

# MISSOURI

## CAMPAIGN FINANCE AND BALLOT MEASURE GUIDE

These resources are current as of **7/19/14**: We do our best to periodically update these resources and welcome any comments or questions regarding new developments in the law. Please email us at [advocacy@afj.org](mailto:advocacy@afj.org).

This guide summarizes key aspects of state campaign finance law and regulations. It is not intended to provide legal advice or to serve as a substitute for legal advice

In some jurisdictions, city and/or county regulations may also apply to certain political activities. Check with the appropriate local jurisdiction before undertaking any activity.

### CONTRIBUTION LIMITS AND SOURCE RESTRICTIONS

Missouri law has no contribution limit on the amount a person can contribute to a candidate for statewide, legislative, judicial, municipal, or political party office or ballot measure campaign committee. Some local governing bodies may have limits. For example, [City of Kansas City](#) has limitations on contributions for Mayor and Council elections. As discussed below, there are limitations on what types of entities can contribute to PACs as well as limits on anonymous contributions.

	To Committees					To Ballot Measures
	Governor	Other Statewide	Legislative	PACs	Parties	
<b>From:</b>						
Individuals	Unlimited	Unlimited	Unlimited	Unlimited	Unlimited	Unlimited
PACs	Unlimited	Unlimited	Unlimited	<b>Prohibited</b>	Unlimited	Unlimited

Corporations, Associations, Unions, Partnerships holding a valid Certificate of Authority <sup>1</sup>	Unlimited	Unlimited	Unlimited	Unlimited	Unlimited	Unlimited
Corporations, Associations, Unions, Partnerships <b>not</b> holding a valid Certificate of Authority	Unlimited	Unlimited	Unlimited	<b>Prohibited</b>	Unlimited	Unlimited
Federal PACs	Unlimited	Unlimited	Unlimited	Unlimited	Unlimited	Unlimited

Aggregate Limits:

- There are no aggregate limits on campaign contributions.

Restrictions on Contributions:

Committees cannot accept cash donations over \$100. There are no other restrictions on when, where or from whom contributions may be given. Nevertheless, the general practice is not to deliver contributions on government property.

- If a contributor has a contract worth more than \$500 with the state, and that person contributes more than \$100 to a state candidate, the candidate must disclose and describe that contract. Similar disclosure is required of any donors who have contracts with lower governmental entities and who give contributions to candidates running for office of those entities. R.S.Mo. § 130.041(1)(1)(a).

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<sup>1</sup> Corporations, unions, associations and partnerships contributing to PACs must either be formed under Missouri laws or be an out-of-state entity holding valid certificates of authority pursuant to R.S.Mo. §§ 351.015(7), 355.020.3, 356.031. [MEC Advisory Op. No. 2010.08.CF.004](#).

### In-Kind Contributions:

- In-kind contributions are contributions in a form other than money, including services, rent, or products provided without charge or at a reduced charge (below fair market value). They are reported by the recipient at their fair market value. R.S.Mo. § 130.011(19).

### Corporate Contributions:

- Corporations and unions may contribute to candidates and ballot measure campaign committees without restriction, if
  - Its primary or principal purpose is independent of electoral activity;
  - It does not accept “contributions” (funding given for the purpose of supporting or opposing candidates, ballot measures or PACs);
  - All expenditures are made from funds obtained in the usual course of its business or, in the case of a union, property received from membership dues or membership fees which were given or solicited for the purpose of supporting the normal and usual activities and functions of the organization; and
  - The corporation’s Board of Directors has passed a resolution authorizing such contributions or expenditures, or passed a resolution authorizing a designated office to make such contributions or expenditures.
- If the entity does not meet the above criteria, it may still contribute to candidates and ballot measure campaign committees, but the entity may need to file as a PAC. R.S.Mo. §§ 130.011(7)(a)(c), 130.029.
- Corporations, unions, associations and partnerships contributing to PACs must either be formed under Missouri laws or be an out-of-state entity holding valid Certificate of Authority pursuant to state law. MEC Advisory Op. No. 2010.08.CF.004.

