prescribed  
116 by the commission, grant an exemption and refrain from disclosing any  
117 information to the public related to any payment or contribution to an  
118 independent spender or expenditure by an independent spender if the  
119 applicant shows a reasonable probability that disclosure will cause  
120 undue harm, threats, harassment or reprisals to any person or  
121 organization.

122 (5) For purposes of this section, the term "person" shall mean  
123 person, group of persons, corporation, unincorporated business entity,  
124 labor organization or business, trade or professional association or  
125 organization, or political committee. The term "individual" shall mean

126 a single human being, and the term "entity" shall mean group of  
127 persons, corporation, unincorporated business entity, labor  
128 organization or business, trade or professional association or  
129 organization, or political committee.

130 (6) Any campaign advertisement, whether distributed in print,  
131 on television, by radio, on the internet, by telephone call, or any other  
132 medium, that is paid for by a candidate or candidate committee, or is  
133 created, produced, or distributed at the direction or suggestion of the  
134 candidate or his or her committee, or in cooperation or coordination  
135 with the candidate or his or her committee, shall generally comply with  
136 the provisions of this section, with the candidate's name following the  
137 words "paid for by." Candidate advertisements need not contain the  
138 words "top three donors," or list the top three donors to the campaign,  
139 and shall not identify any communication as an independent  
140 expenditure.

141 (7) The public information requirements of chapter 610 of  
142 Missouri Revised Statutes or any other provision of law  
143 notwithstanding, neither the commission nor any other individual or  
144 entity shall disclose to the public identifying information of any person  
145 who has contributed less than five hundred one dollars, in the  
146 aggregate, to a candidate, committee, or party. This limitation shall not  
147 apply to contributors who have made combined contributions of one  
148 thousand dollars or more within the relevant election cycle. This  
149 provision shall not be construed to prevent the commission from  
150 collecting information about such contributors from the entity or  
151 individual receiving the contribution for other purposes allowed under  
152 law.

153 (8) As part of the disclosure reports candidates must identify  
154 each person who has collected and transmitted contributions totaling  
155 five thousand dollars or more to the candidate's committee within the  
156 previous two years.

157 (9) The ethics commission shall be responsible for implementing  
158 and enforcing this section.

Section 26(a). As used in this article, unless otherwise indicated  
2 the following terms shall mean:

3 (1) "Cost limitation", for any election cycle, the maximum total  
4 value that the commission may issue in rebates during the election

5 cycle. For each election cycle in which there is a gubernatorial  
6 election, the cost limitation shall be equal to seventy million dollars,  
7 this value being recalculated on October 1 of even-numbered years to  
8 account for changes in the purchasing power of the US dollar since  
9 January 1, 2015, then rounded to the nearest ten thousand dollars. For  
10 each election cycle in which there is not a gubernatorial election, the  
11 cost limitation shall be equal to thirty-five million dollars, this value  
12 being recalculated on October first of even-numbered years to account  
13 for changes in the purchasing power of the US dollar since January 1,  
14 2015, then rounded to the nearest ten thousand dollars;

15 (2) "Election cycle", the two-year period starting the day after a  
16 general election and ending the day of the following general election;

17 (3) "Fund", the Missouri Anti-Corruption Fund;

18 (4) "Participating committee", a single committee that a  
19 participating candidate or participating political party certifies is the  
20 sole committee that will accept contributions on behalf of such  
21 candidate or political party;

22 (5) "Participating candidate", any candidate for nomination or  
23 election to the office of state representative, state senator, state  
24 treasurer, state auditor, secretary of state, attorney general, lieutenant  
25 governor, or governor who meets the following requirements:

26 (a) The candidate elects to participate in the rebate program not  
27 later than seven days after the last day to file to run for the office for  
28 which such candidate is seeking nomination or election;

29 (b) The candidate agrees to for the entire election cycle not  
30 expend for campaign purposes any portion of any pre-existing funds  
31 raised for nomination or election to public office, unless such pre-  
32 existing funds belong to a participating committee established by the  
33 candidate, in which case the candidate may expend such funds for  
34 campaign purposes;

35 (c) The candidate agrees to for the entire election cycle not  
36 accept funds from other candidates or candidate committees, or  
37 transfer funds to other committees;

38 (d) The candidate agrees to for the entire election cycle abide by  
39 all provisions of Sections 28, 28(a), 28(b), 28(c), 28(d), 28(e), 28(f), 28(g),  
40 and 28(h) of this article and to refuse contributions that violate those  
41 provisions, continuing to do so even if a court of law invalidates one or

42 more of those provisions;

43 (e) The candidate agrees that his or her participating committee  
44 will never, on net, be in debt;

45 (f) The candidate satisfies the requirement that a candidate:

46 a. For governor must raise at least twenty-five thousand dollars  
47 in contributions of one hundred dollars or less from at least two  
48 hundred fifty contributors;

49 b. For any statewide office other than governor must raise at  
50 least ten thousand dollars in contributions of one hundred dollars or  
51 less from at least one hundred contributors;

52 c. For state senator must raise at least four thousand dollars in  
53 contributions of one hundred dollars or less from at least forty  
54 contributors;

55 d. For state house of representatives must raise at least two  
56 thousand five hundred dollars in contributions of one hundred dollars  
57 or less from at least twenty-five contributors;

58 (6) "Participating political party", any political party that meets  
59 the following requirements:

60 (a) The party elects to participate in the rebate program before  
61 the first day of the election cycle during which the party desires to  
62 participate in the rebate program;

63 (b) The party agrees to for the entire election cycle not expend  
64 for campaign purposes any portion of any pre-existing funds raised by  
65 that party, unless such pre-existing funds belong to a participating  
66 committee established by the party, in which case the party may  
67 expend such funds for campaign purposes;

68 (c) The party agrees to for the entire election cycle abide by all  
69 provisions of Sections 28, 28(a), 28(b), 28(c), 28(d), 28(e), 28(f), 28(g), and  
70 28(h) of this article and to refuse contributions that violate those  
71 provisions, continuing to do so even if a court of law invalidates one or  
72 more of those provisions;

73 (d) The party agrees that its participating committee will never,  
74 on net, be in debt;

75 (e) In the most recent general election for either governor,  
76 lieutenant governor, attorney general, secretary of state, state auditor,  
77 or state treasurer, a candidate nominated by the party received at least  
78 one percent of the vote in at least half of the counties in Missouri;

