MISSOURI ETHICS COMMISSION
PO Box 1370
Jefferson City, MO 65102
www.mec.mo.gov
(573) 751-2020 / (800) 392-8660

James Klahr
Executive Director

June 24, 2016

Janet Thompson
Boone County Commission
801 E. Walnut Room 333
Columbia MO 65201-7732

Re: File No. 16-0030-I

Dear Ms. Thompson:

The Missouri Ethics Commission considered the complaint filed against you and the Boone County Commission at its June 24, 2016 meeting. The Commission reviewed the allegation that the Commission violated Section 115.646, RSMo, when it posted two calendar items. One of the items, posted on the March 22, 2016 Commission calendar, identified a campaign event for a candidate for County Commission. The second item, posted on March 25, 2016 on the Commission calendar, listed an "End of Filing Party Event." That calendar item was updated on March 29, 2016 with an updated listing as "Democratic End of Filing Event."

Section 115.646, RSMo provides:

> No contribution or expenditure of public funds shall be made directly by any officer, Employee or agent of any political subdivision to advocate, support, or oppose any ballot measure or candidate for public office. This section shall not be construed to prohibit any public official of a political subdivision from making public appearances or from issuing press releases concerning any such ballot measure.

In reviewing this complaint, the Commission determined that the Boone County Commission in fact did have calendar appointments for both the campaign event on March 22, 2016 and the Democratic End of Filing Event on March 29. In response, the County Commission indicated that, in its efforts to comply with the Missouri Sunshine Law, it attempts to list all events at which Commissioners are planning to attend, even if certain events are not Commission business.

The Commission staff determined that, in the case of these two calendar items, there does not appear to be any specific language advocating for a particular candidate or ballot measure. While there was a March 22, 2016 calendar entry noting a campaign event for a candidate for the Boone County Commission, there is nothing in the calendar entry that appears to advocate for that candidate. With respect to the March 29, 2016 calendar entry listing the Democratic End of Filing Event, that entry does not advocate nor does it even mention a candidate nor ballot issue so it also is not in violation of Section 115.646, RSMo.

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The Commission finds no reasonable grounds to support a violation of Section 115.646, RSMo, and is dismissing the complaint. The Commission encourages the Boone County Commission to consult with legal counsel to consider alternative methods to make calendar items public in compliance with the Sunshine Law but which do not suggest to the public that the Commission is inappropriately advocating for a candidate or ballot measure.

Sincerely,

James Klahr 12/14/2016
Executive Director