### Earmarked Contributions

- While it is generally illegal to make a contribution in a manner that conceals the true source of the donation (R.S.Mo. § 130.031.3), the MEC has authorized the transfer of earmarked donations in one limited scenario. A nonprofit corporation, association or unions may establish a PAC to raise contributions that are earmarked for a specific candidate so long as:
  - The contribution is transferred to the candidate’s committee within 5 days from receipt, and
  - The entity reports having received the earmarked contribution and the subsequent transfer pursuant to the guidance set out in MEC Op. No. 2012.CF.003; and
  - The candidate reports the receipt of the contribution from the true source of the contribution, with the PAC as a pass-through agent for

the contribution pursuant to the guidance set out in MEC Op. No 2012.CF.003.

## COMMUNICATIONS

### Issue Advocacy vs. Express Advocacy:

- There are no specific definitions of “issue advocacy” or “express advocacy” in Missouri. The latter includes expenditures for the purpose of supporting or opposing the nomination or election of any candidate for public office or the qualification or passage of any ballot measure, and such expenditures trigger reporting obligations under the campaign finance law. R.S.Mo. § 130.011(16).
- Guidance from the Missouri Ethics Commissions suggests that “advocating a position” on the relevant candidate or ballot measure is the legal trigger for campaign finance reporting. See Mo. Ethics. Op. 06.09.104-3 (2006), available at: (<http://mec.mo.gov/Scanned/PDF/Opinions/394.pdf>).

### Electioneering Communications:

- Missouri does not have an “electioneering communications” statute and does not regulate communications unless they support or oppose candidates.

### Membership Communications:

- Corporations may spend an unlimited amount of money on internal communications with their members, directors, officers, employees or shareholders regarding elections. Such internal communications do not trigger PAC registration requirements and are not considered to be an “expenditure.” R.S.Mo. § 130.011(16)(e)(b).
- If the aggregate annual costs of membership communications exceeds \$2,000, the organization must [report](#) its name and address, the date and amount of the expenditure or expenditures, the name and address of the payee, and a description of nature and purpose of the dissemination of information. The report must be filed no later than fourteen days after the date of making an expenditure. If, after filing such report, the organization makes additional expenditures for membership communications, those must be reported by the date on which PACs would be required to file reports for the election in question. If an expenditure is made less than 14 days prior to an election, the report must be filed within 48 hours after the date of such expenditure. R.S.Mo. §§130.048, 130.046.

### Independent Expenditures

- The repeal of campaign contribution limits in 2008 eliminated the incentive for conducting independent expenditures. Nonetheless, all entities,

including PACs, corporations and nonprofits, may make independent expenditures.

- There is no definition for “independent expenditure” under Missouri law. However, if an expenditure is made “for the purpose of supporting or opposing the nomination or election of any candidate for public office” and is made without the candidate’s coordination, control, cooperation, influence or consent, it is considered independent of the candidate. R.S.Mo. § 130.011; Mo. Ethics Op. 2002.07.106 (2002) available at: (<http://mec.mo.gov/Scanned/PDF/Opinions/347.pdf>).
- PACs making independent expenditures must report the activity on their campaign finance [reports](#). If the PAC is required to file reports electronically, it will file the required reports using the [MEC’s electronic filing system](#). This will include details about the candidate or ballot measure supported or opposed and the date and amount of the expenditure. R.S.Mo. §130.041(7)

- All PACs must file quarterly reports. PACs making independent expenditures are also required to [report at the additional following times](#) (corresponding to the times candidates and ballot measure committees report):
  - Not later than the 40th day before an election, for the period closing on the 45th day prior to the election, if the PAC makes independent expenditures in support of or opposition to any candidate or ballot measure at the election and the quarterly disclosure report filed for the period immediately prior to the election was filed more than 40 days before the election;
  - Not later than the 8th day before an election for the period closing on the 12th day before the election if the PAC has made any independent expenditures in support or opposition to any candidate or ballot measure at the election;
  - Not later than 24 hours after aggregate independent expenditures of \$250 or more if made after the 12th day before the election; and,
  - Not later than the 30th day after an election for the period closing on the 25th day after the election, if the PAC has made any independent expenditure either in support or opposition to any candidate or ballot measure at the election. R.S.Mo. §130.046
  
