



MEC
OPINION NO.

2006-09.104--3

STATE OF MISSOURI
MISSOURI ETHICS COMMISSION
P. O. BOX 1254
JEFFERSON CITY, MISSOURI 65102

573/751-2020
1-800/392-8660

September 8, 2006

Mr. Michael De Vries

Churches and Sections 130.047 and 130.048, RSMo.

At the September 8, 2006 meeting of the Missouri Ethics Commission, your request for an opinion was discussed. The following is the Commission's response to your questions:

Please advise whether, in the opinion of the Ethics Commission, churches and religious non-profits who take a position, express an opinion, or make a call to action regarding the proposed ballot initiative are required to report their expenditures. Please also indicate whether it matters that the communications are directed to members or attendees of the church, or if the communications are sent to the general public.

For example, if a church mails a newsletter to its members and one page of a 4-page newsletter mentions the ballot measure, and if the expenditure for the entire piece is over \$2000, is the church subject to the requirements of section 130.048?

If a church takes out an ad in a newspaper owned by the denomination and seeks to inform and educate its members about a Bible-based position on Amendment 2, is the church subject to the requirements of section 130.047 or .048?

The reporting requirements contained in Section 130.047 apply to "any person" as defined in Section 130.011(22). The requirements of Section 130.048 apply to "any membership organization, proprietorship, labor organization, corporation, association or other entity." Given the plain language of these statutes, "churches and religious organizations" fall within these definitions

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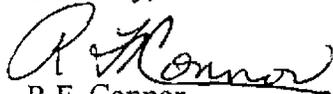
The specific reporting requirements depend on whether any dissemination advocating a position is external or strictly internal. The reporting requirements of Section 130.047 apply to "an expenditure or expenditures aggregating five hundred dollars or more in support of, or opposition to ...the qualification or passage of one or more ballot measures. The requirements of Section 130.048 apply to "[t]he internal dissemination by any membership organization, proprietorship, labor organization, corporation, association or other entity... of information advocating... the passage or defeat of a ballot measure to its members, employees or shareholders, the cost of which is more than two thousand dollars in support of or in opposition to... the qualification or passage of one or more ballot measures in a calendar year..."

Again, the answers to these questions would depend on a specific set of facts.

Is there any basis in prior decisions of the commission or in case law for an exemption for churches or religious organizations from such reporting requirements, under the First Amendment or otherwise?

The language of your question suggests that you are asking for an interpretation of law that is beyond the scope of the Commission's authority. This opinion is limited to an interpretation of Missouri law over which this Commission has jurisdiction.

Sincerely,



R.F. Connor
Executive Director

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NOTICE

Anyone examining this advisory opinion should be careful to note that an opinion of the Missouri Ethics Commission deals only with the specific request to which the opinion responded and only as to the law as it existed at the date of the response and cannot be relied upon for any other purpose or in any other manner.