



MISSOURI ETHICS COMMISSION

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James Klahr

Executive Director

July 1, 2015

Joshua Hawley
5215 E Highway 163
Columbia MO 65201

MEC No. 15-0018-I

Dear Mr. Hawley:

The Missouri Ethics Commission considered the complaint filed against you at its June 30, 2015 meeting. The complaint alleged that you, in violation of Chapter 130, RSMo, used the Missouri Liberty Project and the Missouri Forward Alliance, non-profit entities formed by you, to advance your candidacy for public office without registering a candidate committee with the Missouri Ethics Commission and filing campaign finance disclosure reports.

In alleging that you meet the definition of a candidate as defined in Section 130.011, RSMo of the Missouri campaign finance disclosure law, the complaint cites to your participation in numerous Republican Party events, such as Reagan and County Lincoln Days, in various venues across Missouri; public statements made to the press when asked about a potential candidacy; alleged notification about your possible candidacy to your current employer, the University of Missouri School of Law, as it could impact your position and teaching schedule; and a contractual relationship with J. Harris Company LLC. The complaint further alleges that material you distributed on behalf of the Missouri Liberty Project or Missouri Forward Alliance at various venues should have included a "paid for by" disclosure as required by Section 130.031.8, RSMo, because your participation at those events and distribution of materials was designed to promote your future candidacy.

Section 130.011(3), RSMo, defines the term "candidate" as an individual who seeks nomination or election to public office. The definition further provides that a candidate shall be deemed to seek nomination or election when the person first:

- (a) Receives contributions or makes expenditures or reserves space or facilities with intent to promote the person's candidacy for office; or
- (b) Knows or has reason to know that contributions are being received or expenditures are being made or space or facilities are being reserved with the intent to promote the person's candidacy for office; ...or
- (c) Announces or files a declaration of candidacy for office.

Sections 130.016.1 and 130.021.5, RSMo, establish a monetary threshold for registering a candidate committee, within 20 days, if aggregate contributions or expenditures exceed \$500, with no single contribution exceeding \$325.

Review of this complaint found no evidence of contributions received in support of candidacy for public office and you represented that neither you nor Missouri Forward Alliance solicited or expended any funds to promote candidacy for office. In addition, J. Harris Company LLC denied that

it engaged in any political campaigning or candidate promotion as part of its contracted services with Missouri Forward Alliance.

The investigation showed that the Missouri Forward Alliance d/b/a Missouri Liberty Project paid \$1,756.32 to the KC Marriott Downtown for a breakfast reception listed as "Missouri Liberty Project Reception w/Josh Hawley" in February 2015 at the Reagan Lincoln Days State Republican Conference. In addition to your attendance at this conference, you attended and spoke at 56 events across the state during 2014 and 2015, including 10 county Lincoln Day Events and the 2014 the Reagan Lincoln Days State Conference.

While the investigation established that you attended these events, including the Republican state conference in which the Missouri Forward Alliance paid over \$1,700 for the breakfast reception, you represented that you only accepted invitations on the understanding that you were not a candidate for public office, and specifically denied referring to yourself as a candidate or discussing candidates at these events. You represented that on a handful of occasions in which you were asked by individuals following presentations whether you would consider running for office in the future, you "simply stated that [you] are not a candidate and had made no decision about any future political candidacy."

The investigation found no other independent evidence that either you, or any third party, including J. Harris Company LLC, used these venues as a basis to also discuss your candidacy or potential candidacy for political office. The Complainant provided no direct evidence, nor has any direct evidence been produced, that your presence at these events was used as a means to promote your candidacy, either publicly or privately.

Your own statements to the press and a political blog, made in the same time period during which you attended the events outlined above, indicate that you have not decided if you are running for office. There was no evidence that conversations you have had to this point regarding your teaching status with the University of Missouri School of Law, by itself or when taken in consideration with the other evidence, indicates that you fall within the definition of "candidate" under Missouri law.

In sum, the Commission did not find that your presence at political events, responses to press inquiries, contractual relationship with a consultant, or your teaching status meets the standard to be considered a "candidate" as defined in Section 130.011, RSMo.

From the facts presented, the Commission finds no reasonable grounds exist to support a violation of Chapter 130, and is dismissing the complaint.

Sincerely,


James Klahr
Executive Director

Enclosure