

Missouri Ethics Commission
Personal Financial Disclosure
Frequently Asked Questions
UPD 8/17/2016

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Overview

1. **Question:** What statutes govern personal financial disclosure (PFD)?

Answer: Sections 105.483 through 105.492 RSMo.

2. **Question:** What is the purpose of filing a Personal Financial Disclosure?

Answer: The purpose of filing a Personal Financial Disclosure is to provide to the public information about a public official's, employee or candidate's financial interests. Historically, Personal Financial Disclosures have been used to disclose any potential conflicts of interest by a public official/employee. (Also known as a Financial Interest Statement.)

3. **Question:** Are Personal Financial Disclosures public records? (§105.491 RSMo)

Answer: Yes, the Missouri Ethics Commission provides copies of Personal Financial Disclosures upon written request. A copying fee is charged for most requests.

Who is Required to File & Where to File

1. **Question:** Who is required to file a Personal Financial Disclosure? (§105.483 RSMo)

Answer: Public officials and candidates for the following positions are required to file personal financial disclosures (including former officials/employees who served in the previous calendar year):

- Statewide office and designated staff
- Senators and Representatives
- New judicial candidates
- Incumbent Judges (except Municipal)
- Municipal Judges (if required by political subdivision)
- Certain state boards and commission members
- Certain employees of the state or political subdivisions of the state including those employees who are authorized to serve as the chief administrative officer, chief purchasing officer, general counsel (if employed full-time), or to promulgate or adopt rules and regulations
- Candidates and public officials in political subdivisions, where an ordinance has been adopted and filed with the Missouri Ethics Commission, that meet one or both of the following exceptions:
 - 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/transaction
 - The conflict of interest ordinance or resolution specifically requires the filing of a Personal Financial Disclosure.

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2. **Question:** Where does an individual file their Personal Financial Disclosure?
Answer: Required filers of a political subdivision, including annual filers (except sitting Judges), candidate filers, and newly appointed or employed filers, file with the Missouri Ethics Commission. If a political subdivision has an ordinance on file, filer must also provide a copy to the governing body of the political subdivision. Circuit & Associate Circuit Judges file with the Supreme Court.
3. **Question:** Does the Missouri Ethics Commission receive notification of the individuals required to file a Personal Financial Disclosure? (§105.955.18 & §105.958 RSMo)
Answer: Each year, the Missouri Ethics Commission requests a list of required filers from all designating agencies and/or political subdivisions with an annual operating budget over \$1 million dollars. Upon request, agencies are required to notify the Missouri Ethics Commission of individuals required to file. An individual should contact his agency or political subdivision with questions about being designated by the agency.
4. **Question:** What are the requirements for a Missouri legislator in filing a Personal Financial Disclosure? (§105.483 & §105.487 RSMo)
Answer: All legislators must annually file a Personal Financial Disclosure with the Missouri Ethics Commission on or before May 1st. Legislators who are currently candidates are required to file following the candidate filing deadlines.
5. **Question:** Does a school district superintendent have to file a Personal Financial Disclosure? (§105.483, §105.485.4 & §105.487 RSMo)
Answer: Yes, if the school district has an annual operating budget over \$1 million dollars *and* the Superintendent is considered the Chief Administrator or Chief Financial Officer of the school district. See Question #5 for information related to political subdivisions.
6. **Question:** If I am employed, appointed, or elected in a political subdivision am I required to file a Personal Financial Disclosure? (§105.483, §105.485.4 & §105.487 RSMo)
Answer: You should check with your political subdivision for filing requirements. Certain positions, designated by political subdivisions with an annual operating budget over \$1 million dollars, are required to file a Personal Financial Disclosure. The political subdivision may adopt a conflict of interest ordinance/resolution and file the ordinance with the Missouri Ethics Commission. The ordinance would identify the positions required to file.
7. **Question:** Do members of sewer boards have to file a Personal Financial Disclosure? (§105.483, §105.485.4 & §105.487 RSMo)

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Answer: Board members of a **metropolitan sewer district** authorized under Section 30(a) of Article VI of the Missouri Constitution are required to file Personal Financial Disclosures with the Missouri Ethics Commission. See Question #5 for information related to political subdivisions, including all other sewer districts.

8. **Question:** Are candidates for county office required to file a Personal Financial Disclosure? (§105.483, §105.485.4 & §105.487, RSMo)

Answer: Yes, candidates for county office, where the county has an annual operating budget over \$1 million dollars, are required to file Personal Financial Disclosures with the Missouri Ethics Commission, unless the county has adopted an ordinance or resolution. Candidates will receive notice of their requirements to file by their election authority when filing for office. Candidates must file by the deadline or they may be removed from the ballot.

