



660-882-7474  
bpsk12.net  
736 Main Street  
Boonville, MO 65233

Greetings! Thank you for your interest in serving on the Boonville R-I Board of Education. Enclosed you will find an Application for a Vacated Board Position (BBE-AF1). This application needs to be completed and returned by 4:00 PM on Thursday, November 4, 2021. This application can be hand-delivered / mailed to the Boonville R-I School District, ATTN: KATIE BIRD, 736 Main Street, Boonville, Missouri 65233 or by emailing [katie.bird@bpsk12.net](mailto:katie.bird@bpsk12.net). Also enclosed for your review is the following:

- Policy BBE—SCHOOL BOARD VACANCIES
- Form BBE-AF2—SCHOOL BOARD VACANCIES-Notice of Appointed Member’s Obligation to File a Personal Financial Disclosure Statement
- Policy BBFA—BOARD MEMBER CONFLICT OF INTEREST AND FINANCIAL DISCLOSURE
- Policy BBF—SCHOOL BOARD MEMBER ETHICS
- The MEC Guide to Ethics Laws

Please be advised the District will follow the following timeline:

**October 21 – November 4**—Advertise for Vacated Board Position

**November 5-November 16**—Review of Applications

**November 17**—The Board of Education will review all applications during the open session. All applicants will need to be present during this meeting. The Board may choose to interview applicants at this time and make their selection. If a selection is made, the appointed individual will be sworn in to fill the vacancy until the April 2022 election.

Should you have any questions, please feel free to contact Katie Bird at (660) 882-7474 option 6.

Thank you

FILE: BBE-AFI  
Critical

**SCHOOL BOARD VACANCIES**  
*(Application for a Vacated Board Position)*

The Board of Education is required by law to fill vacancies on the Board created when a Board member leaves office prior to the end of an elected term. The Board is responsible for appointing an eligible person to fill the vacancy until the next April election, at which time a candidate will be elected to fill the remainder of the term, if any, or the new term. This application will serve as written notice that you are eligible and wish to be considered for the current Board vacancy. If selected, your service will begin immediately after you are sworn in and will continue until the person elected in the April 5, 2022, election is sworn in. You are also welcome to sign up to be a candidate in the April election when candidate filing begins in December.

The Board requires all individuals who wish to be appointed to the Board to meet the eligibility requirements for School Board candidates under Missouri law. Therefore, to be eligible for appointment to the Board you must:

1. Be a citizen of the United States of America. Mo. Const. art. VII, ' 8; ' 162.291, RSMo.
2. Be a resident taxpayer of the district. ' 162.291, RSMo.
3. Have resided in Missouri for a minimum of one year immediately preceding your appointment, if selected. Mo. Const. art. VII, ' 8; ' 162.291, RSMo.
4. Be at least 24 years of age. ' 162.291, RSMo.
5. Not be delinquent in the payment of any state income taxes, personal property taxes, municipal taxes or real property taxes on your place of residence as listed on this form. If an applicant is a past or present corporate officer of any fee office, that office cannot be delinquent in the payment of any taxes owed the state. ' 115.306, RSMo.
6. Not have been found guilty of nor pled guilty to a felony under the federal laws of the United States of America or to a felony under Missouri law or an offense committed in another state that would be considered a felony in Missouri. ' 115.306, RSMo.
7. Not be registered or required to be registered as a sex offender under ' 162.014, RSMo.
8. Have filed, or the treasurer of any existing candidate committee has filed, all required campaign disclosure reports with the Missouri Ethics Commission, when applicable, for all previous elections in which you were a candidate. ' 130.071, RSMo.

FILE: BBE-AF1  
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Upon completion and submission of this application, you will be provided:

1. A copy of the Board policy for filling Board vacancies (BBE).
2. Notice of your potential obligation to file a personal financial disclosure statement with the Missouri Ethics Commission within 30 days of your appointment to the position (BBE-AF2).
3. A summary of the laws the Missouri Ethics Commission enforces.
4. A copy of the Board conflict of interest policy (BBFA).
5. A copy of the Board ethics policy (BBF).

Please complete the following. Attach additional sheets if necessary. All information provided will be subject to public disclosure under the Missouri Sunshine Law.

Name: \_\_\_\_\_

Address: \_\_\_\_\_

Phone: \_\_\_\_\_ Mobile: \_\_\_\_\_

E-mail: \_\_\_\_\_

How long have you lived in the district? \_\_\_\_\_

Why do you want to serve on the Board of Education? \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

Please describe your current and past involvement with the district or any of its schools (for example, PTO activities, committees, booster clubs, etc.): \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

Please describe your current and past involvement with any non-school-related civic, nonprofit or community organizations: \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

Please list skills you have that you believe would be an asset to the district's leadership team:

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In one or two sentences, describe your vision for this district: \_\_\_\_\_

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In one or two sentences, explain the proper role of the Board of Education: \_\_\_\_\_

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The Board meets 1 time(s) per month on the 3<sup>rd</sup> Wednesday of the month (occasionally, additional special meetings are required)

In addition to Board meetings, you will be expected to allocate time to adequately prepare for meetings, perform committee work and complete training sessions both in and occasionally outside the district. Your estimated weekly time commitment is about 4-5 hours per month.

All newly elected or appointed Board members are required to complete an 18.5-hour training program within one year of their election or appointment. If you run for and are elected to the Board at the next election, you will also need to complete one hour of refresher training during each subsequent year you serve as a Board member.

Are you aware of any conflicts that would regularly interfere with your ability to commit to this amount of time?  Yes  No

Are you aware of any conflicts of interest you may have in serving on the Board?  Yes  No

A conflict of interest might be having ownership in a business that does business with the district, having a relative employed by the district, or serving on another board of directors or in another elected office. A conflict of interest does not necessarily disqualify you from Board service but may require certain procedures and disclosures to be used. If you have possible conflicts, please describe them: \_\_\_\_\_

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I (the Applicant) swear that the information I have provided on this form is true and accurate, that I am legally eligible to be appointed to the office of director of this school district, and that I am legally able to hold office if appointed to the position.

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Applicant's Signature

Date

\* \* \* \* \*

*Note: The reader is encouraged to review policies and/or procedures for related information in this administrative area.*

Implemented: November 19, 2007

Revised: June 21, 2017, March 18, 2020

Boonville R-I School District-736 Main Street, Boonville, Missouri 65233

## SCHOOL BOARD VACANCIES

If a vacancy occurs on the Board of Education, the remaining members shall appoint a person to serve until the next school board election when a director shall be elected for the unexpired term. In a case of resignation, a vacancy shall be declared to exist when the resignation letter is officially presented to the Board at a Board meeting. In a case of removal from office for excessive absences, a vacancy shall be declared to exist when the secretary of the Board certifies to the Board that a Board member has missed three consecutive Board meetings, and the Board has not excused the absences.

If there are more than two vacancies at any one time, the county commission, upon receiving written notice of the vacancies from the Board secretary, shall fill the vacancies by appointment. If the district is located in a county without a county commission, the county executive, upon receiving written notice of the vacancies, shall fill the vacancies by appointment, with the advice and consent of the county council. The persons appointed shall hold office until the next school board election, when directors shall be elected for the unexpired terms.

When it is the Board's responsibility to fill a vacancy, the following process will be used unless the Board votes to use a different process due to the timing of the vacancy or other relevant reasons:

1. *Notification Process* The vacancy will be announced at a Board meeting, and the district will notify local newspapers and advertise the vacancy on the district's website. The superintendent or designee is directed to advertise the vacancy in other effective ways, such as sending e-mails or other electronic communication to the community or posting notice in district buildings or publications. Residents who wish to be appointed to the vacancy must apply as directed in the notification(s). The district will allow residents a minimum of two weeks from the date the district publicizes the vacancy on its website to apply for the vacant position.
2. *Review/Interview Process* The Board will review all applications at a regularly scheduled Board meeting or at a special meeting called for that purpose. The Board may select final candidates to interview in open session, or the Board may decide not to interview candidates and make a final selection from the applications. The Board will discuss applications and interview candidates in open session.
3. *Selection Process* The Board will make appointments in an open session Board meeting through a formal motion that is seconded and confirmed with an affirmative vote by a majority of the Board. A Board member who is resigning from or otherwise leaving the Board shall not participate in choosing a successor.
4. *Swearing In* Once appointed, a person becomes a Board member by taking and signing the oath of office.

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5. *Notification of Legal Responsibilities* . All appointed Board members will receive a notice of their obligation to file a personal financial disclosure statement and will be notified of the requirement to complete **state-mandated** training.

\* \* \* \* \*

***Note: The reader is encouraged to check the index located at the beginning of this section for other pertinent policies and to review administrative procedures and/or forms for related information.***

Adopted: October 17, 2007

Revised: June 21, 2017, December 19, 2017, March 18, 2020

Cross Refs: AA, School District Legal Status

Legal Refs: Mo. Const. art. VII, ' 11  
' ' 162.203, .261, RSMo.

Boonville R-I School District, Boonville, Missouri

**SCHOOL BOARD VACANCIES**

*(Notice of Appointed Member's Obligation to File a Personal Financial Disclosure Statement)*

***(District HAS adopted MSBA policy BBFA, certified the policy and mailed it to the Missouri Ethics Commission biannually by September 15 AND has an operating budget of over one million dollars)***

You may have to file a personal financial disclosure (PFD) statement with the Missouri Ethics Commission (MEC) by 5:00 p.m. on \_\_\_\_\_ (a date that is within 30 days of appointment to the Board). Pursuant to ' 105.485.4, RSMo., the Boonville R-I School District has adopted a policy that establishes and makes public its own method of disclosing potential conflicts of interest and substantial interests, therefore excluding the district's Board members and candidates from some of the more onerous statutory disclosure requirements. *A copy of policy BBFA is attached to this notice or is available on the district's website.*

The district's policy and state law still require Board members to disclose some information to the MEC, and it is your obligation to carefully review the district's policy and the MEC PFD statement form and make the required disclosures to the MEC, if applicable. If you do not have information to disclose, you do not need to submit a PFD statement to the MEC or the district.

