

BEFORE THE
MISSOURI ETHICS COMMISSION

Filed
DEC 12 2012
Missouri Ethics
Commission

MISSOURI ETHICS COMMISSION,)
)
Petitioner,)
v.) Case. No. 12E028
)
EARTH ISLAND INSTITUTE d/b/a)
RENEW MISSOURI,)
)
Respondent.)

**JOINT STIPULATION OF FACTS, WAIVER OF HEARING
BEFORE THE MISSOURI ETHICS COMMISSION, AND
CONSENT ORDER WITH JOINT PROPOSED FINDINGS OF FACT
AND UNCONTESTED CONCLUSIONS OF LAW**

The undersigned parties jointly stipulation to the facts and consent to the action set forth below.

The undersigned Respondent, Earth Island Institute, d/b/a Renew Missouri, acknowledges that it has received and reviewed a copy of the Complaint filed by the Petitioner in this case, and the parties submit to the jurisdiction of the Missouri Ethics Commission.

The undersigned Respondent further acknowledges that it is aware of the various rights and privileges afforded by law, including but not limited to: the right appear and be represented by counsel; the right to have all charges against Respondent be proven upon the record by competent and substantial evidence; the right to cross-examine any witnesses appearing at the hearing against Respondent; the right to present evidence on Respondent's behalf at the hearing; and the right to a decision upon the record of the hearing. Being aware of these rights provided to Respondent by operation of law, the undersigned Respondent knowingly and voluntarily waives each and every one of these rights and freely enters into this Joint Stipulation of Facts, Waiver of Hearing before the Missouri Ethics Commission, and Consent Order with Joint

Proposed Findings of Fact and Conclusions of Law, and agrees to abide by the terms of this document.

I.

Based upon the foregoing, the Petitioner and the undersigned Respondent jointly stipulate to the following and request that the Missouri Ethics Commission adopt as its own the Joint Proposed Findings of Fact and the Uncontested Conclusions of Law, as follows:

JOINT PROPOSED FINDINGS OF FACT

1. Earth Island Institute is a 501(c)(3) non-profit corporation based in Berkley, California. Earth Island Institute is registered with the Missouri Secretary of State to do business in Missouri as Renew Missouri. Unless otherwise indicated, throughout the remainder of this Complaint, "Renew Missouri" refers to Earth Island Institute doing business as Renew Missouri.

2. Pursuant to Section 105.961, RSMo, the Commission's staff has investigated a complaint filed with the Commission and reported the investigation's findings to the Commission.

3. Based on the report of the Commission's staff, the Commission determined that there are reasonable grounds to believe that violations of law occurred, and it therefore authorized a hearing in this matter pursuant to Section 105.961.3, RSMo.

4. On December 15, 2011, a sample sheet for a potential initiative petition was submitted to the Missouri Secretary of State. Renew Missouri assisted in drafting and developing this potential initiative petition.

5. On December 27, 2011, a similar sample sheet was submitted to the Secretary of State. Renew Missouri assisted in drafting and developing this potential initiative petition as well.

6. On January 17, 2012, after the two sample sheets were submitted to the Secretary of State but before the Secretary of State had issued an official ballot title certification for those sample sheets, Respondent Renew Missouri published, circulated, and/or distributed the printed matter, attached hereto as Exhibit A, by printing and distributing it to volunteers.

7. The printed matter included the statement: "Support the new Initiative on the November 2012 Ballot."

8. Earth Island Institute paid for the printed matter attached hereto as Exhibit A.

9. The printed matter attached hereto as Exhibit A did not contain a clear and conspicuous statement: "Paid for by Earth Island Institute d/b/a Renew Missouri, PJ Wilson, director, 910 East Broadway, Suite 205, Columbia, Missouri 65201."

UNCONTESTED CONCLUSIONS OF LAW

10. "Any person publishing, circulating, or distributing any printed matter relative to any candidate for public office or any ballot measure shall on the face of the printed matter identify in a clear and conspicuous manner the person who paid for the printed matter with the words "Paid for by" followed by the proper identification of the sponsor pursuant to this section." § 130.031.8, RSMo.