79           **(7) "Rebate amount", for any election cycle, such number shall be**  
80 **equal to the maximum total value of all rebates that a rebate-eligible**  
81 **person may receive during that election cycle. For the election cycle**  
82 **beginning in November 2016, and for the election cycle beginning in**  
83 **November 2018, the rebate amount shall be equal to one hundred**  
84 **dollars per election cycle, adjusted for inflation to account for changes**  
85 **in the purchasing power of the US dollar between January 1, 2015, and**  
86 **the October 1 immediately before the beginning of the election cycle in**  
87 **question and then rounded to the nearest five dollars. Beginning with**  
88 **the election cycle starting in November 2020, the rebate amount shall**  
89 **be calculated as follows:**

90           **(a) The "recent rebate amount" shall be the rebate amount for the**  
91 **election cycle that began four years before the election cycle for which**  
92 **the rebate amount is now being calculated;**

93           **(b) The "recent observed rebate total" shall be the rebate total**  
94 **observed for the election cycle that began four years before the election**  
95 **cycle for which the rebate amount is now being calculated;**

96           **(c) The "recent target rebate total" shall be the target rebate total**  
97 **for the election cycle that began four years before the election cycle for**  
98 **which the rebate amount is now being calculated;**

99           **(d) The "offset" shall be the value arrived at after dividing the**  
100 **recent target rebate total by the recent observed rebate total, then**  
101 **multiplying such number by the recent rebate amount, then subtracting**  
102 **from this number the recent rebate amount, then dividing that number**  
103 **by two;**

104           **(e) The "provisional rebate amount" shall be the value arrived at**  
105 **after adding to the recent rebate amount the value of the lesser of the**  
106 **offset or the recent rebate amount;**

107           **(f) The rebate amount shall be finally calculated by adjusting the**  
108 **provisional rebate amount for inflation to account for any changes in**  
109 **the purchasing power of the United States dollar that occurred during**  
110 **the four years preceding the October 1 immediately preceding the first**  
111 **day of the election cycle for which the rebate amount is being**  
112 **calculated, and then by rounding the result to the nearest five dollars;**

113           **(8) "Rebate-eligible person", any person who is registered to vote**  
114 **in the state of Missouri or is eligible to register to vote in the state of**  
115 **Missouri and is no younger than eighteen years of age;**

116           **(9) "Rebate program"**, the program established in this article  
117 according to which the ethics commission is instructed to issue rebates  
118 to cover small contributions made to participating committees by  
119 rebate-eligible persons;

120           **(10) "Rebate total"**, for any election cycle, such number shall be  
121 equal to the total dollar value of all rebates issued during an election  
122 cycle;

123           **(11) "Target rebate total"**, for any election cycle that ends on the  
124 day of a gubernatorial election, such number shall be equal to fifty  
125 million dollars, adjusted for inflation to account for any changes in the  
126 purchasing power of the U.S. dollar between January 1, 2015, and the  
127 first day of the election cycle for which the target rebate total is being  
128 calculated. For any election cycle that does not end on the day of a  
129 gubernatorial election, such number shall be equal to twenty-five  
130 million dollars, adjusted for inflation to account for any changes in the  
131 purchasing power of the U.S. dollar between January 1, 2015, and the  
132 first day of the election cycle for which the target rebate total is being  
133 calculated.

Section 26(b). Every participating candidate or party shall  
2 designate one and only one participating committee, which shall  
3 receive rebate-eligible contributions and make required reports to the  
4 commission. The commission shall promulgate rules ensuring that each  
5 such committee designates appropriate officers and files timely  
6 disclosure reports on a regular basis to ensure compliance with the  
7 requirements of this article.

Section 26(c). The fund shall be a dedicated fund and, upon  
2 appropriation, money in the fund shall be used solely for the  
3 administration of any provision of law over which the commission has  
4 authority. Any moneys in excess of ten million dollars remaining in the  
5 fund on December 31 of any even-numbered year shall revert to the  
6 credit of the general revenue fund. For each election cycle in which  
7 there is a gubernatorial election, the director shall provide an  
8 additional amount equal to seven percent of the cost limitation for  
9 election cycles in which there is a gubernatorial election. For each  
10 election cycle in which there is no gubernatorial election, the director  
11 shall provide an additional amount equal to fourteen percent of the  
12 cost limitation for election cycles in which there is no gubernatorial

13 election. The funding mandated by this article shall be allocated by the  
14 director notwithstanding the legislative appropriation requirement of  
15 Article IV, Section 28 of the Constitution of Missouri or any other  
16 provision of the constitution or law limiting the ability of the director  
17 to provide funding to the Missouri anti-corruption fund or the  
18 commission.

Section 26(d). 1. For every dollar that a rebate-eligible person  
2 contributes to a participating committee, that person shall receive a  
3 one dollar rebate from the ethics commission, provided that four  
4 requirements are met:

5 (1) The ethics commission will in no case issue more than the  
6 rebate amount in rebates to any person during a single two-year  
7 election cycle;

8 (2) The ethics commission will issue rebates for contributions in  
9 the order that participating committees report those contributions to  
10 the ethics commission;

11 (3) The ethics commission will not during a single two-year  
12 election cycle issue rebates totaling in value more than the cost  
13 limitation for that election cycle;

14 (4) No person may receive a rebate for:

15 (a) In-kind contributions of property, goods, or services;

16 (b) Contributions in the form of the purchase price paid for an  
17 item with significant intrinsic and enduring value;

18 (c) Contributions in the form of the purchase price paid for or  
19 otherwise induced by a chance to participate in a raffle, lottery, or  
20 similar drawing for valuable prizes;

21 (d) Contributions from individuals under the age of eighteen  
22 years;

23 (e) Contributions from individual vendors to whom the  
24 participating candidate or party or his or her principal committee  
25 makes an expenditure in furtherance of the nomination for election or  
26 election covered by the candidate's certification, unless such  
27 expenditure is reimbursing an advance.

28 2. The commission shall make rebate payments to rebate-eligible  
29 persons in accordance with the requirements of this section. The  
30 commission shall promulgate rules to ensure that rebate payments are  
31 made securely, accurately, and efficiently, and that each rebate-eligible

32 person receives a rebate within fifteen business days of the day the  
33 contribution was reported to the commission by the committee that  
34 received it.