You may obtain a copy of the PFD statement form and electronically file it on the MEC website. If you decide to mail your PFD statement to the MEC, it must be postmarked by midnight on the day prior to the deadline. Mail it to: Missouri Ethics Commission, P.O. Box 1370, Jefferson City, MO 65102. Do not forget to also provide the district a copy of the PFD statement you file with the MEC.

For more detailed information about the filing requirements, please review the summary of laws provided to you or contact the MEC at (800) 392-8660.

\* \* \* \* \*

***Note: The reader is encouraged to review policies and/or procedures for related information in this administrative area.***

Implemented: October 17, 2007

Revised: August 20, 2010, July 17, 2013, June 21, 2017

Boonville R-I School District



## BOARD MEMBER CONFLICT OF INTEREST AND FINANCIAL DISCLOSURE

All directors of the Boonville R-I School District Board of Education shall adhere to the laws regarding conflict of interest and avoid situations where their decisions or actions in their capacity as Board members conflict with the mission of the district.

### Purchases Involving Federal Funds

In addition to the requirements of this policy, Board members must follow the provisions of policy DJFA and related procedures and are also subject to the conflict of interest provisions of federal law.

### Definitions

*Business with Which a Board Member Is Associated:* For the purposes of this policy:

1. A sole proprietorship owned by the Board member, his or her spouse or any dependent children in the Board member's custody;
2. A partnership or joint venture in which the Board member or his or her spouse is a partner, other than as a limited partner of a limited partnership, and any corporation or limited partnership in which the Board member is an officer or director or of which the Board member or his or her spouse or dependent children in the Board member's custody, whether singularly or collectively, own more than ten percent of the outstanding shares of any class of stock or partnership units; or
3. Any trust in which the Board member is the trustee or settlor or in which the Board member or his or her spouse or dependent children in his or her custody, whether singularly or collectively, are beneficiaries or holders of a reversionary interest of ten percent or more of the corpus of the trust.

*Fourth Degree of Consanguinity or Affinity:* Includes parents, grandparents, great-grandparents, great-great-grandparents, spouse, children, siblings, grandchildren, great-grandchildren, great-great-grandchildren, nieces, nephews, grand-nieces, grand-nephews, aunts, uncles, great-aunts, great-uncles, and first cousins by virtue of a blood relationship or marriage.

*Special Monetary Benefit:* Being materially affected in a substantially different manner or degree than the manner or degree in which the public in general will be affected or, if the matter affects

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only a special class of persons, then affected in a substantially different manner or degree than the manner or degree in which such class will be affected.

*Substantial Interest:* A substantial interest exists when the Board member or his or her spouse or dependent children in his or her custody, either singularly or collectively, directly or indirectly:

1. Own(s) ten percent or more of any business entity; or
2. Own(s) an interest having a value of \$10,000 or more in any business entity; or
3. Receive(s) a salary, gratuity or other compensation or remuneration of \$5,000 or more from any individual, partnership, organization or association within any calendar year.

#### **Sale, Rental or Lease of Personal Property (Property Other Than Real Estate)**

No elected or appointed official of the district shall sell, rent or lease any personal property to the school district for consideration in excess of five hundred dollars' value per transaction or five thousand dollars' value per year to him or her, to his or her spouse, to a dependent child in his or her custody or to any business with which he or she is associated unless the transaction is made pursuant to an award on a contract let or sale made after public notice and competitive bidding, provided that the bid or offer accepted is the lowest received.

#### **Sale, Rental or Lease of Real Property (Real Estate)**

No elected or appointed official of the district shall perform a service or sell, rent or lease any real property to the school district for consideration in excess of five hundred dollars' value per transaction or five thousand dollars' value per year to him or her, to his or her spouse, to a dependent child in his or her custody or to any business with which he or she is associated unless the transaction is made pursuant to an award on a contract let or sale made after public notice.

#### **Employment**

The district shall not employ Board members for compensation even on a substitute or part-time basis. The district will not accept applications of employment from Board members, consider Board members for employment or decide to employ Board members while they remain on the School Board. Board members may provide services on a volunteer basis.

### **Independent Contractor Services**

No elected or appointed official of the district shall perform service as an independent contractor for consideration in excess of five hundred dollars' value per transaction or five thousand dollars' value per year to him or her, to his or her spouse, to a dependent child in his or her custody or to any business with which he or she is associated unless the transaction is made pursuant to an award on a contract let or sale made after public notice and competitive bidding, provided that the bid or offer accepted is the lowest received.

### **Businesses That Employ Board Members**

A Board member may participate in discussions and vote on motions for the district to do business with entities that employ the Board member as long as the business is not owned by the Board member and the Board member will not receive any financial benefit from the transaction. The Board member may need to submit a statement of interest as described below.

### **Statement of Interest**

Before voting, Board members who have a substantial personal or private interest in a decision before the Board shall provide a written report of the nature of the interest to the Board secretary. The written statement will be recorded in the minutes. Board members who have disclosed the interest in a financial interest statement filed or amended prior to the vote will be in compliance with this requirement.

### **Self-Dealing**

1. Board members may not act or refrain from acting by reason of any payment, offer to pay, promise to pay or receipt of anything of actual pecuniary value, whether received or not, to themselves or any third person. This includes a gift or campaign contribution made or received in relationship to or as a condition of the performance of an official act.
2. Board members shall not favorably act on any matter that is specifically designed to provide a special monetary benefit to them, their spouses or dependent children in their custody.
3. Board members will not use their decision-making authority for the purpose of obtaining a financial gain that materially enriches them, their spouses or dependent children in their

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custody by acting or refraining from acting for the purpose of coercing or extorting anything of actual pecuniary value.

4. Board members shall not offer, promote or advocate for a political appointment in exchange for anything of value to any political subdivision.
5. Board members will not accept gifts with a value in excess of \$100 from a vendor who does or is attempting to do business with the district.
6. A Board member will not attempt to directly or indirectly influence or vote on a decision when the Board member knows the result of the decision may be the acceptance by the district of a service or the sale, rental or lease of property to the district and the Board member, his or her spouse, dependent children in his or her custody or any business with which the Board member is associated will benefit financially. If such a transaction is presented to the Board, the Board member will abstain and leave the room during any deliberation.

### **Use of Confidential Information**

Board members shall not use or disclose confidential information obtained in the course of or by reason of their official capacities in any manner with intent to result in financial gain for themselves, their spouses, dependent children in their custody, any business with which the Board member is associated or any other person.

Even when there is no financial gain involved, failure to keep information confidential violates Board ethics and Board policy and could also violate state and federal law.

### **Nepotism**

Board members shall not vote to employ or appoint any person who is related to them within the fourth degree by consanguinity or affinity. In the event that an individual is recommended for employment or appointment and the individual is related within the fourth degree to a Board member, the related Board member shall abstain from voting and shall leave the room during consideration of the question and the vote, unless the motion is part of a consent agenda and there is no discussion, in which case, the member need not leave the room but will refrain from voting.

For the purposes of this section, to "employ" includes hiring persons to be employees of the district and approving independent contractors who provide services to the district.

### **Financial Interest Statements**

The Boonville R-I School District Board of Education hereby adopts a policy establishing and making public its own method of disclosing financial interests of Board members, candidates and specified administrators, in accordance with law. Financial interest statements (also known as personal financial disclosure statements) as described below shall be filed with the Missouri Ethics Commission (MEC) and the Boonville R-I School District Board of Education on or before May 1 for the preceding calendar year, unless the person filing is a Board candidate. Candidates must file their reports within 14 days after the last day to file for office. The reports will be made available for public inspection and copying during normal business hours.

This portion of the policy dealing with the financial interest statement will be adopted in an open meeting every other year by September 15. A certified copy of this policy shall be sent to the MEC within ten days of adoption.

### ***Board Member Disclosure***

All School Board members and candidates for School Board will file the short-form version of the MEC's financial interest statement each year. This form is also known as the "Financial Disclosure Statement for Political Subdivisions." School Board members and candidates will report the following transactions if they occurred during the previous calendar year. If no such transactions occurred, the Board member or candidate will still file, but will mark the items as not applicable.

1. Each transaction in excess of \$500 per year between the district and the individual or any person related within the first degree by consanguinity or affinity to the individual. The statement does not need to include compensation received as an employee or payment of any tax, fee or penalty due the district and other transfers for no consideration to the district. The statement shall include the dates and identities of the parties in the transaction.

"First degree of consanguinity or affinity" includes parents, spouse or children by virtue of a blood relationship or marriage.

2. Each transaction in excess of \$500 between the district and any business entity in which the individual has a substantial interest. The statement does not need to include any payment of tax, fee or penalty due the district or payment for providing utility service to the district and other transfers for no consideration to the district. The statement shall include the dates and identities of the parties in the transactions.

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***Superintendent, Chief Purchasing Officer and General Counsel Disclosure***

The superintendent, chief purchasing officer and general counsel, if employed full-time, will file the short-form version of the MEC's financial interest statement each year. This form is also known as the "Financial Disclosure Statement for Political Subdivisions." These employees will report the following transactions if they occurred during the previous calendar year. If no such transactions occurred, these employees will still file, but will mark the items as not applicable.

These employees will disclose in writing the information required in 1) and 2) above. In addition, these employees will disclose the following information for themselves, their spouses and dependent children in their custody:

1. The name and address of each employer from whom income of \$1,000 or more was received during the year covered by the statement.
2. The name and address of each sole proprietorship the individual owned.
3. The name, address and general nature of business conducted by each general partnership or joint venture in which he or she was a partner or participant.
4. The name and address of each partner or co-participant in the partnership or joint venture unless the information is already filed with the secretary of state.
5. The name, address and general nature of business of any closely held corporation or limited partnership in which the individual owned ten percent or more of any class of the outstanding stock or limited partners' units.
6. The name of any publicly traded corporation or limited partnership that is listed on a regulated stock exchange or automated quotation system in which the individual owned two percent or more of any class of outstanding stock, limited partnership units or other equity interests.
7. The names and addresses of each corporation for which the individual served in the capacity of director, officer or receiver.

