



MISSOURI ETHICS COMMISSION
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Elizabeth L. Ziegler
Executive Director

June 3, 2019

Re: Advisory Opinion No. 2019.05.L.005

Dear

At the May 31, 2019 meeting of the Missouri Ethics Commission, your request for an opinion was discussed.

Opinion

Pursuant to § 105.955.16, RSMo, the Missouri Ethics Commission may issue a written opinion regarding any issue on which the Commission may receive a complaint as identified in § 105.957, RSMo. The Commission is expressly authorized to receive complaints alleging violations of constitutional provisions “relating to the official conduct of officials or employees of the state. . . .” § 105.957.1(6), RSMo. This opinion is issued within the context of Missouri’s laws governing such issues and assumes the facts presented by you in your letter.

The question presented and the Commission’s opinion is as follows:

With the prohibition on lobbying in Missouri, can a legislator lobby in another state immediately after serving in the legislature?

The prohibition you reference is found in Article III, Section 2 of the Missouri Constitution:

[N]o person serving as a member of or employed by the General Assembly shall act or serve as a paid lobbyist, register as a paid lobbyist, or solicit prospective employers or clients to represent as a paid lobbyist during the time of such service until the expiration of two calendar years after the conclusion of the session of the general assembly in which the member or employer last served. . . .

Even though it is difficult to precisely ascertain voter intent, it is reasonable to infer that this Constitutional prohibition aims – at least in part – to prevent former legislators from inappropriately influencing their colleagues in the General Assembly. Obviously, this concern is not present if the lobbying takes place outside of the State of Missouri.

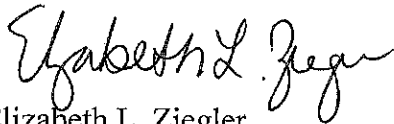
More importantly though, is recognition of the fact that the practice of lobbying within another state will be established and controlled by the laws of that state, just as Missouri’s lobbyists laws

regulate lobbying activities within the State of Missouri. In other words, the question of whether a person may be a lobbyist in a different state is a question that can only be answered by reference to the applicable laws of that state.

According to the Supreme Court of the United States: "Laws have no force of themselves beyond the jurisdiction of the state which enacts them. . . ." *Huntington v. Attrill*, 146 U.S. 657, 669 (1892). The Missouri Supreme Court has also long recognized this concept: "[I]t is well to remember that it is the settled law and almost axiomatic that the statutes of a state or country prescribe the law within its boundaries only, and have no extraterritorial force or effect." *Rositzky v. Rositzky*, 46 S.W.2d 591, 594 (Mo. 1931).

Accordingly, the Commission opines that Article III, Section 2 of the Missouri Constitution would not prevent you from lobbying in another state immediately after serving in the Missouri legislature.

Sincerely,



Elizabeth L. Ziegler
Executive Director