35         3. In every election cycle, no less than one month and no more  
36 than two months before the first primary election held by a major  
37 political party, the commission shall purchase advertisements in the  
38 newspaper of highest circulation in each county of the state,  
39 advertising the rebate program and including basic instructions and  
40 rules for the rebate program, including among other things the rebate  
41 amount for the election cycle, the cost limitation for the election cycle,  
42 and the URL of a website at which the ethics commission will report at  
43 least as frequently as every business day the rebate total to date for the  
44 election cycle.

45         4. To ensure that rebates are delivered promptly, the commission  
46 shall allow participating committees to file reports of contributions at  
47 least as frequently as one per forty-eight hours when such committees  
48 wish to do so.

49         5. The commission shall promulgate rules to ensure that any  
50 contributor who makes a contribution of five hundred dollars or less  
51 to any participating committee may withdraw that contribution up  
52 until seventy-two hours after the contribution is made.

Section 27(a). 1. A bipartisan "Missouri Ethics Commission",  
2 composed of six members, is hereby established. The commission shall  
3 be assigned to the office of administration with supervision by the  
4 office of administration only for budgeting and reporting as provided  
5 by subdivisions (4) and (5) of subsection 6 of section 1 of the  
6 Reorganization Act of 1974. Supervision by the office of administration  
7 shall not extend to matters relating to policies, regulative functions or  
8 appeals from decisions of the commission, and the commissioner of  
9 administration, any employee of the office of administration, or the  
10 governor, either directly or indirectly, shall not participate or interfere  
11 with the activities of the commission in any manner not specifically  
12 provided by law and shall not in any manner interfere with the budget  
13 request of or withhold any moneys appropriated to the commission by  
14 the general assembly. All members of the commission shall be  
15 appointed by the governor with the advice and consent of the senate  
16 from lists submitted pursuant to this section. Each congressional

17 district committee of the political parties having the two highest  
18 number of votes cast for their candidate for governor at the last  
19 gubernatorial election shall submit two names of eligible nominees for  
20 membership on the commission to the governor, and the governor shall  
21 select six members from such nominees to serve on the commission.

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

38       3. The term of each member shall be for four years. At no time  
39 shall more than three of the six commission members come from the  
40 lists of candidates submitted by the same political party, unless such  
41 member was submitted on a list by each of the two political parties that  
42 submitted lists under this section, nor shall more than three members  
43 of the commission be members of the same political party, nor shall  
44 more than one member be from any one United States congressional  
45 district. Not more than two members appointed from the  
46 even-numbered congressional districts shall be members of the same  
47 political party, and no more than two members from the odd-numbered  
48 congressional districts shall be members of the same political  
49 party. Terms of successor members of the commission shall expire on  
50 March fifteenth of the fourth year of their term. No member of the  
51 commission shall serve on the commission after the expiration of the  
52 member's term, except that a member's term may be extended one time  
53 for up to one hundred twenty days if there are vacancies on the

54 commission. No person shall be appointed to more than one full  
55 four-year term on the commission plus one term extension of the  
56 hundred twenty days as provided in this article.

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

83       5. The governor, with the advice and consent of the senate, may  
84 remove any member only for substantial neglect of duty, inability to  
85 discharge the powers and duties of office, gross misconduct or  
86 conviction of a felony or a crime involving moral turpitude. Members  
87 of the commission also may be removed from office by concurrent  
88 resolution of the general assembly signed by the governor. If such  
89 resolution receives the vote of two-thirds or more of the membership  
90 of both houses of the general assembly, the signature of the governor

91 shall not be necessary to effect removal. The office of any member of  
92 the commission who moves from the congressional district from which  
93 the member was appointed shall be deemed vacated upon such change  
94 of residence.

95         6. The commission shall elect biennially one of its members as  
96 the chair. The chair shall not succeed himself or herself after two  
97 years. No member of the commission shall succeed as chair any  
98 member of the same political party as himself or herself. At least four  
99 members are necessary to constitute a quorum. The votes of four  
100 members shall be sufficient for the commission to take any action  
101 unless otherwise specified herein. In the event that only three  
102 members vote in favor of taking any action, the enforcement counsel  
103 shall have the power to vote for or against the action or  
104 recommendation. The action shall be taken or the recommendation  
105 shall be made if the enforcement counsel votes in favor of the action or  
106 recommendation.

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

110         8. In the event that a retired judge is appointed as a member of  
111 the commission, the judge shall not serve as a special investigator  
112 while serving as a member of the commission.

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

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

117             (2) Be employed as a lobbyist;

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

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

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

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

128           **10. Each member of the commission shall receive, as full**  
129 **compensation for the member's services, the sum of one hundred**  
130 **dollars per day for each full day actually spent on work of the**  
131 **commission, and the member's actual and necessary expenses incurred**  
132 **in the performance of the member's official duties.**

133           **11. The commission shall appoint an executive director who shall**  
134 **serve subject to the supervision of and at the pleasure of the**  
135 **commission. The executive director shall be responsible for the**  
136 **administrative operations of the commission and perform such other**  
137 **duties as may be delegated or assigned to the director by law or by rule**  
138 **of the commission. The executive director shall employ staff and retain**  
139 **such contract services as the director deems necessary, within the**  
140 **limits authorized by appropriations by the general assembly.**

141           **12. All lobbyist registration and expenditure reports, financial**  
142 **interest statements, and campaign finance disclosure reports shall be**  
143 **filed with the commission.**

144           **13. Within sixty days of the initial meeting of the first**  
145 **commission appointed, the commission shall obtain from the clerk of**  
146 **the supreme court or the state courts administrator a list of retired**  
147 **appellate and circuit court judges who did not leave the judiciary as a**  
148 **result of being defeated in an election. The executive director shall**  
149 **determine those judges who indicate their desire to serve as special**  
150 **investigators and to investigate any and all complaints referred to them**  
151 **by the commission. The executive director shall maintain an updated**  
152 **list of those judges qualified and available for appointment to serve as**  
153 **special investigators. Such list shall be updated at least annually. The**  
154 **commission shall refer complaints to such special investigators on that**  
155 **list on a rotating schedule which ensures a random assignment of each**  
156 **special investigator. Each special investigator shall receive only one**  
157 **unrelated investigation at a time and shall not be assigned to a second**  
158 **or subsequent investigation until all other eligible investigators on the**  
159 **list have been assigned to an investigation. In the event that no special**  
160 **investigator is qualified or available to conduct a particular**  
161 **investigation, the commission may appoint a special investigator to**  
162 **conduct such particular investigation.**