\* \* \* \* \*

***Note: The reader is encouraged to check the index located at the beginning of this section for other pertinent policies and to review administrative procedures and/or forms for related information.***

Readopted: December 20, 2016, June 24, 2020

Adopted: October 17, 2007

Revised: August 18, 2010, July 17, 2012, August 20, 2014, June 15, 2016, June 20, 2018

Cross Refs: DA, Fiscal Responsibility  
DD, Grants  
DJF, Purchasing  
DJFA, Federal Programs and Projects  
FEF, Construction Contracts Bidding and Awards  
GBCA, Staff Conflict of Interest  
GBL, Personnel Records  
GCD, Professional Staff Recruiting and Hiring  
GDC, Support Staff Recruiting and Hiring  
JO, Student Records

Legal Refs: Mo. Const. art. VII, ' 6  
' ' 105.450 - .458, .461,.462, .466,.467, .472, .476 - .492, 162.261, .391, 168.126,  
171.181, RSMo.  
2 C.F.R. ' 200.22, .23, .38, .92, .112, .113, .317, .318, .338 *State*  
*v. Rhoads*, 399 S.W.3d 905 (Mo.App.W.D. 2013)

Boonville R-I School District, Boonville, Missouri

### **SCHOOL BOARD MEMBER ETHICS**

Members of the Boonville R-I School District Board of Education accept the responsibility to improve public education in the Boonville R-I School District. To that end, all Board members will:

1. Remember that the first and greatest concern must be the educational welfare of all students attending the public schools.
2. Obey the laws of Missouri and the United States.
3. Recognize that individual Board members have no authority to speak or act for the Board.
4. Work with other Board members to establish effective Board policies.
5. Delegate authority for the administration of the schools to the superintendent.
6. Encourage ongoing communications between Board members and stakeholders.
7. Render all decisions based on the available facts and independent judgment rather than succumbing to the influence of individuals or special interest groups.
8. Make every effort to attend all Board meetings.
9. Become informed concerning the issues to be considered at each meeting.
10. Improve boardmanship by studying educational issues and by participating in in-service programs and training.
11. Support the employment of staff members based on qualifications and not as a result of influence.
12. Maintain a process of regular and systematic assessment of the educational system, in order to provide accountability for the school district.
13. Avoid conflicts of interest or the appearance thereof.
14. Refrain from using their Board position for the benefit of family members, business associates or themselves.
15. Express personal opinions but, once the Board has acted, accept the will of the majority.
16. Refrain from divulging confidential information presented during closed sessions, except when required by law.

\* \* \* \* \*



***Note: The reader is encouraged to check the index located at the beginning of this section for other pertinent policies and to review administrative procedures and/or forms for related information.***

Adopted: October 17, 2007

Revised: July 17, 2013

Cross Ref: DA, Fiscal Responsibility

Boonville R-I School District, Boonville, MO

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# MEC

Missouri Ethics Commission

## THE MEC GUIDE TO ETHICS LAWS A PLAIN ENGLISH SUMMARY



REV. 9/20

Campaign  
Finance

Lobbying

Conflict of  
Interest

Financial  
Disclosure

This guide is intended to provide a plain English summary of the Missouri ethics laws, including laws affecting the activities of individuals who are or may become candidates for elective office at the state, county, municipal, or special district level in Missouri.

Information about the Missouri Ethics Commission and all forms and requirements can be found on the Commission's website at [www.mec.mo.gov](http://www.mec.mo.gov).

# -Table of Contents-

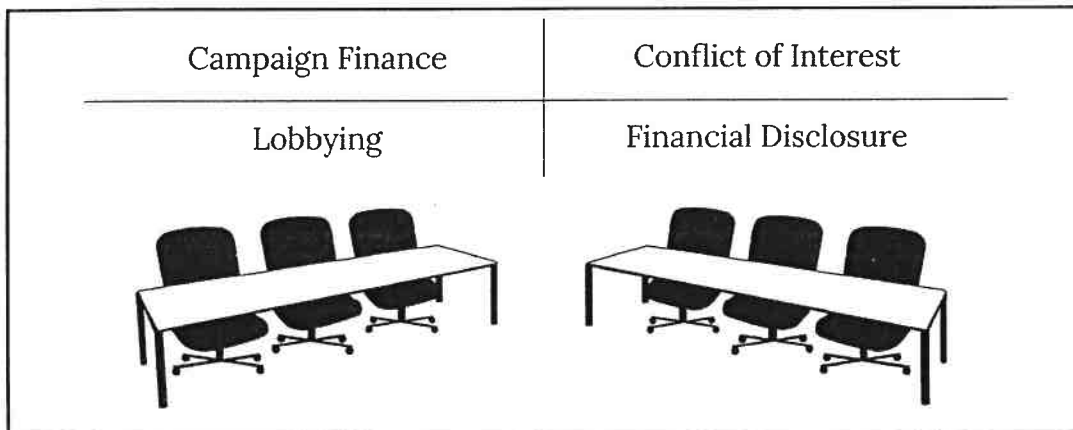
<b><u>Introduction</u></b>	
About the Missouri Ethics Commission.....	2
Terms to Know.....	4
<b><u>Personal Financial Disclosure</u></b> .....5	
Required Filers.....	6
Submitting a PFD.....	7
Annual Filers.....	8
Candidate Filers.....	9
PFD Due Dates & Penalties.....	10
<b><u>Campaign Finance Disclosure</u></b> .....11	
When to Form a Candidate Committee.....	13
How to Form a Committee.....	14
Filing Requirements and Deadlines.....	17
Post-Election Procedure.....	20
“Paid for by” Disclosure.....	21
Committee Checklist.....	23
Contribution Limits and Prohibitions.....	24
<b><u>Complaints and Investigations</u></b> .....27	
MEC Investigations.....	27
Filing a Complaint.....	28
Commission Hearings.....	28
<b><u>Conflict of Interest</u></b> .....29	
Requirements and Prohibitions.....	30
Use of Public Funds.....	31
Nepotism.....	31
<b><u>Lobbying</u></b> .....33	
Lobbyist Requirements.....	34
Reporting Expenditures.....	35
Lobbyist Restrictions.....	35
<b><u>Educational Resources</u></b> .....37	
<b><u>Connect With Us</u></b> ..... 39	
<b><u>Meet Our Commissioners</u></b> .....40	

# -About the Commission-

## Missouri Ethics Commission

The Missouri Ethics Commission (MEC) was created by the Missouri Ethics Law of 1991. § 105.955, RSMo.

The Commission consists of six members, each appointed by the Governor with the advice and consent of the Senate for a four-year term. Commissioners are selected from different congressional districts, with no more than three Commissioners from the same political party. However, once appointed, Commissioners serve in a non-partisan manner. A chair and vice-chair are elected every two years. The Commission employs an Executive Director to oversee the day-to-day operations of the agency's professional and non-partisan staff.



The Commission enforces the laws and retains information and reports related to lobbyists, personal financial disclosure, campaign finance disclosure, and conflict of interest laws.

## Our Mission

The MEC serves the public interest by promoting and maintaining transparency, accountability, and compliance with campaign finance, lobbying, and conflict of interest laws. We educate and assist the citizens of Missouri, public officials, lobbyists, and those participating in public elections, by increasing awareness and understanding of the law. We investigate and enforce these laws consistently.

# -About the Commission-

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## Advisory Opinions

An advisory opinion is issued by the Commission and provides its interpretation of a law. An advisory opinion may act as legal direction to the person requesting the opinion and the requesting person will not be liable for relying on the opinion. The opinion may act as a defense of justification against prosecution.

**To request an advisory opinion, the requester must:**

1. Submit a written request; and
2. Be directly affected by the application of the law to the facts presented.

§ 105.955.16(1), RSMo

The Commission may issue a written opinion regarding any issue that the Commission can receive a complaint on pursuant to § 105.957, RSMo.

Advisory opinions specifically apply to the requester but can be used for guidance by others on how the Commission interprets the law. Searching existing advisory opinions may aid in answering questions regarding Missouri's governmental ethics laws.

Advisory opinions are compiled and published on our website:

1. Go to [www.mec.mo.gov](http://www.mec.mo.gov)
2. Select Advisory Opinions at the bottom of the page
3. Search opinions by topic
  - All topics
  - Campaign Finance
  - Conflict of Interest
  - Lobbying
  - Personal Financial Disclosure

([https://mec.mo.gov/MEC/Commission\\_Business/OpinionsSearch.aspx](https://mec.mo.gov/MEC/Commission_Business/OpinionsSearch.aspx))

# -Terms to Know-

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## **Disclosure**

Elected or appointed public officials, or candidates running for office, may be required to file disclosures that are made available to the public. The law requires that certain public officials and employees, as well as candidates for office, disclose their financial interests through a *Personal Financial Disclosure Statement*. The law also requires committees who support or oppose candidates or ballot measures to disclose their activities through various campaign finance disclosure reports. Disclosures are aimed at maintaining transparency and accountability in Missouri's political processes.

## **Expenditure** § 130.011(16), RSMo

A payment, advance, conveyance, deposit, donation, or contribution of money or anything of value for the purpose of supporting or opposing candidates or ballot measures. Expenditures should be reported at the time they are either made or incurred.

### **Incurred Expenditure** § 130.011(16), RSMo

An expenditure is made during one reporting period, but paid in another (even if the candidate or committee has received the good or service). Incurred expenditures must be recorded and reported at the time the obligation to pay is made.

## **Contribution** § 130.011(12), RSMo

A payment, gift, loan, advance, deposit, or donation of money or anything of value for the purpose of supporting or opposing a candidate or ballot measure.

### **Monetary Contribution** § 130.011(12), RSMo

All contributions in the form of money. Monetary contributions include loans, advances, and a candidate's own money used in support of the person's candidacy (with specific exceptions noted in the law).

### **In-Kind Contributions** § 130.011(19), RSMo

A contribution in a form other than money. In-kind contributions are reported at their fair market value.

## **Political Subdivision** § 105.450(9), RSMo

Any political subdivision of the state, and any special district or sub-district. Examples include counties, cities, townships, school districts, etc.

# Personal Financial Disclosure

1

## What is a PFD?

A Personal Financial Disclosure (PFD) is a financial interest statement used to provide public information about the financial interests of a public official, employee, or candidate. A PFD is used to disclose any potential conflicts of interest.

The filer must disclose their financial interests as well as the interests of their spouse and dependent child(ren). State law allows the name and employment information of dependent children under the age of 21 to be redacted from a PFD upon written request.