Candidates should check with the county to determine if a conflict of interest ordinance or resolution has been adopted and filed with the Missouri Ethics Commission. The county can also provide what officials are designated as required to file and what penalties for failure to file (if any) may exist pursuant to the ordinance or resolution.

9. **Question:** Should an individual, required to file a Personal Financial Disclosure for more than one position, file multiple Personal Financial Disclosures? (§105.487 RSMo)

Answer: No, only one Personal Financial Disclosure must be filed within a calendar year. However, the Personal Financial Disclosure must be filed by the earliest deadline applying to that individual filer.

10. **Question:** Does an individual, required to file a Personal Financial Disclosure, receive any notification of the filing requirement? (105.958 RSMo)

Answer: Yes, candidates for public office receive notification of the filing requirement from their election authority (Notice to Candidate form) when they file for office. The Missouri Ethics Commission annually notifies, by January of the year the statement is due, other individuals who have been designated as required to file by their agency or political subdivision. In addition, state law requires the agency designating the individual as required to file to notify the individual of the designation.

11. **Question:** Where does an individual file their Personal Financial Disclosure?

Answer: Required filers of a political subdivision, including annual filers (except sitting Judges), candidate filers, and newly appointed or employed filers, file with the Missouri Ethics Commission. If a political subdivision has an ordinance on file, filer must also provide a copy to the governing body of the political subdivision. Circuit & Associate Circuit Judges file with the Supreme Court.

Candidate for Elected Office Filing Requirements

1. **Question:** Is a candidate for elective office required to file a Personal Financial Disclosure? (§105.487 RSMo)

Answer: Yes, no later than fourteen days after the closing date for filing for office in which the candidate seeks nomination or election. If the individual becomes a candidate after the candidate certification date, the Personal Financial Disclosure must be filed within fourteen days of the individual's nomination.

2. **Question:** Is a candidate running in a local election required to file a Personal Financial Disclosure? (Section 105.487 RSMo)

Answer: Yes, candidates running for public office in a political subdivision that has an annual operating budget over \$1 million dollars are required to file a Personal Financial Disclosure with the Missouri Ethics Commission, unless the political subdivision has adopted an ordinance or resolution. Candidates will receive notice of their requirements to file by their election authority (Notice to Candidate form) when filing for office. Candidates must file by the deadline or they may be removed from the ballot.

Candidates should check with the political subdivision to determine if a conflict of interest ordinance or resolution has been adopted and filed with the Missouri Ethics Commission. The political subdivision can also provide what officials are designated as required to file and what penalties for failure to file (if any) may exist pursuant to the ordinance or resolution.

3. **Question:** Once a candidate has filed a Personal Financial Disclosure, does the candidate have to file an amended statement if there are changes from the original? (§105.487 RSMo)

Answer: Generally, once a candidate has filed a Personal Financial Disclosure, the candidate is only required to file an amended report if changes have occurred from the information filed in the original Personal Financial Disclosure. An individual required to file a PFD because of his/her candidacy for office in a primary election, must amend the PFD, if there are any changes in financial interests, no later than the close of business on the Monday before the general election.

4. **Question:** Does a successful candidate in an August primary election need to file another PFD prior to the November general election? (§105.487(1) RSMo)

Answer: A candidate required to file a PFD because of their candidacy in a primary election is required to **amend** their PFD by the close of business on the Monday before the general election if they obtain any additional financial interests or have any changes

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in their existing financial interests since the filing of their last PFD. (Examples: acquiring new property, investments valued over \$10,000, travel paid for by a third (3rd) party, etc.)

5. **Question:** What is the time period a candidate for public office needs to report their information for the Personal Financial Disclosure? (§105.487 RSMo)

Answer: A new candidate should report information for the 12 months before the closing date of filing for candidacy. An incumbent candidate or a candidate who is also a required filer should report information from January 1 of the previous calendar year to the closing date for candidacy (may be longer than a 12 month period).

Political Subdivision Filing Requirements

1. **Question:** What is a political subdivision? (§105.450.8 RSMo)

Answer: A political subdivision is a district, sub district or special district of the state with taxing authority. Examples include: a county, city, town, village, township, school district, library district, public water supply district, road district, fire protection district, ambulance district, hospital district, health center, nursing home district and other districts formed (pursuant to Mo. Law) to provide limited, specific services.

2. **Question:** What information does a political subdivision have to report to the Missouri Ethics Commission? (§105.955.18 RSMo)

Answer: A political subdivision must report, each year, if its annual operating budget was over \$1 million dollars, whether it has adopted a conflict of interest ordinance/resolution, and who is required to file a Personal Financial Disclosure statement with the Missouri Ethics Commission.

