



MISSOURI ETHICS COMMISSION

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Elizabeth L. Ziegler
Executive Director

Final Action: MEC No. 18-0069-I, US Term Limits, Inc.; Missouri Senate Conservative Fund, James Thomas, Treasurer

Date: October 26, 2018

The Missouri Ethics Commission took final consideration of the complaint filed against US Term Limits, Inc., and Missouri Senate Conservative Fund, James Thomas, Treasurer at its October 26, 2018, meeting.

The complaint filed with the Commission alleged that US Term Limits, Inc. (USTL) made “earmarked” contributions to the Missouri Senate Conservatives Fund (MSCF) to be utilized to oppose candidate Harry Roberts in the Republican Primary Election for Senate District 34. It further alleged that because USTL intended the funds to oppose a candidate, it was required to form as a committee and file reports showing from whom the contributions were received. Alternatively, it is alleged that since USTL donated contributions to a PAC, they were effectively trying to avoid campaign finance disclosure laws: USTL’s donors could have given directly to MSCF, but such a contribution would have required donor disclosure.

USTL is a nonprofit corporation dating back to the early 1990’s and domiciled in Washington, D.C. It reported on its 2016 IRS Form 990 a mission to “advocate for term limits at all levels of government. MSCF is a continuing committee (PAC) registered in Missouri and represents itself as an independent expenditure only committee which does not make contributions to candidates.

MSCF reported the receipt of contributions totaling \$450,000 from USTL on its July 2018 campaign finance reports. It also filed direct expenditures reports that disclosed expenditures in opposition to the candidacy of Harry Roberts, among others.

USTL provided evidence that it has not received funds from any donor bearing instruction, or with any agreement, that the funds were to be spent in particular Missouri races, that USTL retained full discretion deciding whether and how to spend funds it receives, and that it did not make any instructions or enter into any agreement regarding how contributions made to MSCF were to be spent. The treasurer for MSCF also maintains that the committee received no contributions from USTL or any other donor that were “earmarked” for any particular efforts of the committee.

From the facts presented, the Commission found no reasonable grounds exist to support a violation of the Chapter 130, RSMo, by USTL failing to register as a committee and file reports, or that there was earmarking of donations to USTL, and dismissed the complaint.

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