*See §§ 105.483—105.498, RSMo for more information.*

### In this Section

- Required PFD Filers
- How to File
- PFD Annual Filers
- PFD Candidate Filers
- PFD Deadlines



See [PFD Redaction Request Form](#) on our website.



# -Filing a PFD-

## Persons Required to File a PFD with the MEC

(§§ 105.483 and 105.489, RSMo)

- Statewide officeholders and designated staff
- Senators and Representatives
- Judicial candidates who are not sitting judges
- Municipal judges (if required by political subdivision)
- Certain state board and commission members
- Certain employees of the state or political subdivisions including those employees who are authorized to promulgate or adopt rules and regulations or who serve as the chief administrative officer, chief purchasing officer, or full-time general counsel
- Candidates and public officials in political subdivisions where an ordinance has been adopted and filed with the MEC, that meet one or both of the following:
  - The candidate, official, or their relative (related within the first degree of blood or marriage) is doing business or owns a substantial interest in a business that has conducted business with the political subdivision in excess of \$500
  - The conflict of interest ordinance/resolution specifically requires the filing of a PFD

### **Local Officeholders and Candidates:**

Political subdivisions may adopt a conflict of interest ordinance identifying positions required to file a PFD (also known as a *Financial Disclosure Statement for Political Subdivisions*). The ordinance must be readopted every two years by September 15, and a certified copy must be filed with the MEC within 10 days of adoption or readoption. *Check with your political subdivision for local PFD requirements.*



See [Sample Ordinance](#) on our website for more information.

## Judges Required to File a PFD with the Missouri Supreme Court

(§§ 105.483(1) and 105.489(2), RSMo)

- Circuit judges
- Associate circuit judges
- Appellate judges
- Missouri Supreme Court judges

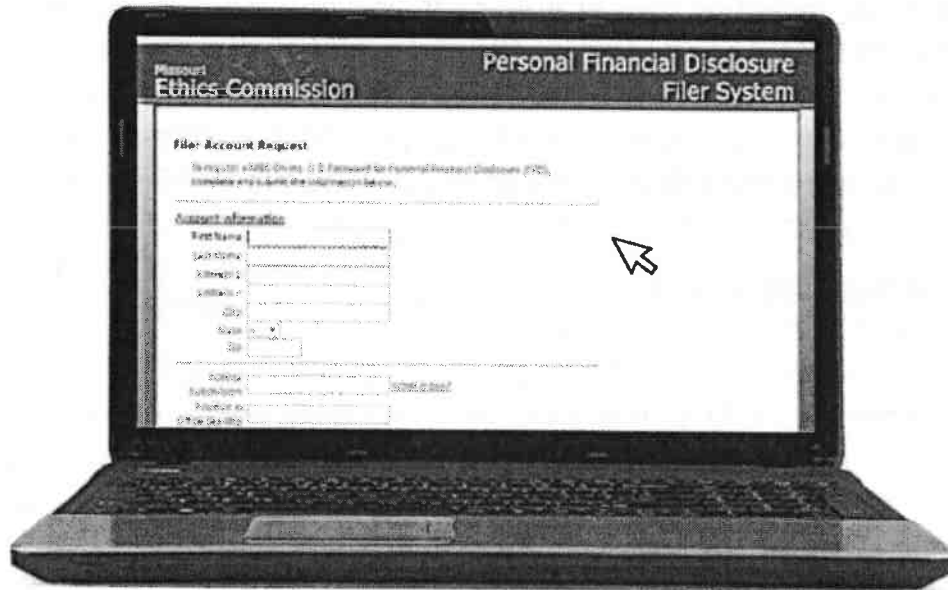
**Note:** *Judicial candidates who are not sitting judges file with the MEC.*

# -Submitting a PFD-

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## How to File a PFD

- Those individuals filing a PFD for the first time can request an MEC ID on the MEC's website by clicking *login* in the top right corner and selecting *PFD E-Filer Account Request* from the drop-down menu. Upon processing the request, the MEC will email the requester the MEC ID and password.
- Use the MEC ID to access the e-filing system on the MEC's website and begin completing the required information.
- Paper forms are also available on the MEC's website. Paper filings require an original signature and must be mailed or hand-delivered. Faxed or emailed filings are not accepted.



### **Important Note:**

State law requires a written request to receive copies of PFDs filed with the Commission. Therefore, PFDs are not available for public viewing on our website.



See [Guide to Personal Financial Disclosure](#) on our website

# -PFD Annual Filers-

## § 105.487(3), RSMo

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An annual filer is an individual from the state or a political subdivision with an annual operating budget (AOB) over \$1 million that is required by law to disclose their financial interests by virtue of the position they hold.

An annual filer must file a PFD with the MEC no later than May 3, 2021, after each calendar year their position is held. If the filer is also running for office, they must submit their PFD by the earlier candidate filing deadline. Former public officials and employees who were designated PFD filers are required to file a PFD for the position they held in the previous calendar year.

### **Annual filer notification**

Each year, state agencies and political subdivisions with an AOB over \$1 million dollars are required to provide the MEC with a list of individuals, including former public officials and employees, required to file a PFD. State law requires the state agency or political subdivision to notify all individuals that they have been designated as a required filer. In January of each year, the MEC notifies individuals that they have been designated as required to file a PFD by their state agency or political subdivision.

### **Reporting time period**

PFDs filed by the May 3, 2021 deadline cover January 1 through December 31, 2020. If an individual no longer holds the position, the PFD covers the period through the last day the position was held.

### **Former employees and officials:**

Be sure the state agency or political subdivision has up-to-date contact information to ensure receipt of the annual PFD reminder.

### **Examples for annual PFD filers**

- A fire district board member serving through 2020 must file a PFD by May 3, 2021. This PFD will disclose the financial interests of the board member, their spouse, and dependent children for the 2020 calendar year.
- A former city council member served in a city with an ordinance that requires they file a PFD. Their last day of service was October 5, 2020, so they must report the financial interests of themselves, their spouse, and dependent children for January 1, 2020, through October 5, 2020, by the May 3, 2021, deadline on a PFD.

# -PFD Candidate Filers-

## § 105.487(1), RSMo

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A candidate filer is an individual running for public office who is required to file a PFD by virtue of the office the candidate is seeking.

A candidate's PFD is due no later than 14 days after the closing date of filing for candidacy (see specific due dates on next page). If an individual is nominated as a candidate after the certification date, they must file a PFD within 14 days of nomination. This includes candidates in political subdivisions with an AOB over \$1 million (unless the subdivision has adopted an ordinance or resolution which specifically excludes the candidate from filing a PFD). Candidate filers must file their PFD with the MEC and provide a copy to their political subdivision if it has an ordinance.

### Candidate filer notification

A candidate receives notification of their PFD filing requirement and deadline from their election authority when they file a *Declaration of Candidacy*. The filing deadline is found on the *Notice to Candidate* form.

### Reporting time period

New candidates report information for the 12 months prior to the closing date for candidacy. Incumbent candidates (or candidates who are also annual filers) report information from January 1 of the previous calendar year to the closing date for candidacy. This period may be longer than 12 months.

### **Primary Elections**

A candidate required to file a PFD because of their candidacy in a primary election is required to **amend** their PFD by the Monday before the general election if they obtain any additional financial interests or have any change in their existing financial interests since the filing of their last PFD.

### Examples for candidate PFD filers

- An incumbent mayor is running for State Senate. Rather than filing their annual PFD by May 3, they file a candidate PFD no later than 14 days after the closing date for filing for candidacy.
- April municipal election candidate filing closes January 19, 2021. The PFD for **incumbent** candidates covers January 1, 2020, through January 19, 2021. PFD for **new** candidates covers January 19, 2020, through January 19, 2021.

## -PFD Deadlines-

<b>2021 Candidate PFD Filer Deadlines</b>					
<b>2021 Election Dates</b>	Feb. 2	March 2 St. Louis City Primary	April 6 Municipal Election	Aug. 3	Nov. 2 General Election
<b>PFD Filing Deadline*</b> (14 days from the closing date of filing for candidacy)	Dec. 1, 2020	Jan. 18	Feb. 2	June 1	Aug. 31
<b>PFD Filing Deadline**</b> (21 days from the closing date of filing for candidacy)	Dec. 8, 2020	Jan. 25	Feb. 9	June 8	Sept. 7

<b>2021 Annual PFD Filer Deadlines</b>	
Current and former public officials/employees who are required to file a PFD	<b>May 3, 2021</b>
Any newly appointed or employed public officials who are required to file a PFD	<b>30 days from appointment or hire date</b> (report for the calendar year prior to the date of appointment or hire)
<b>Annual filers who are running for office must submit their PFD by the earlier candidate filing deadline.</b>	

- E-filed or hand-delivered filings must be received **on** the due date.
- Mailed filings must be postmarked no later than midnight **the day before** the due date.
- If the PFD due date falls on a weekend or an official holiday, the due date is extended to the next business day.

### **Penalties**

(§ 105.492.2, RSMo)

\*Failure to file by the 14-day deadline results in a minimum \$10 per day late fee.

\*\*Failure to file by the 21-day deadline shall result in removal from the ballot.

**Note:** *If the political subdivision has a conflict of interest ordinance on file with the MEC and filing deadlines are not met, penalties (if any) are assessed by the political subdivision according to its ordinance.*

# Campaign Finance Disclosure

## 2

### What is Campaign Finance Disclosure?

Campaign finance disclosure is required when individuals, groups, and entities receive contributions (monetary or in-kind) and/or make expenditures (paid or incurred) to support or oppose candidates or ballot measures. The law requires record-keeping and reporting of these activities. These disclosure requirements provide accountability, transparency, and enforceability.

*See Chapter 130, RSMo for more information.*

#### In this Section

- Forming a Committee
- Filing Deadlines
- Reporting Requirements
- Post-Election Procedures
- “Paid for by” Disclosures
- Committee Checklist
- Contribution Limits and Prohibitions



See Campaign Finance publications on our website.

# -Campaign Finance Committees-

## What is a Committee?

A committee is a person or group of people who accepts contributions (monetary or in-kind) or makes expenditures (paid or incurred) to influence the action of voters by supporting or opposing candidates and/or ballot measures or to pay a previous campaign debt.

Once the money spent or received exceeds the monetary thresholds (pg. 13) a committee must be formed and registered with the MEC.

