



MISSOURI ETHICS COMMISSION  
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James Klahr  
Executive Director

September 12, 2016

**Advisory Opinion # 2016.09.CF.002**

At the September 12, 2016 meeting of the Missouri Ethics Commission, your request for an opinion was discussed.

**Opinion**

Pursuant to Section 105.955.16, RSMo, the Missouri Ethics Commission may issue a written opinion regarding any issue on which the Commission can receive a complaint pursuant to Section 105.957, RSMo. The Commission receives complaints alleging violation of the lobbyist reporting laws under Chapter 105, RSMo, and campaign finance laws under Chapter 130, RSMo. This opinion is issued within the context of Missouri's statutes governing such issues, and assumes the facts presented by you in your letter.

The question presented is:

*I request an official opinion from the commission as to the acceptable uses of a vehicle purchased by a candidate committee. The following uses are a representation of the daily needs for transportation for operation of a candidate committee.*

- 1. Constituent transportation - ride to polls, voter registration or volunteering*
- 2. Yard Sign location scouting, delivery and retrieval*
- 3. Candidate transportation to campaign events*
- 4. Official transport for execution of elective office*
- 5. Transport to and from donor meetings, fundraising events or prospecting new contributors*
- 6. Use as a mobile campaign office or mobile official state office*
- 7. Use by campaign staff or volunteers for field operations*
- 8. Use as a delivery vehicle for supplies to field staff and poll workers*
- 9. Use to transport constituents or other elected officials for the purpose of entertaining*
- 10. Use to tow a trailer for parades or other campaign related activities*

*Please provide an official opinion as to the legality and legitimacy of use according to MO Statute 130.034 of the aforementioned list.*

**Discussion**

The relevant portion of §130.034 provides as follows:

1. Contributions as defined in section 130.011, received by any committee shall not be converted to any personal use.
2. Contributions may be used for any purpose allowed by law including, but not limited to:
  - (1) Any ordinary expenses incurred relating to a campaign;
  - (2) Any ordinary and necessary expenses incurred in connection with the duties of a holder of elective office;
  - (3) Any expenses associated with the duties of candidacy or of elective office pertaining to the entertaining of or providing social courtesies to constituents, professional associations, or other holders of elective office;...

The statute clearly states that contributions shall not be converted for personal use. It then provides examples of allowable uses, relating both to candidacy and duties of a holder of elective office.

Of the ten possible uses of the vehicle you list in your question, eight of those appear to be ordinary expenses related to a campaign:

1. Constituent transportation - ride to polls, voter registration or volunteering
2. Yard Sign location scouting, delivery and retrieval
3. Candidate transportation to campaign events
- ...
5. Transport to and from donor meetings, fundraising events or prospecting new contributors
6. Use as a mobile campaign office or mobile official state office
7. Use by campaign staff or volunteers for field operations
8. Use as a delivery vehicle for supplies to field staff and poll workers
- ...
10. Use to tow a trailer for parades or other campaign related activities

Section 130.034.2(1), RSMo allows these uses in providing that contributions may be used for the purpose of ordinary expenses related to a campaign.

In example number 4, you list the committee's intent for the vehicle to be used for "official transport for execution of elective office." Section 130.034.2(2), RSMo allows this use in providing that contributions may be used for the purpose of any ordinary and necessary expenses incurred in connection with the duties of office." However, keep in mind that while [campaign] vehicles owned by the committee may be used for official use, any per diem received pursuant to Article III, §16 of the Missouri Constitution and §21.140, RSMo are paid to the officeholder individually rather than to the committee.

In example number 9, you list the committee's intent for the vehicle to "transport constituents or other elected officials for the purpose of entertaining." Section 130.034.2(3), RSMo allows this use in providing that contributions may be used for the purpose of any expenses associated with the duties of candidacy or of elective office pertaining to the entertaining of or providing social courtesies to constituents, professional associations, or other holders of elective office.

To the extent that all of the examples you provide fall within one or more of the categories relating to ordinary expenses incurred in a campaign, are relating to candidacy, or relate to an officeholder's elective office, they are permissible uses of committee funds. Because the vehicle was purchased by the committee, it is important to use the vehicle solely for authorized purposes and not for personal use.

You should consult §130.036, RSMo and the Commission's *Guide to Recordkeeping* for general guidance on expenditures relating to the vehicle, such as gas and maintenance. You should also consider a travel log as proof that the vehicle is being used for appropriate purposes.

Because the vehicle is property of the committee, it is important to comply with all registration and insurance guidelines for committee property, and not your personal property. If and when the committee terminates, it will be necessary to provide for and report the appropriate dissolution of committee property as provided in §130.021.8, RSMo. Section 130.034, RSMo provides guidance as to permissible uses of committee funds or assets at the time the committee terminates.

Sincerely,



James Klahr  
Executive Director