

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

EMERGENCY RULE

1 CSR 50-5.020 - Registration Requirements for Committees Domiciled Outside the State of Missouri and Out-of-State Committees

PURPOSE: This rule clarifies and makes consistent the rules requiring committees domiciled outside the state of Missouri and out-of-state committees, including certain federal committees, to register and file campaign finance disclosure reports with the Missouri Ethics Commission. The rule also clarifies federal committees which qualify as federal political action committees for purposes of contributions to Missouri committees under the Missouri Constitution.

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.

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) 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.

(2) Committees falling within the requirements of section (1) 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 official depository account in the committee's name;

(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

(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.

(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.

(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.

(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 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. This

*emergency rule was filed April 30, 2018, become effective August 8, 2018 and expires on February 4, 2019. A proposed rule covering this same material was published in the March 15, 2018 issue of the **Missouri Register**.*