*See § 130.011, RSMo for full definitions of "committee" and "person."*

## What is a Non-Committee?

(§ 130.047.1, RSMo)

Individuals, businesses, groups, and others that do not meet the definition of a committee, that are not accepting contributions from others, but are spending (or incurring) money to support or oppose candidates or ballot measures are considered a non-committee.

If a non-committee makes expenditures totaling \$500 or more in support of or in opposition to candidates or ballot measures, a *Non-Committee Expenditure Report* disclosing the details of the expenditures must be filed.

*See also Advisory Opinion No. 2018.05.CF.004 regarding when non-profit corporations may be committees.*

## Out-of-State Committees and Federal PACs

Missouri law defines certain federal political action committees (PACs) (registered with the Federal Election Commission (FEC)) and out-of-state committees (committees registered in other states). Federal PACs and out-of-state committees are required to register a Missouri committee and file reports if:

- The aggregate of all contributions received from persons domiciled in Missouri exceeds 20% in total dollar amount of all funds received by the committee in the preceding 12 months; or
- The aggregate of all contributions and expenditures made by the committee or PAC to support or oppose candidates and ballot measures in Missouri exceeds \$1,500 in the current calendar year; or
- The federal PAC makes a contribution to a candidate for the Missouri General Assembly.

*See 1 CSR 50-5.010 and 1 CSR 50-5.020 for more information.*

# -Forming a Candidate Committee-

## § 130.016, RSMo

1. Choose Candidate Type (What office are you seeking?)	2. Determine Activity Thresholds (How much money have you spent or received?)	3. View Reporting Requirement (Follow arrow to view requirements)
<ul style="list-style-type: none"> <li>• Statewide Office</li> <li>• State Senator or Representative</li> <li>• Municipal Office (in a municipality with a population greater than 100,000)</li> </ul>	<ul style="list-style-type: none"> <li>• Total contributions received are \$500 or less; <b>and</b></li> <li>• Total expenditures made on behalf of the candidate are \$500 or less; <b>and</b></li> <li>• No single contributor (other than the candidate) contributed more than \$325.</li> </ul>	<p>Must register as an exempt candidate <i>(file Statement of Exemption*)</i></p>
	<p><b>OR</b> Candidate exceeds any of the thresholds above</p>	<p>Must form and register a committee (file <i>Statement of Committee Organization*</i>)</p>
<ul style="list-style-type: none"> <li>• Other Candidate (ex: Judge, county office, city office in a municipality with a population of 100,000 or less, school board, fire board, etc.)</li> </ul>	<ul style="list-style-type: none"> <li>• Total activity is \$1,000 or less (includes contributions received + expenditures made by the candidate or any other person with the candidate's knowledge); <b>and</b></li> <li>• No single contributor contributed more than \$325.</li> </ul>	<p>Not required to form and register a committee</p>
	<p><b>OR</b> Candidate exceeds any of the thresholds above</p>	<p>Must form and register a committee (file <i>Statement of Committee Organization*</i>)</p>

\* Also file subsequent campaign finance disclosure reports for each reporting period as required.

**Forming other committees:**

For information on forming other types of committees, consult our **When to Form brochure** and **Chapter 130** of the Missouri Revised Statutes.



# -Forming a Committee -

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## Follow these steps:

1. Identify the type of committee
2. Form the committee
3. Register the committee with the MEC to file regular financial disclosure reports

## Step 1: Identify Committee Type

<b>Committee Type</b> <b>Candidate Committee</b> Formed by a single candidate for office in a specific election
<b>Continuing Committee</b> <b>(Also known as a Political Action Committee or PAC)</b> Formed to remain in existence beyond any one election/ballot issue, directed by someone other than a candidate
<b>Debt Service Committee</b> Candidate committee converted to retire committee debt
<b>Exploratory Committee</b> Formed to receive/spend money to determine whether an individual will seek public office
<b>Political Party Committee</b> Formed as a committee of a political party
<b>Campaign Committee</b> Formed to support/oppose ballot measures or judicial retention



Refer to our ***When to Form and Register a Committee*** brochure for more information

# -Forming a Committee -

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## Step 2: Form the Committee

Assuming the thresholds requiring the formation of a committee are met, one should:

- Select a committee name incorporating the last name of the candidate (if applicable)
- Appoint a treasurer (required) and consider appointing a deputy treasurer (optional)
- Open a committee bank account
- Establish committee record-keeping practices
- Develop a procedure to ensure timely filing of all reports
- Become familiar with all campaign finance requirements

### **Treasurer/Deputy Treasurer Requirements:**

(§ 130.021.1, RSMo)

- Must be a resident of Missouri
- Must reside in the district or any county in which the committee sits (Adv. Opinion 2008-10.CF.009)
- If a candidate committee:
  - Must reside in candidate's district or any county which contains a portion of the district;
  - Must be appointed by the candidate (candidate can appoint self as treasurer).



See the *Treasurer's Guide for Campaign Finance* brochure on our website.

### **Bank Account Requirements:**

(§ 130.021.4, RSMo)

Every committee must have an official bank account which is:

- Held in the committee's name, as registered;
- At one federal or state chartered bank, savings and loan association, or credit union in Missouri;
- A negotiable draft type account;
- Able to provide record of deposits, cancelled checks, and any other account activity; and
- Not commingled with any other funds or bank account that has non-committee funds.

# -Forming a Committee-

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## Step 3: Register the Committee

All committees (except local campaign committees) must register with the MEC by filing a *Statement of Committee Organization* within 20 days of becoming a committee and no later than the deadline for the filing of the first disclosure report. § 130.021.5, RSMo.

Local campaign committees must register with their local election authority. If they would like to electronically file reports with the MEC in lieu of paper reports with their election authority, they must also file a *Statement of Committee Organization* with the MEC. Those committees must continue to file reports with the MEC.

### **Important Note:**

All committees, including local campaign committees, must register with the MEC within 48 hours of receiving a contribution or loan over \$5,000. **Loans include money given to one's own committee and must be reported as required.**

Upon registering, committees must disclose campaign finance activity by timely filing disclosure reports throughout the life of the committee.

## Amending Committee Information

(§ 130.021.7, RSMo)

File an **amended** *Statement of Committee Organization* within 20 days after a change occurs, but no later than the due date of the next required report. Include a brief description of what changed.



## -Committee Reporting Requirements-

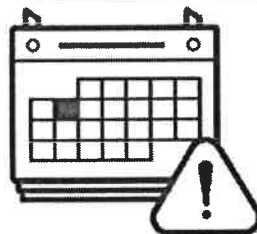
<b>Quarterly Reports</b> § 130.046.1(3), RSMo
All committees must file quarterly disclosure reports no later than the 15 <sup>th</sup> day following the close of each calendar quarter. These quarterly reports are due until the committee terminates.
<b>48 Hour Report of Contribution over \$5,000</b> § 130.044.1, RSMo
Any individual or committee that receives a single contribution, including a loan, in an amount over \$5,000 must electronically report the contribution to the MEC within 48 hours. (See pg. 4 for a full definition of contribution) (must also report this contribution in the committee's next filed report).
<b>Late Contribution Report</b> § 130.050.3, RSMo
Any candidate committee that receives a contribution, including a loan, in an amount over \$250 between the 11th day before the election through the day before the election, must report the contribution within 24 hours. (See pg. 4 for a full definition of contribution) (must also report this contribution in the committee's next filed report).
<b>Late Expenditure Report</b> § 130.046.3(2), RSMo
Each time a continuing committee (PAC) spends or incurs more than \$250, whether in a single expenditure or in combined expenditures, after the 12 <sup>th</sup> day before an election, a full disclosure report must be filed within 24 hours. This does not include contributions made to another committee.
<b>40 Day Before Election Report</b> § 130.046.1(3), RSMo
Only required if accepted contributions or spent money (made contributions or expenditures (paid or incurred)) for that election.
<b>8 Day Before Election Report</b> § 130.046.1(1), RSMo
Only required if spent money (made contributions or expenditures (paid or incurred)) for that election.
<b>30 Day After Election Report</b> § 130.046.1(2) and § 130.046.5(2), RSMo
Only required if: 1) spent money (made contributions or expenditures (paid or incurred)) for that election; or, 2) if debt is more than \$1,000; and, if required, must be filed before taking office.

# -Deadlines for 2021 Elections-

<b>Quarterly Reports § 130.046.1(3), RSMo</b>				
All committees must file quarterly reports no later than the 15th day following the close of each calendar quarter. These quarterly reports are due throughout the life of the committee. Closing and due dates are listed below.				
Closing Date (date reported through)	<u>Jan.*</u> Dec. 31, 2020	<u>April</u> March 31	<u>July</u> June 30	<u>Oct.</u> Sept. 30
Due Date	Jan. 15	April 15	July 15	Oct. 15

*\*2021 January Quarterly Report is optional*

<b>2021 Election Dates</b>	<b>Feb.</b>	<b>March</b>	<b>April</b>	<b>Aug.</b>	<b>Nov.</b>
	2	2	6	3	2
<b>40 Day Before Election Report § 130.046.1(3), RSMo</b>					
Closing Date (date reported through)	Dec. 19 2020	Jan. 16	Feb. 20	N/A	N/A
Due Date	Dec. 24, 2020	Jan. 21	Feb. 25	N/A	N/A
<b>8 Day Before Election Report § 130.046.1(1), RSMo</b>					
Closing Date (date reported through)	Jan. 21	Feb. 18	March 25	July 22	Oct. 21
Due Date	Jan. 25	Feb. 22	March 29	July 26	Oct. 25
<b>30 Day After Election Report § 130.046.1(2), RSMo</b>					
Closing Date (date reported through)	Feb. 27	March 27	May 1	Aug. 28	Nov. 27
Due Date	March 4	April 1	May 6	Sept. 2	Dec. 2
<b>Campaign Committees:</b> For ballot measures to be qualified on the ballot by petition, see also § 130.046.2, RSMo.					



 See **Filing Deadlines and Reminders** specific to each election.

# -Campaign Finance Committees-

## **Reporting Period**

(§ 130.046, RSMo.)

If filing a *Full Disclosure Report*, the time period covered begins the day after the closing date for the last filed *Full Disclosure Report* (not *Statement of Limited Activity*). If filing a *Statement of Limited Activity*, the time period covered begins the day after the last filed full report closed.