163           **14. The commission shall have the following duties and**  
164 **responsibilities:**

165           **(1) Receive and review complaints regarding alleged violation of**  
166 **laws governing lobbying, conflicts of interest, and campaign finance**  
167 **conduct initial reviews and investigations regarding such complaints**  
168 **as provided herein; refer complaints to appropriate prosecuting**  
169 **authorities and appropriate disciplinary authorities along with**  
170 **recommendations for sanctions; and initiate judicial proceedings as**  
171 **allowed by law;**

172           **(2) Review and investigate any reports and statements required**  
173 **by the campaign finance disclosure laws and financial interest**  
174 **disclosure laws or lobbyist registration and reporting laws for**  
175 **timeliness, accuracy and completeness of content;**

176           **(3) Conduct investigations as provided in section 105.959, RSMo;**

177           **(4) Develop appropriate systems to file and maintain an index of**  
178 **all such reports and statements to facilitate public access to such**  
179 **information, except as may be limited by confidentiality requirements**  
180 **otherwise provided by law, including cross-checking of information**  
181 **contained in such statements and reports. The commission may enter**  
182 **into contracts with the appropriate filing officers to effectuate such**  
183 **system. Such filing officers shall cooperate as necessary with the**  
184 **commission as reasonable and necessary to effectuate such purposes;**

185           **(5) Provide information and assistance to lobbyists, elected and**  
186 **appointed officials, and employees of the state and political**  
187 **subdivisions in carrying out laws regulating conflict of interest,**  
188 **lobbying, and campaign finance;**

189           **(6) Make recommendations to the governor and general assembly**  
190 **or any state agency on the need for further legislation with respect to**  
191 **the ethical conduct of public officials and employees and to advise state**  
192 **and local government in the development of local government codes of**  
193 **ethics and methods of disclosing conflicts of interest as the commission**  
194 **may deem appropriate to promote high ethical standards among all**  
195 **elected and appointed officials or employees of the state or any**  
196 **political subdivision thereof and lobbyists;**

197           **(7) Render advisory opinions as provided by this section;**

198           **(8) Promulgate rules relating to the provisions of sections**  
199 **105.955 to 105.963, RSMo, and chapter 130, RSMo. All rules and**  
200 **regulations issued by the commission shall be prospective only in**  
201 **operation;**

202           **(9) Request and receive designations of decision-making public**  
203 **servants.**

204           **15. In connection with such powers provided by statutes**  
205 **regulating the commission and campaign finance the commission may:**

206           **(1) Subpoena witnesses and compel their attendance and**  
207 **testimony. Subpoenas shall be served and enforced in the same manner**  
208 **provided by section 536.077, RSMo, except that during an investigation,**  
209 **the commission may delegate the power to issue subpoenas to the**  
210 **executive director;**

211           **(2) Administer oaths and affirmations;**

212           **(3) Take evidence and require by subpoena duces tecum the**  
213 **production of books, papers, and other records relating to any matter**  
214 **being investigated or to the performance of the commission's duties or**  
215 **exercise of its powers. Subpoenas duces tecum shall be served and**  
216 **enforced in the same manner provided by section 536.077, RSMo, except**  
217 **that during an investigation, the commission may delegate the power**  
218 **to issue subpoenas duces tecum to the executive director;**

219           **(4) Employ such personnel, including legal counsel, and contract**  
220 **for services including legal counsel, within the limits of its**  
221 **appropriation, as it deems necessary provided such legal counsel,**  
222 **either employed or contracted, represents the Missouri ethics**  
223 **commission before any state agency or before the courts at the request**  
224 **of the Missouri ethics commission. Nothing in this section shall limit**  
225 **the authority of the Missouri ethics commission as provided for in**  
226 **subsection 2 of section 105.961, RSMo; and**

227           **(5) Obtain information from any department, division or agency**  
228 **of the state or any political subdivision reasonably calculated to lead**  
229 **to the discovery of evidence which will reasonably assist the**  
230 **commission in carrying out its duties.**

231           **16. (1) Upon written request for an advisory opinion received by**  
232 **the commission, and if the commission determines that the person**  
233 **requesting the opinion would be directly affected by the application of**  
234 **law to the facts presented by the requesting person, the commission**  
235 **shall issue a written opinion advising the person who made the request,**  
236 **in response to the person's particular request, regarding any issue on**  
237 **which the commission can receive a complaint. The commission may**  
238 **decline to issue a written opinion by a vote of four members and shall**

239 provide to the requesting person the reason for the refusal in  
240 writing. The commission shall give an approximate time frame as to  
241 when the written opinion shall be issued. Such advisory opinions shall  
242 be issued no later than ninety days from the date of receipt by the  
243 commission. Such requests and advisory opinions, deleting the name  
244 and identity of the requesting person, shall be compiled and published  
245 by the commission on at least an annual basis. Advisory opinions  
246 issued by the commission shall be maintained and made available for  
247 public inspection and copying at the office of the commission during  
248 normal business hours. Any advisory opinion or portion of an advisory  
249 opinion rendered pursuant to this subsection shall be withdrawn by the  
250 commission if, after hearing thereon, the joint committee on  
251 administrative rules finds that such advisory opinion is beyond or  
252 contrary to the statutory authority of the commission or is inconsistent  
253 with the legislative intent of any law enacted by the general assembly,  
254 and after the general assembly, by concurrent resolution, votes to adopt  
255 the findings and conclusions of the joint committee on administrative  
256 rules. Any such concurrent resolution adopted by the general assembly  
257 shall be published at length by the commission in its publication of  
258 advisory opinions of the commission next following the adoption of  
259 such resolution, and a copy of such concurrent resolution shall be  
260 maintained by the commission, along with the withdrawn advisory  
261 opinion, in its public file of advisory opinions. The commission shall  
262 also send a copy of such resolution to the person who originally  
263 requested the withdrawn advisory opinion. Any advisory opinion  
264 issued by the ethics commission shall act as legal direction to any  
265 person requesting such opinion and no person shall be liable for  
266 relying on the opinion and it shall act as a defense of justification  
267 against prosecution. An advisory opinion of the commission shall not  
268 be withdrawn unless:

- 269       (a) The authorizing statute is declared unconstitutional;  
270       (b) The opinion goes beyond the power authorized by statute; or  
271       (c) The authorizing statute is changed to invalidate the opinion.  
272       (2) Upon request, the attorney general shall give the attorney  
273 general's opinion, without fee, to the commission, any elected official  
274 of the state or any political subdivision, any member of the general  
275 assembly, or any director of any department, division or agency of the

276 state, upon any question of law regarding the effect or application of  
277 laws regulating lobbying, conflicts of interest, and campaign  
278 finance. Such opinion need be in writing only upon request of such  
279 official, member or director, and in any event shall be rendered within  
280 sixty days that such request is delivered to the attorney general.

