



# Missouri Ethics Commission

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## **MEC Advisory Opinion - 2024.10.CF.001**

Pursuant to §105.955.16, RSMo, the Missouri Ethics Commission (MEC or Commission) may issue a written opinion regarding any issue on which the Commission may receive a complaint. Section 105.957.1(1), RSMo and the Missouri Constitution, authorizes the MEC to receive complaints alleging violations of the requirements imposed on connected organization committees. The Commission issues this opinion within the context of Missouri's laws governing such issues, assuming only the facts presented and other such facts that are generally available to the public.

The questions presented and the Commission's opinion appear below.

*If a member of [a rural electric membership] cooperative serves on the Board of Directors of the continuing committee—and the cooperative does not expend funds or provide services or facilities to establish, administer or maintain the committee or to solicit contributions to the committee from its members, officers, directors, employees or security holders and more than fifty percent of the persons making contributions to the committee during the current calendar year are not members, officers, directors, employees or security holders of such organization or their spouses—will the continuing committee remain unconnected from the cooperative, despite the presence of a cooperative member on the Board of Directors for the committee?*

### **Relevant Missouri Statutes and the Missouri Constitution**

Pursuant to Mo. Const. Art. VIII, §23.7(6)(c-d) and §130.011(10-11), RSMo:

"Continuing committee", a committee of continuing existence which is not formed, controlled or directed by a candidate, and is a committee other than a candidate committee or campaign committee, whose primary or incidental purpose is to receive contributions or make expenditures to influence or attempt to influence the action of voters whether or not a particular candidate or candidates or a particular ballot measure or measures to be supported or opposed has been determined at the time the committee is required to file any statement or report pursuant to the provisions of this chapter. "Continuing committee" includes, but is not limited to, any committee organized or sponsored by a business entity, a labor organization, a professional association, a trade or business association, a club or other organization and whose primary purpose is to solicit, accept and use contributions from the members, employees or stockholders of such entity and any individual or group of individuals who accept and use contributions to influence or attempt to influence the action of

voters. Such committee shall be formed no later than sixty days prior to the election for which the committee receives contributions or makes expenditures[.]

"Connected organization", any organization such as a corporation, a labor organization, a membership organization, a cooperative, or trade or professional association which expends funds or provides services or facilities to establish, administer or maintain a committee or to solicit contributions to a committee from its members, officers, directors, employees or security holders. An organization shall be deemed to be the connected organization if more than fifty percent of the persons making contributions to the committee during the current calendar year are members, officers, directors, employees or security holders of such organization or their spouses[.]

### Analysis

As defined in Chapter 130, RSMo and the Missouri Constitution, an organization shall be deemed to be the connected organization of a continuing committee if more than fifty percent of the persons making contributions to the committee during the current calendar year are members, officers, directors, employees or security holders of such organization or their spouses. These organizations also expend funds or provide services to establish, administer or maintain the committee.

If a cooperative does not expend funds or provide services or facilities to establish, administer or maintain the committee or to solicit contributions to the committee from its members, officers, directors, employees or security holders and more than fifty percent of the persons making contributions to the committee during the current calendar year are not members, officers, directors, employees or security holders of such organization or their spouses, than the cooperative does not meet the definition of a connected organization as defined in Chapter 130, RSMo and the Missouri Constitution.

Finally, there are no laws preventing a cooperative member from serving on the Board of Directors of a continuing committee. In the alternative, a cooperative does not need to have a member on a Board of Directors for it to be considered a connected organization. The definition of connected organization does not specify who can serve on the Board of the Directors; therefore, a cooperative member can hold a position on the Board of a continuing committee without affecting the cooperative's status as a connected organization.

### **Conclusion**

A member of a cooperative may serve on the Board of Directors of a continuing committee without making the cooperative a connected organization, provided that the cooperative does not expend funds or provide services or facilities to establish, administer or maintain the committee or to solicit contributions to the committee from its members, officers, directors, employees or security holders and more than fifty percent of the persons making contributions to the committee during the current calendar year are not members, officers, directors, employees or security holders of such organization or their spouses.