🔗 See [Year at a Glance](#) (calendar for political subdivisions) on our website for more information.

3. **Question:** What money should be included in determining a political subdivision's annual operating budget? (Attorney General Opinion 174-90, pg 22)

Answer: A political subdivision's annual operating budget includes those revenues and expenditures involved in the actual day to day work of the political subdivision, meaning all general and special purpose funds, except debt service.

4. **Question:** Who, within a political subdivision, must file a Personal Financial Disclosure? (§105.485.4 RSMo)

Answer: The following are required to file if the political subdivision has an annual operating budget over \$1 million dollars:

- Elected officials
- Candidates for elected office

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- Chief administrative officer
- Chief purchasing officer
- General counsel (if employed full-time)
- Any official or employee authorized by the political subdivision's governing body to promulgate rules and regulations or vote on the adoption of rules and regulations

If the political subdivision adopts an ordinance or resolution, (§105.485.4 RSMo), at a minimum, the following must file:

- Chief administrative officer
- Chief purchasing officer
- A candidate, public official, or their relative (within the 1st degree by blood or marriage) who has conducted business or owns a substantial interest in a business that has conducted business with the political subdivision in excess of \$500/transaction

5. **Question:** Where do you file a Personal Financial Disclosure, if you are an individual designated as required to file by a political subdivision? (§105.485.4(4) RSMo)

Answer: Required filers of a political subdivision, including annual filers (except sitting Judges), candidate filers, and newly appointed or employed filers, file with the Missouri Ethics Commission. If a political subdivision has an ordinance on file, filer must also provide a copy to the governing body of the political subdivision. Circuit & Associate Circuit Judges file with the Supreme Court.

6. **Question:** What is the deadline for a political subdivision to pass an ordinance or resolution regarding financial disclosure? (§105.485.4 RSMo)

Answer: The ordinance or resolution must be adopted by the political subdivision's governing body biennially, at an open meeting, by September 15 of the preceding year. They must file a copy, certified by the political subdivision, with the Missouri Ethics Commission within 10 days of its adoption. The minimum requirements that must be contained in an ordinance are located in §105.485.4 RSMo. A [sample ordinance](#) can be found on the Missouri Ethics Commission's website.

7. **Question:** What information should the political subdivision put into an ordinance or resolution about financial disclosure? (§105.485.4 RSMo)

Answer: The political subdivision should consult with their attorney and can reference §105.485.4 RSMo. A [sample ordinance](#) can be found on the Missouri Ethics Commission's website. Please note that the minimum requirements outlined in statute for an ordinance do not include penalties. When preparing an ordinance, consider if the political subdivision wants penalties to apply to an individual failing to comply with the

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adopted ordinance (ex: non-filing/late filing as well as any disqualification from the ballot or public office). Any penalties that the subdivision is authorized to enforce should be established by the ordinance. Upon adopting the ordinance, the political subdivision becomes responsible for enforcing the ordinance and any penalties.

Disclosure Requirements

1. **Question:** Does a filer have to disclose information about their spouse or dependent children on the Personal Financial Disclosure? (§105.485.2 RSMo)

Answer: Yes, if the spouse is not separately filing a Personal Financial Disclosure. If the spouse is separately filing a Personal Financial Disclosure, the filer must disclose the spouse's name. All disclosures must include the filer's dependent children.

2. **Question:** Should campaign contributions be reported on the Personal Financial Disclosure? (§105.485.2(12) RSMo)

Answer: No, campaign contributions are not included as disclosure requirements. See also Question #3.

3. **Question:** What payments from a campaign committee, political party committee, candidate committee, continuing committee (political action committee/PAC), are required to be reported on the Personal Financial Disclosure? (§105.485.2(12) RSMo)

Answer: If the individual (or their spouse or dependent child) received payment from a campaign committee, political party committee, candidate committee, or continuing committee (political action committee/PAC) for goods or services provided, the payment should be reported. Section 105.485.2 (12) RSMo, also requires the individual to report any campaign committee, political party committee, candidate committee, or continuing committee (political action committee/PAC) payments received by corporations that are listed anywhere on the individual's Personal Financial Disclosure.

4. **Question:** What lodging and travel expenses are required to be reported on the Personal Financial Disclosure? (§105.485.2(9) RSMo)

Answer: Any travel outside of Missouri paid for by a third (3rd) person whether by gift or in relation to the duties of office. See Question #5 for exceptions.

