

**Title 1—OFFICE OF
ADMINISTRATION
Division 50—Missouri Ethics Commission
Chapter 5—Committee Registration and Reporting**

EMERGENCY AMENDMENT

1 CSR 50-5.020 Registration Requirements for Committees Domiciled Outside the State of Missouri and Out-of-State Committees. The commission is amending sections (1), (2), and (4), inserting new sections (2) and (3), deleting section (5), and then renumbering the sections.

PURPOSE: This amendment clarifies the statutory and constitutional requirements imposed on federal political action committees, committees domiciled outside of this state, and out-of-state committees which make contributions or expenditures to support or oppose candidates or ballot measures in this state.

*EMERGENCY STATEMENT: This emergency amendment informs federal political action committees that make contributions or expenditures to support or oppose candidates in this state of the circumstances that require them to register and file reports with the Missouri Ethics Commission. Article III, Section 2(f) of the **Missouri Constitution** was recently amended to include a requirement that prohibits candidates for the General Assembly from accepting contributions from any federal political action committee unless the committee files disclosure reports with the Missouri Ethics Commission. On August 1, 2019, Governor Parson called for a special election to fill vacancies in the House of Representatives. Consequently, this emergency amendment is necessary to protect the governmental interest of public disclosure as relates to campaign finance as some federal political action committees may wish to contribute to candidates in the November 5, 2019 election, but those committees may not realize whether and when registration and disclosure are required. This emergency amendment follows procedures calculated to assure fairness to all interested persons and parties under the circumstances and follows procedures that comply with protections extended by the **Missouri** and the **United States Constitutions**. It is limited to the circumstances creating the required emergency action. The Commission has also filed a proposed amendment, which covers the same material, and which appears in this issue of the **Missouri Register**. This emergency rule was filed August 8, 2019, becomes effective August 18, 2019, and expires on February 27, 2020.*

(1) Committees domiciled outside the State of Missouri and out-of-state committees [*which meet the conditions of section 130.021.10, RSMo*] shall be required to register as a Missouri continuing committee/political action committee with the commission[.] **when contributions from Missouri residents exceed twenty percent of the total dollar amount of all funds received by the committee in the preceding twelve (12) months.**

(2) Committees domiciled outside the State of Missouri and out-of-state committees shall be required to register as a Missouri continuing committee/political action committee with the commission when the aggregate of all contributions and expenditures made by the committee to support or oppose candidates and ballot measures in Missouri exceeds one thousand five hundred dollars during a calendar year.

(3) Notwithstanding the requirements in (1) and (2), federal political action committees shall be required to register as a Missouri continuing committee/political action committee with the commission when contributions are made to a candidate for the Missouri General Assembly.

(4) [(2)] Committees falling within the requirements of section (1), (2), or (3) shall be required to—

(A) Appoint a treasurer who is a resident of the State of Missouri;

(B) Have a single official fund depository within the State of Missouri as defined in section 130.021.4(1), RSMo and shall maintain at least one (1) official depository account in the committee's name; **and**

[(C) *Include the words "federal committee" in the committee name in order to identify themselves as a federal political action committee under Mo. Const. Art. VIII, section 23.3(12); and*

(C) [(D)] File a statement of organization identified as a continuing/political action committee no later than sixty (60) days prior to the election for which the committee receives contributions or make expenditures, and prior to making a contribution or expenditure in the State of Missouri.

(5) [(3)] A committee domiciled outside the State of Missouri or an out-of-state committee which does not meet the conditions of section 130.021.10, RSMo shall be required to comply with out-of-state reporting requirements under sections 130.049 and 130.050, RSMo.

(6) [(4)] Federal political action committees domiciled within the State of Missouri shall be required to follow the requirements of section (2) if they meet the definition of a continuing committee/political action committee under Mo. Const. Art. VIII, Section 23.7(6)(c) and Mo. Const. Art. VIII, Section 23.7(20); and section 130.011(10), RSMo.

[(5) *A federal political action committee meeting the requirements of this rule shall be considered a "federal political action committee" for purposes of contributing to Missouri continuing committees/political action committees pursuant to Mo. Const. Art VIII, Section 23.*]

(7) [(6)] Any committee required to file statements of organization under this rule shall be required to follow all reporting and recordkeeping requirements under Chapter 130, RSMo.

*AUTHORITY: **Mo. Const. Art III, Section 2(f)**, Mo. Const. Art VIII, Section 23.7(6)(c), [and] Mo. Const. Art. VIII, Section 23.7(20), and sections 105.955.14(7), 105.961.3, 130.011(10), 130.021.4, and 130.021.5, RSMo 2016.* Original rule filed Feb. 7, 2018, effective Aug. 30, 2018. Emergency amendment filed August 8, 2019, effective August 18, 2019, expires February 27, 2020. A proposed amendment covering this same material is published in this issue of the **Missouri Register**.*