- Independent expenditures aggregating more than \$500 by an entity other than a PAC (e.g., individual, corporation, labor unions, nonprofit) must be reported on a Non-Committee Expenditure Report within 14 days of the expenditures exceeding \$500. The form is available at: <http://mec.mo.gov/WebDocs/PDF/Fillable/CampaignFinance/S1orS2.pdf>
  - . The report must identify:
    - the candidate or ballot measure supported or opposed; and
    - the date, nature and amount of the expenditure.

After filing an initial report, subsequent reports must be filed within 14 days of any additional expenditures, regardless of their amount. During the final 14 days before an election, reports must be filed within 48 hours after the triggering expenditure. R.S.Mo. § 130.047.

Disclaimers:

- Printed Material: Printed material relating to a candidate or ballot measure must include the words “Paid for by” followed by the proper identification of the sponsor as described below. Printed material includes advertisements, signs, pamphlets, fliers and mailings.
  - A PAC identifies itself as a sponsor by printing its name and the name and title of its treasurer. (e.g. “Paid for by Missourians for Justice, Jim Smith, Treasurer”)

- A corporation or other organization not organized to influence elections identifies itself by providing its name, the name and title of its principal officer, and its mailing address.
- An individual or group of individuals must provide their names and mailing addresses. If more than five individuals join in paying for the materials, it is sufficient to print “For a list of other sponsors contact:” followed by the name and address of one of the individual sponsors. The individual identified must maintain a record of the names and amounts paid by the other individuals, and make that list available to anyone who requests it.

R.S.Mo. § 130.031(8)

- Under certain conditions, a “paid-for” line is not required on certain items of personal use, such as buttons, pins, pencils, matchbooks and clothing. R.S.Mo. § 130.031(8).
- Broadcast Communications: Any broadcast station transmitting any matter relative to any candidate for public office or ballot measure shall identify the sponsor of such matter as required by federal law. R.S.Mo. § 130.031(9).

## REGISTRATION AND REPORTING REQUIREMENTS

### PAC Registration – In-State PACs:

- An entity is a “committee” if it:
  - Accepts contributions or make expenditures of \$500 or more in a calendar year **or** receives contributions totaling more than \$250 from a single contributor in a calendar year ,
  - for the primary or incidental purpose of influencing or attempting to influence the action of voters for or against:
    - The nomination or election to public office of one or more candidates, or
    - The qualification, passage or defeat of any ballot measure, or
    - For the purpose of paying a previous campaign debt or obligation of a candidate or committee, or
    - For the purpose of contributing funds to another committee
- R.S.Mo. § 130.011(7).
- A corporation or union may make contributions or expenditures exceeding the monetary thresholds referenced above without triggering PAC status, if it satisfies each of the following conditions:
  - It has as its primary purpose something other than influencing elections;
  - It does not accept “contributions” (i.e., donations given for the purpose of supporting or opposing candidates, ballot measures or PACs);

- All expenditures are made from funds obtained in the usual course of its business own funds or, in the case of a union, property received from membership dues or membership fees which were given or solicited for the purpose of supporting the normal and usual activities and functions of the organization; and
- Its Board of Directors has passed a resolution authorizing such contributions or expenditures, or passed a resolution authorizing a designated office to make such contributions or expenditures.

R.S.Mo. §§ 130.011(7)(a)(c), 130.011(7)(a)(d), 130.031(1). Entities that do not trigger PAC reporting must still file Non-Committee Expenditure Reports when making IEs, as discussed below.