5. **Question:** What lodging and travel expenses are *not* required to be reported on the Personal Financial Disclosure? (§105.485.2(9) RSMo)

Answer: The following lodging and travel expenses are *not* required to be reported:

- Travel within Missouri
- Paid in the ordinary course of business from an employer, sole proprietorship, or corporation where the person served as a director, officer, or receiver

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- Paid for by a person related in the third (3rd) degree, by blood or marriage
- Reported by the campaign or candidate committee of the person filing the Personal Financial Disclosure
- Personal travel that is not related to the person's official duties and not paid for by a lobbyist, lobbyist principal, member, officer, director, association, or entity employing a lobbyist

6. **Question:** Should money vested in a retirement plan, money contributed to an IRA or to a 401K/deferred compensation plan be reported on the Personal Financial Disclosure? (§105.485.2(5) RSMo)

Answer: No, money contributed to a qualified plan or annuity pursuant to the Employees' Retirement Income Security Act (ERISA) is not required to be reported.

7. **Question:** Which stocks, bonds, or other holdings should be reported on a Personal Financial Disclosure? (§105.485.2(2) & §105.485.2(5) RSMo)

Answer: List the following if owned by you, your spouse or dependent child(ren) during the time period covered on the statement. If the entity is a corporation listed on a regulated stock exchange, list the name only.

1. Name of any closely-held corporation/limited partnership (ownership of 10% or more); or
2. Name of any publicly traded corporation/limited partnership listed on a regulated stock exchange or automated quotation system (ownership of 2% or more); or
3. Name and address of any stock, bond or other equity interest (value of more than \$10,000)

EXCEPTIONS: ⇒ Interest in any qualified plan or annuity pursuant to Employees Retirement Income Security Act (ERISA). ⇒ **Members of state boards or commissions** uncompensated except for actual expenses or a per diem allowance do not have to report interest in publicly traded corporations or limited partnerships listed on a regulated stock exchange or automated quotation system.

8. **Question:** Does real property have to be reported on a Personal Financial Disclosure? (§105.485.2(4) RSMo)

Answer: Yes, list any real property owned by you, your spouse, or dependent child(ren), located in Missouri, other than personal residence, having a fair market value of \$10,000 or more in which such person held a vested interest (including a leasehold for a term of ten years or longer). Include the location by county, the sub classification for property tax assessment purposes, the approximate size and description of the major improvements and use for each parcel. If the property was transferred during the year covered by this statement, include the name and address of the parties involved.

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9. **Question:** What if the individuals filing cannot determine whether specific information should be included on the Personal Financial Disclosure? (§105.483-105.492 RSMo)

Answer: Consult §105.483 – 105.492 RSMo. There are no penalties for reporting more information than required by law. Contact the Missouri Ethics Commission at 800-392-8660 if further assistance is needed.

Filing

1. **Question:** Can I fax or email my Personal Financial Disclosure to the Missouri Ethics Commission? (§105.485.1 RSMo)

Answer: No, fax and email filings are not accepted.

2. **Question:** How can I file my Personal Financial Disclosure with the Missouri Ethics Commission?

Answer: Those individuals required to file a PFD, should first [request an MEC Online ID and Password](#); and then log-in to the [Personal Financial PFD E-Filing system](#) with the MEC Online ID and password sent to them. Filing electronically ensures delivery of the filing, without any mail delays. A completed PFD can also be mailed or hand-delivered.

3. **Question:** Where do I file if I am an official, officer, employee, or candidate of a political subdivision? (§105.485.4(4) RSMo)

Answer: Required filers of a political subdivision, including annual filers (except sitting Judges), candidate filers, and newly appointed or employed filers, file with the Missouri Ethics Commission. If a political subdivision has an ordinance on file, filer must also provide a copy to the governing body of the political subdivision. Circuit & Associate Circuit Judges file with the Supreme Court.

4. **Question:** What Personal Financial Disclosure should I file, the *Financial Disclosure Statement for Political Subdivisions* (short form) or the *Personal Financial Disclosure Statement* (long form)?

Answer: Individuals are required to file the *Personal Financial Disclosure Statement* (long form) unless their political subdivision adopted a conflict of interest ordinance or resolution that has been filed with the Missouri Ethics Commission. The ordinance or resolution must authorize the filer to file a *Financial Disclosure Statement for Political Subdivisions* (short form).

Individuals designated to file Personal Financial Disclosures for multiple positions must file a *Personal Financial Disclosure Statement* (long form) if any position requires the long form to be filed. The long form satisfies the filing requirement for all positions.

Filing Deadlines & Time Period Covered

- 1. Question:** What is the deadline & time period covered for filing a Personal Financial Disclosure for an individual **appointed** to a position, including a board or commission?