**Example:** If you filed a *Statement of Limited Activity* for the *January Quarterly Report*, and you have since received contributions or made expenditures over \$500, you will file a *Full Disclosure Report*, which includes all activity from September 30 through March 31 on the *April Quarterly Report*.

## **Deadlines for Filing**

(§ 105.964, RSMo.)

If the due date for filing a report falls on a Saturday, Sunday, or an official holiday, the due date is extended to the next business day. However, this extension does not apply to any reports that are required to be filed after the 8 Day Before Election Report (ex: *Late Contribution Report, Late Expenditure Report, 48 Hour Report*).

## **Late Fees**

(§ 105.963.1, RSMo.)

If reports to be filed with the MEC are not received by the due date, committees are assessed a minimum \$10 per day late fee. If the report is not filed within 30 days, a \$100 per day late fee is assessed, not to exceed \$3,000. For the 8 Day Before Election Report, late fees are assessed at \$100 per day for candidates.



See [Searches](#) on our website to view campaign finance disclosure reports .

# -Post Election Guidelines-

## What do I do After the Election?

### Unsuccessful Candidates:

- If the committee has more money on hand than debt, terminate within 30 days; **or**
- If the committee has more debt than money on hand, it can amend to a Debt Service Committee.
- Unsuccessful incumbent candidates: contact the MEC.

### Successful Candidates:

- File an **amended** *Statement of Committee Organization* and update election information;
- Use committee funds for necessary and ordinary expenses in connection with duties of office;
- May terminate the committee.

**Note:** Before being sworn-in, successful candidates must file a *30 Day After Election Report* if they have made expenditures or made contributions. The reporting period covers the day after the last report closed through the earlier of either the day before being sworn into office or 25 days after the election.

## Terminating the Committee

1. Distribute any remaining funds and resolve any debt.
  - See § 130.033 and 130.034, RSMo for allowable uses of contributions. Note: Missouri Constitution prohibits certain contributions to committees, including candidate committees (pg. 24).
2. Close the committee's bank account.
3. File *Committee Termination Statement* and *Full Disclosure Report* within 10 days of the committee's dissolution.
  - The report covers through the committee's dissolution date and must include information on any remaining funds that were disbursed or loans that were paid.
  - Current contact information for the committee is required.

### **Important Note:**

Committee records must be preserved for three years after termination.



See *After Election Requirements and Debt Service Committees* brochure and/or *Terminating a Committee* on our website.

# -Paid for by- Campaign Materials

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## What are Campaign Materials?

(§ 130.031.8, RSMo)

All of the following are considered campaign materials and must display the proper “Paid for by” statement:

- Pamphlets
- Flyers
- Door hangers
- Business cards
- Sample Ballots
- Advertisements
- Signs (including those for display on vehicles)
- Other imprinted or lettered materials

## What is Excluded from “Paid for by” Requirements?

Items of personal use, given away or sold, that are:

- Paid for by a candidate or committee supporting or opposing candidates or ballot measures, and are
- Obvious in their identification with a specific candidate or committee, and
- The cost of which is reported on campaign finance reports as required by law

## Who Must Comply?

Any person publishing, circulating, or distributing campaign material relative to any candidate for public office or any ballot measure within Missouri must comply with material identification requirements.

*See § 130.011(22), RSMo for definition of “person”*

## TV and Radio

Those who are transmitting information about candidates or ballot measures through TV or radio must provide sponsor identification in accordance with federal laws.

## Federal Candidates

Those who are printing material or broadcasting about federal candidates must provide sponsor identification in accordance with federal laws.



For more information see our [Paid for by](#) brochure on our website.



# -Paid for by- Campaign Materials

## What is Required to be Printed on Campaign Materials?

Who paid for the printed material?	Required sponsor information ( <i>must follow the words "Paid for by"</i> )
<p>Candidate from personal funds (only if no candidate committee exists)</p> <p>§ 130.031.8(1), RSMo</p>	<p>First and last name by which candidate is known</p> <p><i>Example: Paid for by Jane Doe</i></p>
<p>Committee</p> <p>§ 130.031.8(2), RSMo</p>	<p>Name of the committee as required to be registered and the name and title of the committee treasurer who was serving when the printed matter was paid for</p> <p><i>Example: Paid for by Committee to Elect Jane Doe, John Smith, Treasurer</i></p>
<p>Corporation, Business Entity, Labor Organization, Other Organization (not a committee or organized for influencing election(s), including a political subdivision)</p> <p>§ 130.031.8(3), RSMo</p>	<p>Name of the entity, the name of the principal officer of the entity, by whatever title known, and the mailing address of the entity, or if the entity has no mailing address, the mailing address of the principal officer</p> <p><i>Example: Paid for by Rock Corporation, John Doe, Chief Financial Officer, 888 Main Street, Jefferson City, MO 65109</i></p>
<p>Individual(s)</p> <p>§ 130.031.8(4), RSMo</p>	<p>Name of the individual or individuals and the respective mailing address or addresses</p> <p><i>Example: Paid for by Jane Smith, 888 Main Street, Jefferson City, MO 65109</i></p> <p>If more than five individuals pay for printed matter, print the words "For a list of other sponsors contact:" followed by the name and address of one individual responsible for causing the matter to be printed and who will maintain a record of the names and amounts paid by other individuals.</p> <p><i>Example: Paid for by: For a list of sponsors, contact: John Doe, 8525 South Main, Jefferson City, MO 65101</i></p>

**"Paid for by" statement must use full name of person and/or entity. Use of abbreviations or acronyms, including for committee names, is prohibited.**

## -Committee Checklist-

Upon meeting the dollar threshold (pg. 13) or deciding to form a committee, use the following steps to stay in compliance with the MEC:

- Select a committee name incorporating the last name of candidate (if a candidate committee).
- Select a treasurer who is a resident of the district or county in which the committee sits. Committee may also have a deputy treasurer. Candidate can serve as treasurer.
- Open an official committee bank account using the name of the committee as registered with the MEC.
- Complete the *Statement of Committee Organization* and submit to the MEC. NOTE: Local campaign committee for ballot measure, must mail *Statement of Committee Organization* to local election authority (pg. 16).
- MEC filers should read **all** emails sent from the MEC to stay up-to-date on all filing deadlines.
- Research and establish a plan for proper record-keeping.
- Review contribution limits and restrictions on receiving and making contributions (pg. 24).
- Take advantage of the MEC's educational resources, found on the website.
- Review reporting calendars and add deadlines to a personal calendar that will send reminders. Print a copy of the Deadlines and Reminders for your specific election from the MEC website.
- File all required reports by the deadlines to avoid late fees.

### After the Election:

#### Unsuccessful Candidates:

- If the committee has more money on hand than debt, terminate within 30 days of the election and file a *Termination Report*. Close committee bank account, resolve debt, and disburse remaining funds.
- If the committee has more debt than money on hand, can amend to a Debt Service Committee.
- Unsuccessful incumbents should contact the MEC.

#### Successful Candidates:

- File a *30 Day After Election Report* **before** being sworn-in.
- May keep the committee open and amend to next election date on the *Statement of Committee Organization* form (may use committee funds for necessary and ordinary expenses for the duties of the office).
- Terminate the committee (optional).

## -Contribution Limits & Prohibitions-

### Restrictions on Contributions

The Missouri Constitution contains provisions that impose campaign contribution limits on candidates for state office. The Constitution provides additional provisions relating to contributions from corporations and labor organizations, contributions received by and made by campaign finance committees, and criminal penalties for violations of these provisions. Chapter 130, RSMo, contains campaign finance laws enacted by the General Assembly.

Office Sought:	Contribution Limit from a Single Donor or Committee:
Statewide Office (Governor, Lt. Governor, Secretary of State, State Treasurer, State Auditor, Attorney General)	\$2,650
State Judicial Officer	\$2,650*
State Senator	\$2,400*
State Representative	\$2,000*
Local Office	No Limit**
<p><i>*check the MEC's website for the most up-to-date contribution limits</i>  <i>**check with your political subdivision for local contribution limits</i></p> <p><b>A primary election and the succeeding general election are considered two separate elections. Contributions for the general election cannot be received until after the primary election (Advisory Opinion 2017.04.CF.012).</b></p>	

While the state contribution limits do not apply to local candidates, there are numerous provisions that apply to all candidate committees, including local candidates.

Candidate Committees CANNOT	Candidate Committees CAN
<ul style="list-style-type: none"> <li>• Accept from or make contributions to another candidate committee, including federal candidate committees</li> <li>• Make contributions to continuing committees (PACs)</li> <li>• Receive contributions from corporations (with some exceptions) and labor organizations directly</li> </ul>	<ul style="list-style-type: none"> <li>• Receive contributions from continuing committees (PACs) subject to contribution limits (if they apply)</li> <li>• Make contributions to political party committees</li> <li>• Receive contributions from political party committees</li> </ul>

# **-Contribution Limits & Prohibitions-**

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## **Contribution Limits to Political Parties**

Political parties may accept aggregate contributions of \$25,550 per election from persons or committees. The aggregate applies to the party committees at the state, county, municipal, district, ward, and township levels combined.

## **Contributions from Corporations and Labor Organizations**

A corporation or labor organization may establish a continuing committee (PAC) which may accept contributions or dues from members, officers, directors, employees, or security holders.

In Advisory Opinion 2017.03.CF.010, the Commission stated that a corporation or labor organization may not contribute its own treasury funds to its connected continuing committee (PAC); it may contribute its own funds to an unconnected continuing committee (PAC).

In Advisory Opinion 2017.07.CF.014, the Commission discussed connected organizations and how a corporation's status under the campaign finance laws is impacted under Article VIII, §23.

## **Contributions from Limited Liability Companies**

In Advisory Opinions 2017.02.CF.005, 2017.02.CF.006, and 2017.03.CF.009, the Commission discussed contributions from limited liability companies (LLCs) and foreign entities as follows:

- To the extent that a Missouri LLC is an “eligible entity” and elects to be classified as a corporation under the federal tax code, it is considered a “corporation” for purposes of Article VIII, § 23 of the Missouri Constitution. The same holds true for a foreign LLC to the extent it is an “eligible entity” and elects to be treated as a corporation by the Internal Revenue Service or has publicly-traded shares.
- An LLC with one corporate member/owner that has elected to be treated as a partnership and a disregarded entity under the Internal Revenue Code is subject to the ban on corporate contributions under Article VIII, § 23.3(3)(a).
- Continuing committees (PACs) may receive contributions from foreign corporations, associations, or partnerships, holding valid certificates of authority to do business in this state under Chapters 347 to 360, RSMo.