- Missouri law creates the following types of committees:
  - A “Political Action Committee” (a “PAC”) is a committee of continuing existence that is not formed, controlled or directed by a candidate, and whose primary purpose is unconnected to any particular candidate or ballot measure. **A PAC may not be formed during the 60-day window before the election for which it receives contributions or makes expenditures.** R.S.Mo. §130.011(10). PACs were historically referred to as “continuing committees,” but the [legislature replaced this term with PAC](#) in 2010.
  - A committee dedicated exclusively to the passage or defeat of a ballot measure is a “campaign committee” rather than a PAC. R.S.Mo. § 130.011(8).

- If a solicitation references raising money for a Missouri election, then the solicitation and resulting contributions would trigger the need to register as a Missouri PAC. See R.S.Mo. § 130.011(7).
- Within 20 days of triggering status as a committee (but no less than 60 days before an election), a committee must file a Statement of Organization, available at: [http://www.mec.mo.gov/WebDocs/PDF/Fillable/CampaignFinance/Committee\\_Registration\\_Packet.pdf](http://www.mec.mo.gov/WebDocs/PDF/Fillable/CampaignFinance/Committee_Registration_Packet.pdf) identifying its name, treasurer and other officers, bank account, connected organization (if any), and ballot measures supported or opposed, if the committee is a ballot measure campaign committee.
- PACs and statewide ballot measure campaign committees register with the MEC, and send a courtesy copy of the registration to the committee's county of domicile. Local committees will file with a local filing officer. R.S.Mo. § 130.011.

#### PAC Registration – Out-of-State PACs:

- Out-of-state PACs (not including Federal PACs filing reports with the FEC) will be required to file as an in-state PAC (including filing a statement of organization, appoint an in-state treasurer, and opening an in-state bank account if either:
  - (1) The aggregate of all contributions received from persons domiciled in this state exceeds twenty percent in total dollar amount of all funds received by the committee in the preceding twelve months; or
  - (2) The aggregate of all contributions and expenditures made to support or oppose candidates and ballot measures in this state exceeds one thousand five hundred dollars in the current calendar year. [R.S.Mo. § 130.131\(10\)](#).
- If the PAC is not required to register as a Missouri PAC, before making any contributions or expenditures to support or oppose candidates or ballot measures in Missouri or making a contribution to any PAC domiciled in Missouri, and out-of-state PAC must file an Out of State Committee Report, available at: <http://mec.mo.gov/WebDocs/PDF/Fillable/CampaignFinance/S3OutofState.pdf>). The initial report must be filed no later than 14 days prior to the date the out-of-state PAC first makes a contribution or expenditure in Missouri. R.S.Mo. § 130.049. On this report, the out-of-state PAC must disclose:
  - The PAC's name and address;
  - The PAC Treasurer's name, business and residential addresses, and business and residential telephone numbers;
  - The name and address of any affiliated organizations;

- The names, addresses and contribution amounts of each Missourian whose contributions totaled more than \$200 during the current calendar year;
  - A list by name, address, date and amount regarding any contributor to the out-of-state committee, regardless of state of residency, who made a contribution during the current calendar year;
  - Identification of any other agencies with whom the PAC files reports; and
  - A list of all contributions made to support or oppose Missouri candidates, ballot measures and other PACs.
- R.S.Mo. §130.050(1)

- An out-of-state PAC may not make expenditures or contributions within 30 days of an election. R.S.Mo. § 130.049.

#### PAC Recordkeeping and Administration

##### Bank Account:

- Every PAC must have a single “official fund depository” opened at a bank branch within Missouri. R.S.Mo. § 130.021(4).

##### Treasurer:

- Every PAC must have a treasurer who is a resident of Missouri and the county where the PAC is domiciled. A PAC may also have a deputy treasurer who shall also be a resident of Missouri and the county where the PAC is domiciled. The deputy treasurer serves in the capacity of committee treasurer in the event the committee treasurer is unable for any reason to perform the treasurer’s duties. R.S.Mo. § 130.021.