11. "[P]rinted matter' shall be defined to include any pamphlet, circular, handbill, sample ballot, advertisement, including advertisements in any newspaper or other periodical, sign, including signs for display on motor vehicles, or other imprinted or lettered material." § 130.031.8, RSMo.

12. "In regard to any printed matter paid for by a corporation or other business entity, labor organization, or any other organization not defined to be a committee by subdivision (9) of section 130.011 and not organized especially for influencing one or more elections, it shall be

sufficient identification to print the 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.” § 130.031.8(3), RSMo.

13. Under Chapter 130, RSMo, a “ballot measure” is:

any proposal submitted or intended to be submitted to qualified voters for their approval or rejection, including any proposal submitted by initiative petition, referendum petition, or by the general assembly or any local governmental body having authority to refer proposals to the voter. § 130.011, RSMo.

14. The process for a statutory initiative petition begins with the filing of a sample sheet with the Secretary of State. § 116.332.1, RSMo. The sample sheet must be in the same form in which it will be circulated for signatures. Id.

15. The Secretary of State, after approval of a summary statement, fiscal note, and fiscal note summary for the sample sheet, then certifies the official ballot title. §116.180.

16. Once this official ballot title is issued, it is attached to every circulated signature page for the petition, § 116.180.

17. Every signature page attached to the official ballot title must be in the same form as the original sample sheet submitted to the Secretary of State. § 116.332.1, RSMo.

18. Under Chapter 130, RSMo, a “campaign committee” is a committee “whose sole purpose is to support or oppose the qualification ... of one or more particular ballot measures,” § 130.011, RSMo.

19. Similarly, a committee “supporting or opposing a petition effort to qualify a measure to appear on the ballot” is required to file an initial disclosure report at least “fifteen days after the committee begins the process of raising or spending money” § 130.046.2(1),

RSMo.

20. Reading Chapter 130 consistently, Missouri law imposes campaign finance disclosure requirements based on objective, observable actions, not a person or committee's (unobservable) subjective intent.

21. Consequently, for purposes of determining when a potential initiative petition is a "ballot measure" under Section 130.011, RSMo, submission of a sample sheet to the Missouri Secretary of State is sufficient to indicate that an initiative petition is "intended to be submitted to qualified voters," regardless of Respondent's contention that initiative petition proponents may submit sample sheets to the Secretary of State for purposes other than ultimately qualifying an initiative petition for the ballot (for example, to influence legislation before the General Assembly), and that proponents may not develop actual intent to submit the proposal to voters until well after the sample sheet has been submitted to the Secretary of State.

22. The printed matter attached hereto as Exhibit A referred to a "ballot measure" as defined by Section 130.011, RSMo, because it states "Support the new Initiatives on the November 2012 Ballot," and because Respondent published, circulated, and distributed it after the sample sheet for the initiative petition had been submitted in final form to the Secretary of State.

23. There is probable cause to believe that Renew Missouri published, circulated, and distributed the printed matter attached hereto as Exhibit A without including a complete "paid for by" disclosure statement, thereby violating Section 130.031.8, RSMo.

II.

Based on the foregoing, the parties hereto mutually agree and stipulate that the following shall constitute the order entered by the Missouri Ethics Commission in this matter. This order

will be effective immediately upon the issuance of the Consent Order of the Missouri Ethics Commission without further action by any party:

1. The parties to this Joint Stipulation understand that the Petitioner will maintain this Joint Stipulation as an open and public record of the Missouri Ethics Commission.

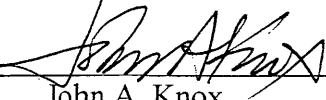

2. The Commission shall issue its Consent Order in the form attached hereto as Exhibit B.

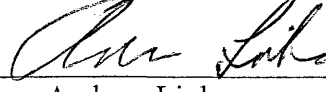
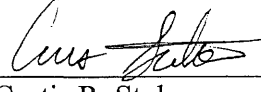
a. Respondent shall comply with all relevant sections of Chapter 130, RSMo.

b. It is the Order of the Missouri Ethics Commission that a fee is imposed against Respondent Earth Island Institute, d/b/a Renew Missouri in the amount of \$100.00, pursuant to Section 105.961.4(6), RSMo. The fee will be paid by check or money order made payable to the Missouri Ethics Commission and sent to the Missouri Ethics Commission at the time of execution of this Joint Stipulation.

