



MISSOURI ETHICS COMMISSION

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Julie A. Allen

Executive Director

June 8, 2010

John Maupin
Eckenrode & Maupin
Attorneys At Law
PO Box 119
Jefferson City, MO 65102

Re: Case No. 10E037

Dear Mr. Maupin:

The Missouri Ethics Commission, considered at the June 4, 2010 meeting, the complaint filed against the Missouri Bar Association. The Commission reviewed the allegation of failure to report non-committee expenditures aggregating \$500 or more in opposition to a ballot initiative and failure to report internal dissemination costs in excess of \$2,000 where information disseminated advocated the defeat of the qualification or passage of a ballot initiative pursuant to Chapter 130, RSMo. The ballot initiative at issue is the 2010-071 relating to the Non-Partisan Court Plan.

From the facts presented, the Commission voted to dismiss this case. The investigation did not find that, at this point in time, the Bar has reached the monetary requirements for reporting under either statute.

In addition to the statutes cited below, Attorney General Opinion 54-90 (August 14, 1990) addresses issues of advocacy in support or opposition to ballot measures. Commission Opinion 1994.08.122 addresses when employer resources are considered in-kind expenditures, under the Campaign Finance Disclosure law.

Non-committee Expenditures Opposing Initiative Petition 2010-017

Section 130.047, RSMo., requires that any person who is not a defined committee who makes expenditures aggregating \$500 or more in opposition to the qualification or passage of one or more ballot measures shall file a non-committee expenditure report, signed by the person making the expenditures. The definition of an expenditure under Section 130.011(16)(e)(b), RSMo., does not include the internal dissemination of information by any membership organization. The items at issue for this reporting requirement are, therefore, items which are provided for the general public, and not merely for members. This report is due to be filed no later than 14 days after making expenditures aggregating \$500 or more. The statute does not include a calendar year deadline for the aggregating of expenditures.

The following items were either published or paid for by the Bar:

- Brochure: *Voting for Missouri's Judges*
- Brochure: *Speak Up for Missouri Courts*
- Radio and television materials distributed through the Missouri Broadcasters'

Association's Public Education program

- Power point presentations, including The Non-Partisan Court Plan available on the Missouri Bar Website with a link entitled *Message Map and Talking Points*.

Considering the style, tenor and timing of the materials and the costs associated with these materials, the Commission found that the Bar had not yet reached the monetary threshold of \$500, which would require the filing of this report of expenditures opposing Initiative Petition 2010-071. At the point that the Bar reaches the cost threshold of \$500 for expenditures opposing Initiative Petition 2010-071, it will be necessary for the Bar to file a Non-Committee Expenditure Report under Section 130.047, RSMo.

Internal Dissemination of Materials Opposing Initiative Petition 2010-017

Section 130.048, RSMo., requires the reporting of costs of internal dissemination, by a membership organization or any association or entity, of information advocating the defeat of a ballot measure, which is more than \$2,000 in a calendar year.

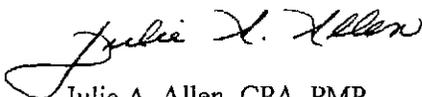
The following items were either published or paid for by the Bar for internal dissemination:

- *ESQ* - a weekly e-mail disseminated to Bar members
- *2009-2010 Communications Strategy of The Missouri Bar* - distributed in October 2009 to Bar leadership
- *2008-2009 Communications Strategy of The Missouri Bar* - distributed in October 2008 to Bar leadership
- Letter dated May 22, 2010 from Skip Walther, President of the Missouri Bar and mailed to the presidents of the various local bar associations across the state.

Considering the style, tenor and timing of the materials, and the costs associated with these materials, the Commission found that the Bar had not reached the monetary threshold of more than \$2,000, in a calendar year to date, which would require the filing of this report. At the point that the Bar reaches the cost threshold of over \$2,000 for information opposing Initiative Petition 2010-071, it will be necessary for the Bar to file an Internal Dissemination Report under Section 130.048, RSMo., for the calendar year 2010.

Because the investigation at this time did not show reasonable grounds for a violation of Chapter 130 the complaint filed against the Missouri Bar is dismissed.

Sincerely,



Julie A. Allen, CPA, PMP
Executive Director

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