##### Corporate Support for Affiliated PAC:

- On its Statement of Organization, a PAC must list any “connected organization.” R.S.Mo. § 130.021(5)(5). A “connected organization” is one that spends funds or provides services or facilities to establish, administer or maintain a PAC, or that solicits contributions to a PAC from its members, officers, directors, employees or security holders. An organization is automatically deemed to be a PAC’s connected organization if more than 50 percent of the persons making contributions to that PAC during the current calendar year are members, officers, directors, employees or security holders of such organization or their spouses. R.S.Mo. § 130.011(11). An entity is not a “connected organization” if the payments to the PAC are from the corporation itself, rather than the employees, officers, directors, employees or security holders. [MEC Opinion No. 2003.01.100](#).
- A connected organization may pay to establish, administer or maintain a PAC, without the payments being contributions to the PAC. Further, the connected organization may solicit contributions to the PAC from its members, officers, directors, employees and shareholders, without the cost of the solicitation being a contribution to the PAC. R.S.Mo. § 130.011(12)(i)(d). However, solicitations beyond this group must be paid for by the PAC or reported as an in-kind contribution from the corporation to the PAC. Under either circumstance, the solicitation’s printed materials must bear the PAC’s “paid for by” disclaimer.

The connected entity may be an intermediary for contributions to its connected PAC, but it must transfer any funds that are earmarked for the committee within 5 days from receipt. R.S.Mo. § 130.136.1.

Political Action Committee Reporting:

- Reports are filed on Missouri Ethics Commissions forms available here [http://www.mec.mo.gov/EthicsWeb/CampaignFinance/CF\\_Forms.aspx](http://www.mec.mo.gov/EthicsWeb/CampaignFinance/CF_Forms.aspx)
- PAC receipts and expenditures greater than \$100 must be itemized. A PAC must disclose the name, address, employer (or occupation if self-employed)<sup>2</sup> and aggregate contribution of the contributor during the current calendar year. R.S.Mo. § 130.041.

Reporting Schedule:

- Quarterly Filing: PACs must report their finances quarterly, generally on the 15th day following the close of the calendar quarter. R.S.Mo. § 130.046.

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<sup>2</sup> If a committee plans to host an event where it will be impractical to collect individual donor information, including occupation and employer information, for donations between \$25 - \$100, the committee can take advantage of the Fundraising Event Form: <http://www.mec.mo.gov/WebDocs/PDF/Fillable/CampaignFinance/CD1A.pdf>

- Major Contributor Filing: Within 48 hours after receiving a contribution from a single contributor in excess of \$5,000, the recipient must file a report electronically identifying the donor. R.S.Mo. § 130.044(1).
- [Late Contribution Report](#): A 24-Hour Notice of Late Contribution Report is used to report the receipt of any late contribution or loan of more than \$250 received within 11 days of the election. R.S.Mo. § 130.050.3.
- Pre-Election Reports – In addition to the quarterly filings, PACs must submit additional [full campaign disclosure reports](#) at the following times and for the following periods if a PAC makes independent expenditures to support or oppose a candidate or ballot measure or contributions to candidate committees or ballot measure campaign committees, those must be reported:
  - By the 40<sup>th</sup> day before the election, current through the 45<sup>th</sup> day before the election (unless the quarterly disclosure report for the period immediately prior to the election is filed less than 40 days before the election, in which case this report is not required);
  - By the 8<sup>th</sup> day before the election, current through the 12<sup>th</sup> day before the election;
  - Within 24 hours of spending \$250 or more in aggregate Independent Expenditures during the final 11 days before the election. Following its first 24-hour report, a PAC must file additional 24-hour reports after each subsequent expenditure, regardless of the amount of the subsequent expenditures and regardless of whether it supports or opposes the candidate who was the subject of the expenditure that triggered the initial report. This report is not triggered by making contributions.
  - By the 30<sup>th</sup> day after an election, current through the 25<sup>th</sup> day after the election.  
R.S.Mo. § 130.046
- Limited-Activity Reports:
  - PACs receiving or spending less than \$500 in a reporting period, and receiving no more than \$300 from any single contributor, may file a statement of limited activity in lieu of a full disclosure report. Limited-activity reports may not be filed for consecutive reporting periods if the aggregate receipts or expenditures during those periods exceed \$500. R.S.Mo. § 130.046(5)(2).