RESPONDENT EARTH ISLAND
INSTITUTE d/b/a RENEW MISSOURI

PETITIONER MISSOURI ETHICS
COMMISSION

By:  Nov. 27, 2012 By:  12/12/12
John A. Knox Date Julie A. Allen Date
for Renew Missouri Executive Director
Earth Island Institute

By:  Dec. 4, 2012 By:  Dec. 12, 2012
Andrew Linhares Date Curtis R. Stokes Date
Attorney for Respondent Attorney for Petitioner

The Power to the People Initiative will increase Missouri's renewable energy to 25% by 2025, build our economy, develop new industries and create jobs that can't be exported.

Support the new Initiative on the November 2012 Ballot.

Creating jobs that can't be exported

- Increasing Missouri's use of renewable energy will help create Missouri jobs, manufacturing, installing and maintaining clean energy projects, particularly in rural Missouri.
- This initiative will help us fundamentally change how we get our energy. Missouri spends \$1.3 billion each year to purchase coal from Wyoming. Investing this money in Missouri based clean renewable energy projects, including installation of solar panels and wind turbines, will boost our local economy.

Lowering costs through competition and choice

- Expanding our energy options by producing more renewables, like wind and solar, will create more competition and choices, diversify our energy supply, protect against price spikes and lower future energy costs.
- Capping costs at \$3 per month per household to all Missouri electric consumers is an effective way to secure our local energy supply, grow Missouri's economy and keep electric rates low.

Protecting ratepayers, fighting against rate increases

- The state's consumer advocate office is drastically underfunded in their efforts to lower consumers' utility bills, even though they have consistently saved ratepayers money on their bills every time utilities ask for a rate increase.
- The RES establishes adequate funding for the ratepayer advocates office who will save ratepayers millions more every time the utilities ask for a rate increase and also ensure Missouri makes it to 25% renewable energy by 2025.

Saving lives through healthier air and water

- Besides the huge economic benefits, producing renewable energy right here in Missouri will also reduce asthma and lung disease, give Missouri cleaner, healthier air and water and save lives.



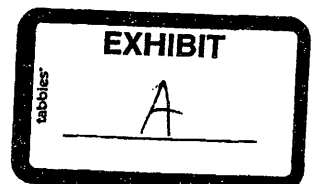
Renew Missouri

Advancing Efficiency and Renewable Energy

VOLUNTEER CONTACT: Carla Klein ~ Carla@RenewMO.org ~ (573) 239-5690

Renew Missouri is a project of The Earth Island Institute, a 501(c)3 nonprofit

Exhibit K



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**BEFORE THE
MISSOURI ETHICS COMMISSION**

MISSOURI ETHICS COMMISSION,)	
)	
Petitioner,)	
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v.)	
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EARTH ISLAND INSTITUTE d/b/a)	
RENEW MISSOURI,)	
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Respondent.)	

CONSENT ORDER

The parties having filed a Joint Stipulation of Facts, Waiver of Hearing before the Missouri Ethics Commission, and Consent Order with Proposed Findings of Fact and Conclusions of Law (“Joint Stipulation”) with the Missouri Ethics Commission in this matter, the Missouri Ethics Commission hereby accepts as true the facts stipulated and finds that Earth Island Institute d/b/a Renew Missouri violated Sections 130.031.8, RSMo, as stated in the Joint Stipulation.

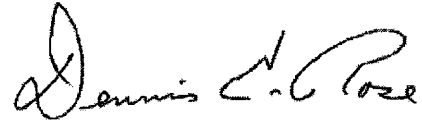
The Commission directs that all terms and orders of the Joint Stipulation be adopted herein and implemented.

1. Respondent shall comply with all relevant sections of Chapter 130, RSMo.

2. It is the order of the Missouri Ethics Commission that a fee is imposed against Respondent Earth Island Institute d/b/a Renew Missouri in the amount of \$100.00 pursuant to Section 105.961.4(6), RSMo.

SO ORDERED this 12th day of December,
2012

By:

A handwritten signature in cursive script that reads "Dennis C. Rose". The signature is written in black ink and is positioned above a horizontal line.

Dennis Rose, Chairman
Missouri Ethics Commission