*For the most current information, refer to the **MEC's website**.  
Regularly check for **updates** and **Advisory Opinions**.*

## -Contribution Limits & Prohibitions-

<u>Committee Type:</u>	<u>PROHIBITED from Accepting Contributions from the Following:</u>
Candidate Committees (including Exploratory and Debt Service Committees)	<ul style="list-style-type: none"> <li>• Any natural person who is not a United States citizen</li> <li>• A foreign government</li> <li>• Corporations or labor organizations</li> <li>• Other candidate committees</li> <li>• Any federal or out-of-state PAC that is making a contribution in excess of \$1,500 and has not registered with the MEC* (General Assembly candidates are prohibited from taking any contributions from federal PACs that are not registered)</li> </ul>
Political Party Committees	<ul style="list-style-type: none"> <li>• Any natural person who is not a United States citizen</li> <li>• A foreign government</li> <li>• Corporations or labor organizations</li> <li>• Any federal or out-of-state PAC that is making a contribution over \$1,500 and has not registered with the MEC*</li> </ul>
Campaign Committees	<ul style="list-style-type: none"> <li>• Any natural person who is not a United States citizen</li> <li>• A foreign government</li> <li>• Any corporations that do not have authority to transact business in the State of Missouri</li> </ul>
Continuing Committees (PACs)**	<ul style="list-style-type: none"> <li>• Any natural person who is not a United States citizen</li> <li>• A foreign government</li> <li>• Political party committees</li> <li>• Candidate committees (including exploratory committees and debt service committees)</li> <li>• Campaign committees</li> <li>• Any corporations, associations, or partnerships that do not have authority to transact business in Missouri</li> <li>• Any federal or out-of-state PAC that is making a contribution in excess of \$1,500 and has not registered with the MEC*</li> </ul>

*\*See pg. 12 for additional information pertaining to contributions from federal or out-of-state PACs*

*\*\*See exceptions for a State Senate and/or House Committee designated by the party leader (Article VIII, §23.3(13)).*

### **Penalties**

Article VIII, §23 provides criminal penalties for violations of specific provisions. These penalties can be found in Article VIII, §23.5 and 6. In addition, §23.4 allows an individual to file a complaint with the MEC regarding a candidate alleged to be in violation of Article VIII, §23.3, within 60 days prior to the primary election until after the general election.

# Complaints and Investigations

3

## What does the MEC Investigate?

The MEC's statutory responsibilities include auditing disclosure reports and reviewing formal complaints for violations of:

- Campaign finance laws;
- Conflict of interest laws;
- Lobbying laws;
- Personal financial disclosure laws;
- A political subdivision's orders, ordinances, or resolutions relating to the official conduct of officials or employees, including constitutional provisions or state statutes; and
- Codes of conduct adopted by a department, division, state agency, and state institutions of higher learning.

Investigations are confidential and not available for public viewing. Only final actions are published on the MEC's website.

*See § 105.957 and § 130.054, RSMo for more information.*

### In this Section

- Requirements For Complaints
- Complaints Against Candidates
- Commission Final Actions



See [FAQs](#) on our website for more information.

# **-Complaints & Investigations-**

Any individual may file a complaint with the MEC if they believe there has been a violation of campaign finance disclosure laws, conflict of interest laws, lobbying laws, personal financial disclosure laws, or any order, ordinance, or resolution dealing with the official conduct of officials or employees. Once a complaint is filed, meeting all MEC requirements, a determination is made as to whether or not an investigation should take place.

## **Requirements for Complaints**

(§ 105.957.2, RSMo)

- All complaints must be in writing and must be notarized.
- A copy of the complaint will be provided to the alleged violator(s) within five days of receipt.
- A copy of the complaint form may be downloaded from the MEC's website at [www.mec.mo.gov](http://www.mec.mo.gov).

## **Limitations on Complaints Against Candidates**

(§ 105.957.3, RSMo)

- Within 60 days prior to the primary through the general election, the Commission can only accept a complaint on a candidate alleging violations relating to campaign finance disclosure law or PFD requirements.
- The Commission cannot accept any complaints against a candidate within 15 days of an election.
- The Commission may only accept a complaint alleging a candidate has violated Article VIII, § 23.3 within 60 days prior to the primary election until the general election.

## **Commission Final Actions**

(§ 105.961, RSMo)

- Final actions are public and posted on the MEC website.
- A hearing can be held if the Commission finds reasonable grounds that a violation of the law has occurred.
- A hearing is a legal proceeding in which respondents may be represented by legal counsel if they so choose.
- A respondent is found in violation when at least four members of the Commission find probable cause of a violation.
- The Commission can resolve cases by issuing joint stipulations of fact and law which serve as a settlement.



Search ***Commission Cases - Final Actions*** on our website.

# Conflict of Interest

4

## What is Conflict of Interest?

A conflict of interest is generally defined as a conflict between the private interests and the official responsibilities of a person in a position of trust (Merriam-Webster). The Commission enforces specific laws that define conflicts of interest for public officials and employees.

*See §§ 105.450-105.467, RSMo for more information*

### In this Section

- Overview
- Employment and Compensation
- Providing Service and Conducting Business
- Quid Pro Quo
- Use of Public Funds
- Governmental Nepotism



See [Conflict of Interest Guide](#) on our website.



# **-Conflict of Interest-**

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## **Overview**

Conflict of interest laws in Chapter 105, RSMo, generally prohibit personal financial gain for public or elected officials, their spouses, and/or dependent child(ren) by virtue of the office. These laws include restrictions on receipt of additional compensation via employment, providing services, or conducting business with a political subdivision, and influencing decisions which may result in financial gain.

## **Employment and Compensation**

(§ 105.454(1), RSMo)

As a general rule, an elected or appointed public official and certain employees of the state or a political subdivision cannot be employed in another capacity or position for the public entity in which they serve.

In addition, these officials and employees cannot be paid by a third party to influence a decision of either the state or political subdivision in which they serve.

## **Providing Services and Conducting Business**

(§ 105.454(2), RSMo)

An official or employee may not provide services for, or sell, rent, or lease property to the subdivision\* in an amount over \$500 per transaction or \$5,000\*\* per year, unless public notice and competitive bidding occurs AND the awarded bid (if to the official) is the lowest bid received.

\*Pursuant to § 105.454.2, RSMo, restrictions apply to public officials and employees of school districts.

\*\*Pursuant to § 105.456, RSMo, for legislators and statewide elected officials, the annual limit is \$1,500.

# -Conflict of Interest-

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## Quid Pro Quo

(§ 105.452, RSMo)

Public officials and employees of the state or any political subdivision may not act or refrain from acting by reason of any payment, offer to pay, promise to pay, or receipt of anything of value to themselves or any third person. This includes any gift or campaign contribution made or received in relationship to or as a condition of the performance of an official act.

In addition, elected or appointed officials or employees of any political subdivision may not offer, promote, or advocate for a political appointment in exchange for anything of value to any political subdivision.

## Use of Public Funds

(§ 115.646, RSMo)

No contribution or expenditure of public funds can be made by an officer, employee, or agent of a political subdivision to advocate, support, or oppose any ballot measure or candidate for public office.

This does not prohibit the public official of a political subdivision from making public appearances or issuing press releases about a ballot measure.

## Governmental Nepotism

(Mo. Const. Art. VII, Section 6)

The Missouri Constitution prohibits any public officer or employee who, by virtue of their office or employment, names or appoints to public office or employment any relative within the 4th degree by consanguinity (blood) or affinity (marriage/adoption). **The penalty for violation is automatic forfeiture of office, enforced by the county prosecutor or the Attorney General.**

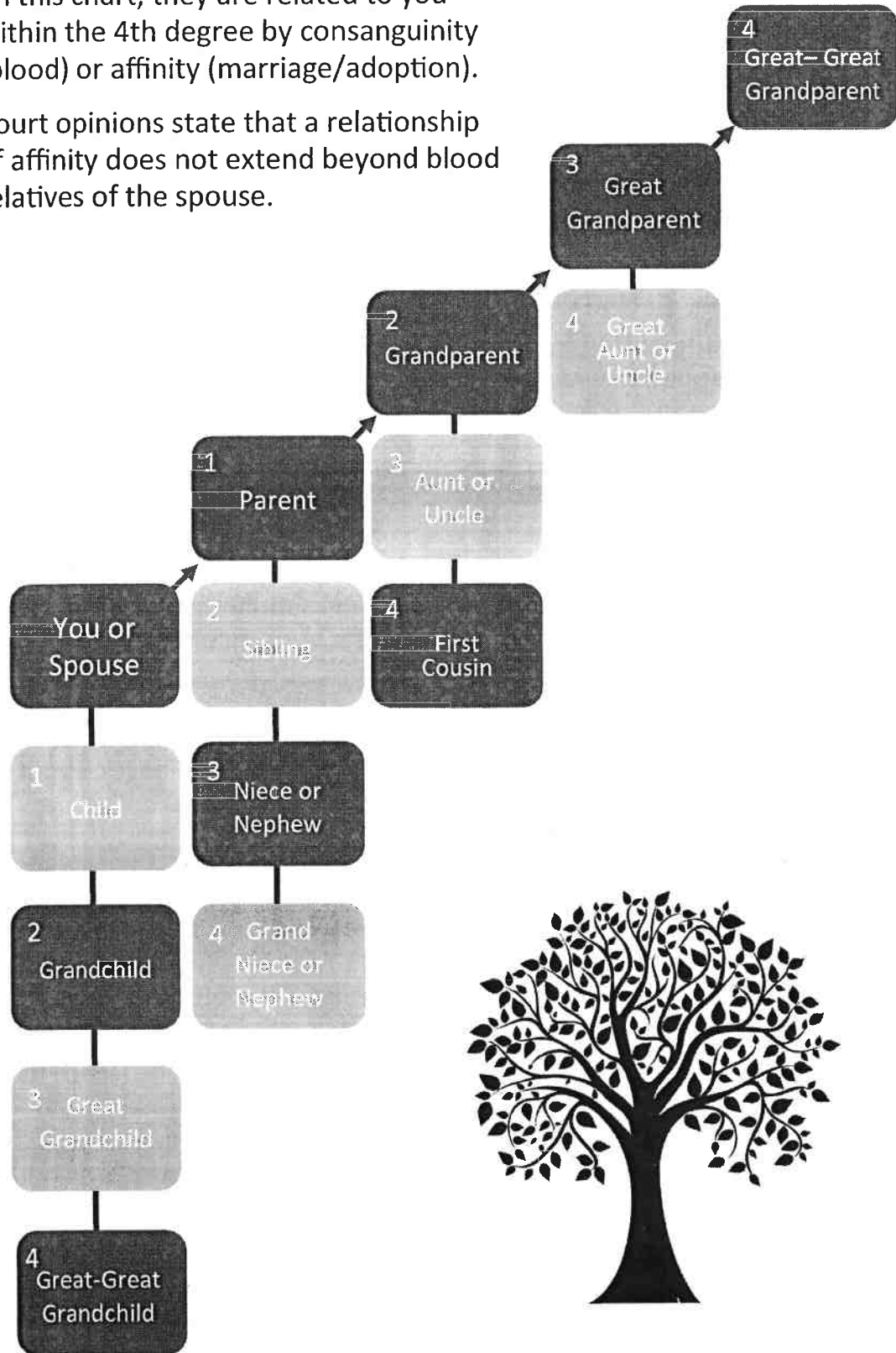
*Note: In addition to the Missouri Constitution, political subdivisions may have their own ordinances or policies and procedures regarding nepotism. Always consult the political subdivision to ensure all state and local conflict of interest laws are followed.*