Filing Procedure:

- All PACs and statewide ballot measure campaign committees file reports with the Missouri Ethics Commission. Historically PACs also had to file with the PAC's county of domicile, but when the state transition to electronic filing in 2011, this obligation was removed. Local ballot measure campaign committees file with a local filing office.

- All PACs and ballot measure campaign committees that are required to file reports with the Missouri Ethics Commission are required to file reports electronically.
- Electronic reports must be filed by 5pm on the filing deadline. Reports filed with local filing offices must either be postmarked or hand delivered by the filing deadline. Reporting deadlines, with the exception of 48 Hour Reports of Contribution over \$5,000; Late Contribution Reports; and Late Expenditure Reports, that fall on a weekend or holiday are extended until the next business day.

- PACs making independent expenditures in jurisdictions other than the one where they are domiciled may also have to file reports in those other jurisdictions. R.S.Mo. § 130.026(5). This requirement is waived for PACs filing electronically.
- Accessibility of Reports – All reports filed with the Missouri Ethics Commission are available on the internet. Donor information is included on such reports. Donor information is searchable, except for PACs filing paper reports.

### Termination

- Ballot measure campaign committees must terminate either 30 days after the election or upon the satisfaction of all committee debts after the election, whichever is later. There is no specific timeframe for terminating PACs.
- Within 10 days of a committee's dissolution, a PAC treasurer must file a Committee Termination Statement, available at: [http://www.mec.mo.gov/EthicsWeb/CampaignFinance/CF\\_Forms.aspx](http://www.mec.mo.gov/EthicsWeb/CampaignFinance/CF_Forms.aspx) with the jurisdiction(s) where the PAC's original Statement of Organization was filed. If the committee filed reports electronically, it may also be required to file the termination report electronically.
- On the termination statement, a PAC must report the distribution of any surplus funds; the disposition of any deficits; and the name, mailing address and telephone number of the individual responsible for preserving the PAC's records. Along with the termination statement, the treasurer must file a complete disclosure report for the period, ending on the date of dissolution. R.S.Mo. § 130.021.
- The Missouri Ethics Commission offers some additional guidance on terminating committees on its website: [http://www.mec.mo.gov/WebDocs/PDF/CampaignFinance/Terminating\\_a\\_Committee.pdf](http://www.mec.mo.gov/WebDocs/PDF/CampaignFinance/Terminating_a_Committee.pdf).

## **ENFORCEMENT AND PENALTIES**

- Enforcement of Missouri campaign finance law is general carried out by the Missouri Ethics Commission. In serious cases, the Missouri Attorney General or a local county prosecutor may participate in an enforcement action.
- Penalties can range from \$50 per day fines for late reports to misdemeanor criminal penalties for purposeful violations. R.S.Mo. §§

## **BALLOT MEASURES**

- Any person or group is a “campaign committee” – and must register and report as such – if it accepts contributions or make expenditures of \$500 or more in a given year for the purpose of attempting to influence the action of voters for or against the passage or qualification of a ballot measure. Committees organized to support or oppose a ballot measure must register and report with the Missouri Ethics Committee and with the jurisdiction making up the most populous portion of the political subdivision or district for which the ballot measure election is held. Many counties waive this second requirement. R.S.Mo. §§ 130.011, 130.026(1)
- Independent Expenditures to Support or Oppose Ballot Measures:
  - The rules on reporting independent expenditures are identical to those for candidates. However, with the absence of limits on contributions to ballot measure committees and accordingly, no restrictions on coordination, there is little legal incentive to undertake an independent expenditure on a ballot measure.

## CONTACT INFORMATION FOR STATE AND LOCAL AGENCIES

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**For assistance regarding these resources or for more information about federal law, please contact our attorney one-on-one counseling service:**  
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