281 17. The state auditor and the state auditor's duly authorized  
282 employees who have taken the oath of confidentiality may audit the  
283 commission and in connection therewith may inspect materials relating  
284 to the functions of the commission. Such audit shall include a  
285 determination of whether appropriations were spent within the intent  
286 of the general assembly, but shall not extend to review of any file or  
287 document pertaining to any particular investigation, audit or review  
288 by the commission, an investigator or any staff or person employed by  
289 the commission or under the supervision of the commission or an  
290 investigator. The state auditor and any employee of the state auditor  
291 shall not disclose the identity of any person who is or was the subject  
292 of an investigation by the commission and whose identity is not public  
293 information as provided by law.

294 18. From time to time but no more frequently than annually the  
295 commission may request the officials and entities described in  
296 subdivision (6) of section 105.450, RSMo, to identify for the commission  
297 in writing those persons associated with such office or entity which  
298 such office or entity has designated as a decision-making public  
299 servant. Each office or entity delineated in subdivision (6) of section  
300 105.450, RSMo, receiving such a request shall identify those so  
301 designated within thirty days of the commission's request.

302 19. (1) There shall be a unit known as the enforcement unit  
303 established within the commission. The head of such unit shall be the  
304 enforcement counsel. The enforcement counsel shall have sole  
305 authority within the commission to investigate on his or her own  
306 initiative or upon complaint alleged violations of this article. All  
307 complaints filed under this section or pursuant to section 105.957,  
308 RSMo, shall be forwarded to the enforcement unit.

309 (2) (a) a. Before January 31, 2017, and before January  
310 thirty-first every four years thereafter, the commission shall appoint  
311 the enforcement counsel and a deputy enforcement counsel with advice  
312 and consent of the senate. The deputy enforcement counsel shall be a

313 member of a different major political party than the enforcement  
314 counsel, provided, however, that if the enforcement counsel is a  
315 member of no political party or a minor party, the deputy enforcement  
316 counsel may be a member of any party or no party.

317       b. The state auditor shall retain an independent auditor to  
318 perform audits of the commission's activities. The independent auditor  
319 may perform an audit of the commission's activities at any time, and  
320 shall perform no less than one audit in each two-year election cycle.

321       (b) If the commission fails to appoint an enforcement counsel  
322 before January thirty-first in any year in which such appointment is  
323 required, the executive director of the commission shall be given a  
324 tiebreaking vote and the commission shall vote upon appointment of an  
325 enforcement counsel on or before February seventh. If the commission  
326 fails to appoint any other position created by this section, the  
327 enforcement counsel shall be given a tiebreaking vote.

328       (3) The enforcement counsel and deputy enforcement counsel  
329 shall each serve a term of four years and may only be removed for  
330 cause. Any time after the effective date of this section, the members  
331 shall by a majority vote appoint such persons with advice and consent  
332 of the senate, and shall do so any time a vacancy in any such position  
333 occurs to fill the remaining term of the vacating incumbent. In the case  
334 of a vacancy on the commission at the time of an appointment, such  
335 persons shall be appointed by the members of the commission that are  
336 members of the same major political party as the previous person to  
337 hold the position.

338       20. (1) If the enforcement counsel determines that substantial  
339 reason exists to believe that a person, acting as or on behalf of a  
340 candidate or political committee under circumstances evincing an  
341 intent to violate such law that does not otherwise warrant criminal  
342 prosecution, or has unlawfully violated any provision of this article, the  
343 commission shall assign a hearing officer, randomly from a list of  
344 prospective hearing officers each of whom shall have been approved by  
345 a majority vote of the commission. The hearing officer shall make  
346 findings of fact and conclusions of law based on a preponderance of the  
347 evidence as to whether a violation has been established and, if so, who  
348 is guilty of such violation on notice to and with an opportunity for the  
349 individual or entity accused of any violations to be heard. In

350 determining whether the equities favor a dismissal, the hearing officer  
351 shall consider the following factors:

352 (a) Whether the complaint alleges a de minimis violation;

353 (b) Whether the subject of the complaint has made a good faith  
354 effort to correct the violation; and

355 (c) Whether the subject of the complaint has a history of similar  
356 violations.

357 The enforcement counsel shall adopt the report of the hearing officer  
358 and may, in his or her discretion, commence a proceeding in any  
359 Missouri circuit court should the findings of fact and conclusions of law  
360 support the commencement of such proceeding or enter into an  
361 agreement to settle such matter with the subject of the complaint. If  
362 the commission fails to produce a list of eligible hearing officers or  
363 fails to assign a hearing officer within ten days of the enforcement  
364 counsel's request, the enforcement counsel may commence a proceeding  
365 as provided herein in accordance with recommendations made in his  
366 or her report.

367 (2) If the enforcement counsel determines that reasonable cause  
368 exists to believe a violation warranting criminal prosecution has taken  
369 place, the enforcement counsel shall present such findings to the  
370 commission. Within thirty days of such submission, the commission  
371 shall vote on whether to accept or reject such findings. For purposes  
372 of voting on acceptance or rejection of findings by the enforcement  
373 counsel, the enforcement counsel shall be entitled to participate in all  
374 matters related to the review of his or her report and shall vote on its  
375 acceptance or rejection only when there is a tie. Should the  
376 commission fail to vote to either accept or reject the findings within  
377 thirty days of submission of such findings, or should the commission  
378 accept the findings by the enforcement counsel that there is reasonable  
379 cause to believe that a violation warranting criminal prosecution has  
380 taken place, the enforcement counsel shall refer such matter to the  
381 attorney general or district attorney with jurisdiction over such matter  
382 to commence a criminal action as such term is defined in the criminal  
383 procedure law.

384 21. The commission may conduct a thorough examination and  
385 pre-election audit of the contributions and qualified campaign expenses  
386 of the participating committee of every participating candidate or

387 party. Such audits shall be conducted as frequently as the commission  
388 deems necessary to ensure compliance. Every participating candidate  
389 and party under this article shall also be audited by the commission  
390 post-election. The commission shall issue to each campaign audited the  
391 final post-election audit report that details its findings and shall  
392 provide such audit to the governor and legislative leaders and make  
393 such audit report available on the commission's website.