# -Conflict of Interest-

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If you or your spouse's relative appears on this chart, they are related to you within the 4th degree by consanguinity (blood) or affinity (marriage/adoption).

Court opinions state that a relationship of affinity does not extend beyond blood relatives of the spouse.



# Lobbying

5

## Who is a Lobbyist?

A state lobbyist is an individual who attempts to influence state executive, state legislative, or state judicial actions; and meets one or more of the following:

- a) acting in the ordinary course of business; or
- b) engaged in pay as a lobbyist; or
- c) designated to act as a lobbyist by a person, business entity, governmental entity, religious organization, nonprofit corporation, association or other entity; or
- d) spends \$50 or more on behalf of public officials, annually.

An elected local government official lobbyist is an individual who is employed for the purpose of attempting to influence any action by a local government official elected in a county, city, town, or village with an annual operating budget of over \$10 million.

*See §§ 105.455, 105.470—105.478, and 130.097, RSMo for more information.*

### In this Section

- Lobbyist Requirements
- Reporting Expenditures
- Waiting Periods
- Additional Lobbyist Restrictions



See [FAQs](#) on our website for more information.

# -Lobbying-

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## Types of Lobbyists

(§ 105.470, RSMo)

There are four types of lobbyists:

1. Legislative lobbyist
2. Executive lobbyist
3. Judicial lobbyist
4. Elected local government official lobbyist

## Legislative Liaison

(§ 105.470 (5)(d), RSMo)

A legislative liaison is any state employee hired to communicate with members of the General Assembly on behalf of any elected official of the state; the judicial branch of state government; or any department, agency, board, or commission of the state, provided such entity is a part of the executive branch of state government. A legislative liaison is **not** a legislative lobbyist.

## Lobbyist Requirements

A lobbyist may register to lobby any or all branches of government.

Each lobbyist must do the following:

- Register annually with the MEC;
- Pay a \$10 annual registration fee;
- File monthly reports disclosing any monies spent on elected officials, their family, and/or staff (or a *Non-Expenditure Report*) and disclosing business relationships with public officials.

Failure to file the monthly reports results in a \$10 per day late fee.

A lobbyist may amend or terminate their status at any time.

## Lobbyist Principal

(§ 105.470(7), RSMo)

A lobbyist principal is any person, business entity, governmental entity, religious organization, nonprofit corporation, or association who employs, contracts for pay, or otherwise compensates a lobbyist. A lobbyist or lobbyist principal must file a *List of Principals and Legislative Action* report with the MEC by March 15 and May 30 of each year to disclose their interests to the public.

# -Lobbying-

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## Required Reports

(§ 105.473, RSMo)

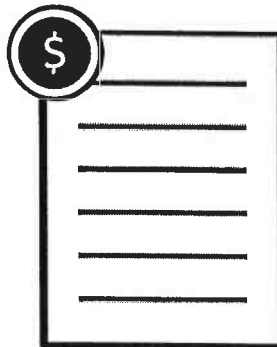
- Monthly reports filed electronically on or before the 10th day of each month.
  - Lobbyists report monies spent by the lobbyist principal and/or the lobbyist, including:
    - Printing and Publication
    - Media and Other Advertising
    - Travel
    - Entertainment
    - Honorariums/Gifts
    - Meals/Food/Beverages
    - Other
- List of Principals and Legislative Action Report

### **Important Note:**

Monthly expenditure reports **must be** filed, regardless of whether the lobbyist has expenditures to report.

## Restrictions on Lobbyist Gifts

The Missouri Constitution contains restrictions on lobbyist gifts for employees and members of the General Assembly. Visit the MEC's website for the most up-to-date details of these restrictions.



# -Lobbying-

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## Waiting Periods

- No member or employee of the General Assembly shall act or serve as a paid lobbyist until the expiration of two calendar years after the conclusion of the session in which the member or employee served. (MO Const. Article III, § 2(a))
- Any person that holds a statewide office of Governor, Lieutenant Governor, Secretary of State, Auditor, Treasurer, Attorney General, or serves in an office appointed by the Governor and confirmed by the Senate, cannot act, serve, or register as a lobbyist until six months after their term of office expires. These provisions do not apply to a person acting as a lobbyist for a state department or agency, even if paid. (§ 105.455, RSMo.)

## Additional Restrictions

Any person who registers as a lobbyist and also has a candidate committee must dissolve the candidate committee and disburse all money of the committee by:

- Returning a contribution to the person or entity making the contribution;
- Donating to a 501(c)(3) nonprofit entity; or
- Transferring funds to a political party committee. (§ 105.465, RSMo.)

No person who registers as a lobbyist can transfer funds from any committee such person controls to another committee controlled by a candidate or public official (Advisory Opinion 2016.08.L.001).

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*For updated information on lobbyist restrictions, refer to the **MEC's Advisory Opinions** on our website.*

# Educational Resources

6

## What resources does the MEC provide?

The MEC offers training in a variety of mediums to candidates, elected and public officials, legislators, lobbyists, and others wanting to learn about Missouri's ethics laws.

We offer free:

- Trainings/presentations for conferences and events
- County election authority training
- Webinars
- In-person regional training
- Self-guided tutorials

### In this Section

- Training Opportunities
- Webinars
- Tutorials
- Publications
- FAQs



Visit the **Educational Resources** page on our website to view the training schedule and more!



# -Educational Resources-

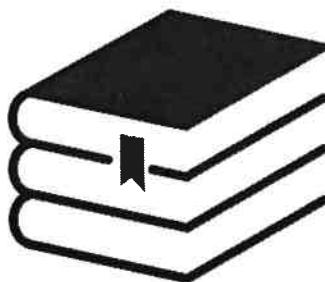
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## Flyers/Brochures

- Conflict of Interest Guide and Relationship Chart
- Guide to Personal Financial Disclosure
- Year at a Glance (Political Subdivision Calendar)
- Campaign Finance—Candidates/Committees
  - After Election Requirements and Debt Service Committees
  - Campaign Committees
  - Campaign Finance Q&A
  - Paid for by
  - Exempt Candidates
  - Fundraising Activity
  - Guide to Record-Keeping
  - Statement of Limited Activity Requirements
  - Terminating a Committee
  - Treasurer’s Guide for Campaign Finance
  - When to Form and Register a Committee
  - Upcoming Deadlines and Reminders (by election)

## Web Tutorials

- Lobbyist
- Ethics Overview
- Campaign Finance—Candidates/Committees
  - Paid for by
  - Candidate Reporting Requirements
  - Forming a Campaign Finance Committee
  - Supplemental Forms—paper filers
  - Following Campaign Money
  - E-filing
- Political Subdivision—Duties and Responsibilities with the MEC



# Connect



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Icon credits: "Report Document" by Alfredo Hernandez, "Column" by Intro Mike, "Laptop" & "Newsletter" by Rutmer Zijlstra, "Login" by Brennan Novak, "Calendar" by Lil Squid, "Deadline" by Stephen JB Tomas, "Court" by Aldric Rodriguez Iborra, "Document" & "Documents" by Abhishek Rana, "Suitcase" by Alexandr Razdolyanskiy, "Website" by Max Miner, and "Email" by Martha Ormiston. All works listed are from the Noun Project.

# Meet Our Commissioners

8

**Cheryl D.S. Walker, Chair**

Democrat

1st Congressional District

Term expires March 15, 2022

**Robert C. Cook**

Republican

4th Congressional District

Term expires March 15, 2024

**Sherman W. "Bill" Birkes, Jr,**

**Vice Chair**

Republican

7th Congressional District

Term expires March 15, 2022

**Helene J. Frischer**

Democrat

2nd Congressional District

Term expires March 15, 2024

**Wayne Henke**

Democrat

3rd Congressional District

Term expires March 15, 2022



# MISSOURI ETHICS COMMISSION

## Staff Contacts

**Elizabeth L. Ziegler** Executive Director

**Stacey Heislen** Assistant Director

**Betsy Byers** Director of Compliance & Education

**Laura E. Elsbury** General Counsel

## Contact Information

**Physical Address:** 3411 A Knipp Drive  
Jefferson City, MO 65109

**Mailing Address:** PO Box 1370  
Jefferson City, MO 65102

**Phone:** 800-392-8660  
573-751-2020

**Website:** [www.mec.mo.gov](http://www.mec.mo.gov)

**Help Desk:** [helpdesk@mec.mo.gov](mailto:helpdesk@mec.mo.gov)

**Twitter:** Follow us [@MOethics](https://twitter.com/MOethics)