

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

EMERGENCY RULE

1 CSR 50-5.010 Definitions

PURPOSE: This rule sets out the definitions of terms used in Chapter 1 CSR 50-5 of Missouri Ethics Commission to clarify registration and reporting requirements for certain types of committees.

EMERGENCY STATEMENT: The Commission requests an emergency rule to take effect August 8, 2018 in order to preserve the compelling governmental interest of regulating campaign finance laws related to the November 6, 2018 general election. The rule sets out the definitions of terms used in Chapter 1 CSR 50-5 of Missouri Ethics Commission to clarify registration and reporting requirements for certain types of committees.

Mo. Const. Art. VIII, Section 23.3 provides for contribution limits to certain candidates and aggregate contributions to political parties for any one election. Mo. Const. Art. VIII, Section 23.7(11) defines an election as “any primary, general or special election...” Section 130.041.2 (1), RSMo provides election cycles for candidates for purposes of determining aggregate contributions for a primary ending at 11:59 p.m. on the day of the primary election. Finally, Mo. Const. Art. VIII, Sections 23.7(6)(c) and 23.7(20) require that continuing and political action committees be formed no later than sixty days prior to the election for which the committee receives contributions or makes expenditures. The deadline for forming a continuing/political action committee is September 7, 2018. Because the rule will require federal political action committees to register and report with the State of Missouri if certain monetary thresholds are met, an effective date which begins with the election cycle for the November 6, 2018 general election will serve the compelling government interest of regulation of federal contributors and Missouri committees who wish to participate in the general election, and give federal political action committees appropriate time to meet the September 7, 2018 formation deadline.

The Commission filed an Order of Rulemaking with JCAR on April 30, 2018 with the same content as this emergency rule. The earliest date that rule will take effect is August 30, 2018, after the beginning of the general election cycle, and one week before the committee formation deadline to participate in the November general election.

This emergency rule follows procedures best calculated to assure fairness to all interested persons and parties under the circumstances, follows procedures which comply with protections extended by the Missouri and United States Constitution, and is limited to the circumstances creating the required emergency action by seeking an effective date to coincide with the beginning of an election cycle, and with sufficient time for federal political action committees which wish to participate in the November general election but will be required to register and report with the Commission to timely form and register with the Commission.

This emergency rule was filed April 30, 2018, becomes effective August 8, 2018 and expires on February 4, 2019.

(1) As used in this chapter, the following terms mean:

(A) Committee domiciled outside of this state - a campaign finance committee registered according to the campaign finance disclosure laws of a state, other than the State of Missouri, or as a federal political action committee, as defined in this rule, which is registered and reporting with the Federal Election Commission;

(B) Federal political action committee – a political committee under 52 U.S.C. 30101(4) that is not an authorized committee of a federal candidate under 52 U.S.C. 30101(6) or a federal committee of a national, state, or local political party under 52 U.S.C. 30101(4)(C), (14), or (15);

(C) Commission – The Missouri Ethics Commission;

(D) Continuing committee/Political action committee – a committee defined as a continuing committee under Mo. Const. Art. VIII, section 23.7(6)(c) and section 130.011(10), RSMo, and Mo. Const. Art. VIII, section 23.7(20), or a political action committee under Mo. Const. Art. VIII, § 23.7(20);

(E) Domicile – the address of a committee listed on a statement of organization as defined in section 130.026.6, RSMo; and

(F) Out-of-state committee - a campaign finance committee registered according to the campaign finance disclosure laws of a state, other than the State of Missouri, or a federal political action committee as defined in this rule, which is registered and reporting with the Federal Election Commission.

*AUTHORITY: section 105.955.14(7) and 105.961.3, RSMo 2016. A proposed rule covering this same material was published in the March 15, 2018 issue of the **Missouri Register**.*