Answer: An individual appointed to a position is required to file their Personal Financial Disclosure within 30 days of the appointment date and their time period covered will be for the calendar year before the date of appointment. (Example: if appointed in 2014, will report from Jan 1, 2013 – Dec 31, 2013 and then will report for each year they hold the position).
- 2. Question:** What is the deadline & time period covered for filing a Personal Financial Disclosure for an individual **newly employed** in a required filing position? (§105.487(2) RSMo)

Answer: An individual hired for employment in a position designated as required to file a Personal Financial Disclosure must file their Personal Financial Disclosure within 30 days of their employment date and their time period covered will be for the calendar year before the date of employment. (Example: if hired in 2014, will report from Jan 1, 2013 – Dec 31, 2013 and then will report for each year they hold the position).
- 3. Question:** What is the deadline & time period covered for filing a Personal Financial Disclosure for a **candidate for public office**? (§105.487(1) RSMo)

Answer: No later than fourteen days after the filing closing date in which the candidate seeks nomination or election. If the individual does not become a candidate until after the certification date, the Personal Financial Disclosure must be filed within fourteen days of the individual's nomination. A new candidate should report information for the 12 months before the closing date of filing for candidacy. An incumbent candidate or a candidate who is also a required filer should report information from January 1 of the previous calendar year to the closing date for candidacy (may be longer than a 12 month period).
- 4. Question:** What is the deadline & time period covered for filing a Personal Financial Disclosure for an **individual who has been designated** by their employer as required to file and is not a candidate for elective office? (§105.487(3) & §105.487(4) RSMo)

Answer: The individual (also known as an annual filer) must annually file a Personal Financial Disclosure no later than May 1st. The PFD must be received no later than 5:00 p.m. on May 1st and/or postmarked by April 30th to be timely filed. The time period covered will be from Jan 1, to Dec 31 of the previous year (if no longer serving (former filer), enter time period served).

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Filing Penalties

1. **Question:** What happens if a candidate for public office does not file a Personal Financial Disclosure by the required deadline? (§105.492.2 RSMo)

Answer: The Missouri Ethics Commission notifies the election official who accepted the candidate's declaration of candidacy that the candidate is disqualified from being placed on the ballot. Section 105.492.2 RSMo, requires the official to remove the candidate's name from the ballot.

If the political subdivision has a conflict of interest ordinance or resolution on file with the Missouri Ethics Commission and the deadlines are not met, penalties (if any) are assessed by the political subdivision according to their ordinance. Please note that the minimum requirements outlined in statute for an ordinance do not include penalties. When preparing an ordinance, consider if the political subdivision wants penalties to apply to an individual failing to comply with the adopted ordinance (ex: non-filing/late filing as well as any disqualification from the ballot or public office). Any penalties that the subdivision is authorized to enforce should be established by the ordinance. Upon adopting the ordinance, the political subdivision becomes responsible for enforcing the ordinance and any penalties.

2. **Question:** What happens if an individual with an annual filing requirement fails to file a Personal Financial Disclosure? (§105.492.1 RSMo)

Answer: In addition to any late filing fees assessed, state law prohibits the person to be paid compensation until the Personal Financial Disclosure is filed. Failure by the individual to file a Personal Financial Disclosure 30 or more days after receiving notice from the Missouri Ethics Commission results in the individual being subject to suspension from office as provided by the law or constitution.

3. **Question:** What is the financial penalty for the late filing of a Personal Financial Disclosure? (§105.963(3) RSMo)

Answer: The late filing of a Personal Financial Disclosure results in a fee being assessed of \$10 for each day late. The Missouri Ethics Commission mails a certified notice to any person failing to file, informing the individual of the failure and the fees. Thirty days after the filer receives notice of the late filing, the fee increases to \$100 a day. Appeals of late fees can be filed with the Administrative Hearing Council (AHC).

4. **Question:** What if I was designated as required to file a Personal Financial Disclosure by the political subdivision I am employed with and I received no notification? Am I responsible for any late fees? (§105.963(3) & §105.958 RSMo)

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Answer: See answer to Question #3 regarding financial penalties assessed by the Missouri Ethics Commission. The Missouri Ethics Commission notifies each person, following §105.958 RSMo, who is designated by a political subdivision as required to file a Personal Financial Disclosure. The designating agency is also required to notify the individual that their name was submitted to the Missouri Ethics Commission as a designated decision-making public servant. Section 105.958 RSMo, states if the designating agency fails to make this notification they are responsible for any late filing fees assessed by the Missouri Ethics Commission.