394       22. (1) Any person who knowingly and willfully fails to make a  
395 filing required by this article within ten days after the date provided  
396 for such, or anyone that knowingly and willfully violates any other  
397 provision of this article shall be guilty of a misdemeanor and, in  
398 addition to such other penalties provided by law, shall be subject to a  
399 fine not to exceed the amount of ten thousand dollars, this value being  
400 recalculated on the first day of January in each even-numbered year to  
401 account for changes in the purchasing power of the U.S. dollar since  
402 January 1, 2015, and then rounded to the nearest one hundred dollars.

403       (2) Any person who knowingly and willfully contributes, accepts,  
404 or aids or participates in the contribution or acceptance of a  
405 contribution in an amount exceeding an applicable maximum specified  
406 in this article shall be guilty of a misdemeanor and shall be subject to  
407 a fine not to exceed the amount of ten thousand dollars or double the  
408 amount of the illegal contribution, whichever is greater.

409       (3) Any person who knowingly and willfully makes a false  
410 statement or knowingly omits a material fact to the commission or an  
411 auditor designated by the commission during any audit shall be guilty  
412 of a class D felony.

413       (4) All such prosecutions for criminal acts under this section  
414 shall be prosecuted by the appropriate prosecuting attorney. If the  
415 prosecuting attorney declines to initiate criminal action, the attorney  
416 general of the state of Missouri may initiate criminal proceedings.

417       (5) All payments received by the commission pursuant to this  
418 section shall be deposited in the "Missouri Anti-Corruption Fund" which  
419 is hereby created. The state treasurer shall be custodian of the  
420 fund. The state treasurer may approve disbursements. Beginning on  
421 January 1, 2017, and each two years thereafter, the director of revenue  
422 shall provide the Missouri anti-corruption fund with an amount of  
423 money equal to the cost limitation for the relevant election cycle. The

424 director shall provide an additional amount on January 1 of every  
425 odd-numbered year to the commission to provide for operation,  
426 administration, and enforcement costs of the commission. The state  
427 treasurer shall invest moneys in the fund in the same manner as other  
428 funds are invested. Any interest and moneys earned on such  
429 investments shall be credited to the fund. All fines imposed pursuant  
430 to this section shall be made payable to the commission for deposit into  
431 the Missouri anti-corruption fund.

432       **23. (1) The commission shall submit a report to the governor, the**  
433 **speaker of the house, and the president pro tempore of the senate on**  
434 **or before February 1, 2019, and every two years thereafter, which shall**  
435 **include:**

436       **(a) A list of the participating and nonparticipating candidates**  
437 **and parties in covered elections and the votes received by each**  
438 **candidate in those elections;**

439       **(b) The amount of contributions and loans received, and**  
440 **expenditures made, on behalf of participating and nonparticipating**  
441 **candidates and parties;**

442       **(c) The amount of rebate funds distributed pursuant to this**  
443 **section;**

444       **(d) Analysis of the effect of the rebate program on the election**  
445 **campaigns for all offices covered, including its effect on the sources**  
446 **and amount of contributions, the level of campaign expenditures,**  
447 **including independent expenditures, voter participation, the number**  
448 **of candidates, the candidates' abilities to campaign effectively for**  
449 **public office, and the diversity of candidates seeking and elected to**  
450 **office.**

451       **(e) A report from the enforcement counsel summarizing**  
452 **complaints, investigations, dispositions, and all relevant enforcement**  
453 **activities.**

454       **(f) Any other information that the commission deems relevant.**

455       **(2) Beginning in 2027, accompanying each report the commission**  
456 **shall provide a list of recommendations for changes or amendments to**  
457 **this section to the general assembly, including changes in contribution**  
458 **limits, thresholds for eligibility and limits on total rebate funds.**

459       **(3) (a) The commission shall recommend upward adjustment for**  
460 **the maximum funds available for the Missouri anti-corruption fund if**

461 it determines that such an adjustment is necessary to ensure that the  
462 goals of this section are met. If, within thirty days after such  
463 recommendation is made, more than three-fifths of the members of each  
464 house of the general assembly vote to reject the recommendation, the  
465 maximum fund amount shall not be adjusted. If no such rejection  
466 occurs, the recommendation shall be deemed adopted.

467 (b) In making the determinations required by paragraph (a) of  
468 subdivision (3), the commission shall consider total spending from the  
469 previous election cycle by participating candidates and parties,  
470 nonparticipating candidates, parties, and independent spenders, as well  
471 as the contribution rates of citizens to both participating and  
472 nonparticipating candidates and parties.

473 24. (1) The determination of eligibility and any question of  
474 eligibility pursuant to payments for qualified campaign expenditures  
475 may be contested in a proceeding instituted in any Missouri circuit  
476 court by any aggrieved candidate within seven days of the commission's  
477 determination as to eligibility.

478 (2) The commission is authorized to institute a civil action in any  
479 Missouri circuit court to obtain a judgment for civil penalties  
480 determined to be payable to the commission.

481 25. The commission shall promulgate regulations to determine  
482 whether the contributions or expenditures of any entity subject to  
483 regulation by this article should be aggregated with the contributions  
484 or expenditures of another entity for purposes of any of the limits or  
485 thresholds contained in this article. The rules shall require  
486 aggregation of such contributions or expenditures if the entities in  
487 question are directed or controlled by a majority of the same persons  
488 or entities. The rules shall ensure that no entity may avoid the limits  
489 or thresholds created by this article through creation or use of multiple  
490 vehicles for political spending.

491 26. The commission shall promulgate regulations providing  
492 contributors with the option to rescind any contribution for which the  
493 contributor's identifying information is not disclosed to the public  
494 within seventy-two hours after it was received.

495 27. Any natural person may file a complaint, petition for  
496 rulemaking, or petition for advisory opinion with the commission. If  
497 the commission fails to respond to the complaint or petition within

498 thirty days, fails to resolve the complaint or petition within one year  
499 of its filing, or if the filer contests the commission's resolution of the  
500 complaint or petition, any qualified candidate or any five qualified  
501 Missouri voters may commence a proceeding against the commission in  
502 any Missouri circuit court, regardless of whether such candidate or  
503 voters filed the original complaint with the commission.

Section 28(a). 1. In addition to the limitations imposed under  
2 Section 25 of this article, the following limitations shall apply,  
3 beginning immediately after the November 2016 general election:

4 (1) In any primary or general election for statewide office, no  
5 candidate or candidate committee shall accept a contribution that  
6 exceeds, in aggregate, one thousand five hundred dollars;

7 (2) In any primary or general election for state senator, no  
8 candidate or candidate committee shall accept a contribution that  
9 exceeds, in aggregate, one thousand dollars;

10 (3) In any primary or general election for state representative,  
11 no candidate or candidate committee shall accept a contribution that  
12 exceeds, in aggregate, five hundred dollars;

Section 28(b). No candidate or candidate committee shall accept  
2 from a political party a contribution which exceeds twenty percent of  
3 the aggregate amount of all contributions received by that candidate  
4 during an election cycle. For purposes of this subdivision, a "political  
5 party" includes all committees, subcommittees, and other entities  
6 controlled by a political party.

Section 28(c). No corporation or limited liability company  
2 organized under the laws of this state, any other state, or by an act of  
3 the Congress of the United States, labor organization, cooperative  
4 association, or mutual association shall make any contribution to any  
5 candidate for office in the state of Missouri or to any entity that makes  
6 contributions to any candidate for offices in the state of Missouri.

Section 28(d). No contributor shall make contributions to a  
2 political party which exceed, in the aggregate, three thousand dollars  
3 during any two-year election cycle. For the purposes of this article,  
4 "political party" includes all accounts and committees operated or  
5 controlled by a political party.

Section 28(e). 1. No contributor shall contribute to any  
2 continuing committee, in the aggregate, more than one thousand

3 dollars during any two-year election cycle. This limitation shall not  
4 apply to contributions to continuing committees that make only  
5 independent expenditures, unless a United States court with  
6 jurisdiction over the state of Missouri holds that such a limitation is  
7 permissible.

8       2. No continuing committee shall contribute more than two  
9 thousand five hundred dollars to any candidate committee, continuing  
10 committee, or political party committee.

Section 28(f). 1. (1) No lobbyist, lobbyist principal, individual  
2 who supervises one or more lobbyists, or person or entity who has a  
3 business relationship with the state shall make a contribution which  
4 exceeds, in the aggregate, two hundred dollars to any candidate or  
5 committee during any two year election cycle.

6       (2) No lobbyist, lobbyist principal, or individual who directly  
7 supervises one or more lobbyists may solicit or coordinate funds in  
8 connection with an election for state office.

9       (3) Prohibitions contained in subdivisions (1) and (2) shall  
10 continue until one year after such person ceases to be a lobbyist,  
11 lobbyist principal, or person or entity who has a business relationship  
12 with the state.

13       2. (1) Members of the general assembly may not directly or  
14 indirectly solicit contributions in connection with an election for state  
15 office, from a lobbyist, lobbyist principal, a parent or subsidiary of a  
16 lobbyist principal, that the member knows has made a lobbying contact  
17 with the member or his or her office; with another member or their  
18 office with whom the member serves on a committee or subcommittee  
19 if such lobbying contact concerns matters pending before such  
20 committee or subcommittee, or with any official or employee of any  
21 such committee or subcommittee. A member may solicit contributions  
22 from such persons or entities if the member recuses himself or herself  
23 from taking any action, including but not limited to markups of  
24 legislation, engaging in case work or constituent service of any kind,  
25 of particular benefit to the lobbyist, lobbyist principal, or covered  
26 associate for a period of two years from the date of the solicitation.

27       (2) Members of the general assembly may not take any action in  
28 the general assembly or subdivision thereof, including but not limited  
29 to markups of legislation or casework or constituent service of any

30 kind, of particular benefit to a lobbyist principal, or the parent or  
31 subsidiary of a lobbyist principal if such lobbyist, lobbyist principal,  
32 parent or subsidiary of a lobbyist principal, or any individual who  
33 engages in or directly supervises one or more individuals who engage  
34 in lobbying activities on behalf of such lobbyist, lobbyist principal, or  
35 parent or subsidiary of a lobbyist principal has, in the aggregate,  
36 directly or indirectly contributed or pledged or promised to contribute  
37 five thousand dollars or more in the aggregate to the member's  
38 campaign committee in the previous two years, or who has, in the  
39 aggregate, indirectly or directly spent in the previous year or have  
40 pledged or promised to spend, ten thousand dollars or more on  
41 independent expenditures in support of the member's campaign or in  
42 opposition to a member's opponent or in contributions to organizations,  
43 including political committees, that engage in or pledge or promise to  
44 engage in independent expenditures in support of the member's  
45 campaign or in opposition to the member's opponent.

Section 28(g). No candidate shall use any funds from any  
2 committee to make payments to any other candidate, committee, or any  
3 entity that is controlled, managed, owned, or directed by any other  
4 candidate or committee, regardless of whether the payment is made for  
5 campaign-related purposes.

Section 28(h). For purposes of sections 28 to 28(g) of this article,  
2 "base year amount" shall be the contribution limits prescribed in this  
3 article on January 1, 2015. Contribution limits set forth herein shall be  
4 increased on the first day of January in each even-numbered year by  
5 multiplying the base year amount by the cumulative consumer price  
6 index and rounded to the nearest twenty-five-dollar amount, for all  
7 years after January 1, 2015. In the event that a contribution limit  
8 contained in this article is invalidated by a court of law, candidates  
9 and parties participating in the rebate program may accept  
10 contributions in double the amount at which the invalidated limit was  
11 set before its invalidation.

Section 29. No solicitation of expenditures, fund-raising  
2 activities, or fund-raising event, supporting or opposing any candidate,  
3 ballot measure, political party, or political party committee shall occur  
4 on any property or in any building owned or leased by the state or any  
5 political subdivision, unless the property or building is routinely used

6 by and made available for rent or for a fee to all members of the public  
7 by the state or the political subdivision.

Section 30. 1. The term "contribution" shall include any payment,  
2 by any person other than a candidate or a political committee  
3 authorized by the candidate, made in connection with the nomination  
4 for election or election of any candidate, including any expenditure or  
5 payment that is authorized, requested, suggested, or fostered by a  
6 candidate, authorized committee of a candidate, or agents of the  
7 candidate or committee, or made in cooperation with the a candidate,  
8 committee, or agents of the candidate or committee, and any payment  
9 or expenditure for any communication which republishes, disseminates,  
10 or distributes, in whole or in part, any broadcast or any written,  
11 graphic, or other form of campaign material prepared by the candidate  
12 or committee or by agents of the candidate or committee; or any  
13 payment made to promote the success or defeat of a political party or  
14 principle, or of any ballot proposal including but not limited to  
15 compensation for the personal services of any individual which are  
16 rendered in connection with a candidate's election or nomination  
17 without charge.

18 2. There is a rebuttable presumption that a payment or  
19 expenditure by a person for a communication about a candidate or a  
20 candidate's opponent is a contribution in any of the following  
21 circumstances:

22 (1) The communication includes information about a candidate's  
23 campaign plans, projects, or needs that is not generally available to the  
24 public or is provided directly or indirectly by the candidate;

25 (2) The person discusses or negotiates the communication with  
26 the candidate;

27 (3) The person and the candidate or the candidate's authorized  
28 committee retain the same individual or entity to provide professional  
29 campaign services during the same election cycle. For purposes of this  
30 subparagraph, the term "professional campaign services" does not  
31 include accounting, legal services, or other non-campaign  
32 services. None of the following circumstances is sufficient in and of  
33 itself to support a finding that a payment or expenditure by a person  
34 for a communication is authorized, requested, suggested, or fostered by  
35 a candidate or committee, or made in cooperation with a candidate or

36 committee: (a) The person interviews the candidate regarding  
37 legislative or policy issues that affect the spender or discusses  
38 campaign-related issues with the candidate but does not communicate  
39 with the candidate regarding the communication;

40 (b) The person solicits or obtains a photograph, biography,  
41 position paper, press release, or similar material from the candidate  
42 and, without the candidate's prior knowledge, uses that material in the  
43 communication;

44 (c) The person made contributions to the candidate;

45 (d) The person communicates to the candidate the intent to make  
46 a communication but does not discuss or negotiate the communication  
47 with the candidate;

48 (e) The person employs or is under contract with a political  
49 consultant or pollster who rendered services to the candidate prior to  
50 the current election cycle.

51 3. The term "coordinated spender" means, with respect to a  
52 candidate or candidate committee of a candidate, a person for which  
53 any of the following applies:

54 (1) The person is directly or indirectly formed or established by  
55 or at the request or suggestion of, or with the encouragement of, the  
56 candidate or candidate committee, or agents of the candidate or  
57 candidate committee, including with the express or tacit approval of  
58 the candidate or committee or agents of the candidate or committee.

59 (2) The candidate or the candidate committee or agents of the  
60 candidate or committee solicit funds or engage in other fundraising  
61 activity on the person's behalf during the election cycle involved,  
62 including by providing the person with names of potential donors or  
63 other lists to be used by the person in engaging in fundraising activity,  
64 regardless of whether the person pays fair market value for the names  
65 or lists provided.

66 (3) The person is established, directed, or managed by any  
67 person who, during the two-year period before the general election or  
68 primary election in which the candidate stands for nomination, has  
69 been employed or retained as a political, media, or fundraising adviser  
70 or consultant for the candidate or committee or for any other entity  
71 directly or indirectly controlled by the candidate or committee, or has  
72 held a formal position with a title for the candidate or committee.

73           (4) The person is a current or former business partner of a  
74 candidate or is established, directed, or managed by a current or  
75 former business partner of the candidate, in the case of a person that  
76 is a political committee. For purposes of this subparagraph, the term  
77 "business partner of a candidate" means a person who is a director,  
78 officer, partner, trustee, owner, employee, or who holds any position of  
79 management in a business entity, or an affiliate of a business entity, in  
80 which the candidate is a director, officer, partner, trustee, owner,  
81 employee, or holds any position of management; "an affiliate of a  
82 business entity" means any business entity that directly, or indirectly  
83 through one or more intermediaries, controls, or is controlled by, or is  
84 under common control with the business entity.

85           (5) The person is serving or has served in a formal advisory or  
86 policy-making position with the candidate or has participated in  
87 strategic or policy-making discussions with the candidate regarding the  
88 pursuit of nomination or election to office during the two-year period  
89 before the general election or before any primary election in which the  
90 candidate stands for nomination.

91           (6) The person has, within the same election cycle, co-hosted or  
92 co-sponsored with the candidate or the candidate committee  
93 fundraising events or campaign activities benefitting the person, the  
94 candidate, or the candidate committee.

95           (7) The person is controlled, established, directed, managed, or  
96 retains significant services from the family member of a candidate.

97           4. If a payment or expenditure for a covered communication is  
98 made by a person who is a coordinated spender with respect to the  
99 candidate, the payment or expenditure shall be deemed to have been  
100 authorized, requested, suggested, or fostered by the candidate, or made  
101 in cooperation with the candidate. For purposes of this section, the  
102 term "covered communication" is a communication conveyed to five  
103 hundred or more members of a general public audience in the form of:

104           (1) An audio or video communication via internet, broadcast,  
105 cable or satellite;

106           (2) A written communication via advertisements, pamphlets,  
107 circulars, flyers, brochures, letterheads; or

108           (3) Other published statements which:

109           (a) Irrespective of when such communication is made, contains

110 words such as "vote", "oppose", "support", "elect", "defeat", or "reject",  
111 which call for the election or defeat of the clearly identified candidate;  
112 or

113 (b) Refers to and advocates for or against a clearly identified  
114 candidate or ballot proposal on or after January first of the year of the  
115 election in which such candidate is seeking office or such proposal  
116 shall appear on the ballot.

117 5. Any payment treated as a contribution under this section shall  
118 qualify as a contribution regardless of whether the resulting  
119 communication expressly advocates for or against any candidate or  
120 ballot measure.

121 6. The commission shall promulgate regulations providing for  
122 entities providing professional services to candidates and committees  
123 to create bona fide firewalls, which, if implemented rigorously and in  
124 good faith, may allow an entity to provide services to both a candidate  
125 and an independent entity without causing the entity's spending to be  
126 deemed a contribution under this section.

127 7. For purposes of this section, the term "person" means any  
128 individual or entity.

Section 31. If any provision of sections 15 to 30 of this article or  
2 the application thereof to anyone or to any circumstance is held  
3 invalid, the remainder of those sections and the application of such  
4 provisions to others or other circumstances shall not be affected  
5 thereby.

Copy ✓