

## MISSOURI

### Ethics Agencies

**1. Is there an ethics agency with the authority to conduct its own investigations, including public hearings and subpoena power?**

The Missouri Ethics Commission has jurisdiction to accept complaints and conduct investigations of alleged violations of the laws relating to lobbyists, the filing of financial interest disclosures, campaign finance reporting, codes of conduct, conflicts of interest, and any provisions, orders, or ordinances relating to the official conduct of officials or employees of the state and political subdivisions. [Mo. Rev. Stat. §§ 105.955\(14\); 105.957.1](#). The Commission may initiate investigations based on complaints, but also on a unanimous vote if there are “reasonable grounds” to believe that a violation may have occurred.” [MO. REV. STAT. §§ 105.955\(14\)\(1\), 105.959\(1\)](#). The executive director can also initiate an investigation if records submitted to the Commission give “reasonable grounds” to believe that a violation has occurred. [MO. REV. STAT. § 105.959](#). The Commission may issue subpoenas. [MO. REV. STAT. § 105.955\(15\)\(1\)](#). Commission hearings are not open to the public. [MO. REV. STAT. § 105.961\(3\)](#).

**2. Will the ethics agency accept anonymous complaints and is the ethics agency required to reveal the name of the complainant to the respondent?**

The Ethics Commission does not accept anonymous complaints. [MO. REV. STAT. § 105.957.2](#). The Ethics Commission is required to send a copy of the complaint, including the name of the complainant, to the respondent within five days of receipt. [MO. REV. STAT. § 105.957.2](#).

**3. Does the ethics agency have the ability to sanction, including personnel actions, injunctions, and fines?**

**Personnel Actions** – The Commission does not have authority to terminate employment – it may only determine whether there is probable cause that a violation occurred, and refer those findings to the appropriate disciplinary authority if at least four commission members vote accordingly. [MO. REV. STAT. § 105.961\(3\)](#), but may issue letters of reprimand. [MO. REV. STAT. § 105.961\(4\)](#).

**Injunctions** – The Commission may issue cease and desist letters and initiate formal judicial proceedings to enforce them. [MO. REV. STAT. § 105.961\(4\)](#).

**Fines** – Through reconciliation agreements or civil action, the Missouri Ethics Commission may assess fees not exceeding \$1,000 or double the amount involved in the violation. [MO. REV. STAT. § 105.961\(4-5\)](#).

**4. Are members of the ethics agency protected from removal from cause?**

Members of the Missouri Ethics Commission may be removed by the governor, with the advice and consent of the Senate, only for specified causes such as gross misconduct or neglect of duty. Members may also be removed by concurrent resolution of the general assembly signed by the governor. If the resolution receives the vote of two-thirds or more of the membership of both houses of the general assembly, the signature of the governor is not necessary. [MO. REV. STAT. § 105.955\(5\)](#).

## Gifts

### **5. Are elected and appointed executive branch officials and legislators prohibited from accepting gifts from high-risk sources (lobbyists, lobbyist’s principals, government contractors) in an aggregate of \$250 or more?**

Elected and appointed executive branch officials and legislators may not perform or refuse to perform any official act in return for anything of value, including a gift or campaign contribution. [MO. REV. STAT. §§ 105.452\(1\), 105.462\(1\)](#). In addition, executive branch officials and employees are prohibited from accepting gifts from lobbyists. [Exec. Order No. 18-10\(1\) \(Nov. 20, 2018\)](#); [Employee Code of Conduct, Missouri Office of Administration, 1, 1 \(2007\)](#). Members and employees of the General Assembly are prohibited from accepting, directly or indirectly, gifts from paid lobbyists and lobbyist principals in excess of \$5.00 per occurrence. [MO. CONST. ART. III, SECTION 2\(B\)](#).

### **6. Are elected and appointed executive branch officials and legislators prohibited from accepting gifts from persons other than high-risk sources in an aggregate of \$250 or more?**

Elected and appointed executive branch officials and legislators may not perform or refuse to perform any official act in return for anything of value, including a gift or campaign contribution. [MO. REV. STAT. §§ 105.452\(1\), 105.462\(1\), 105.462\(1\)](#). According to the General Counsel of the Commission, “Many state agencies and elected officials, including the judiciary, have their own internal policies prohibiting acceptance of gifts.” Email from Laura Elsbury (August 20, 2020).

### **7. Are elected and appointed executive branch officials and legislators required to publicly disclose the gifts that they receive?**

All elected officials and many high-level executive-branch appointees must file financial disclosure forms. [MO. REV. STAT. § 105.483\(1-12\)](#). The name and address of each source from which a person received gifts and honoraria that exceed \$200 from any source in a year must be disclosed. [MO. REV. STAT. § 105.485\(2\)\(8\)](#).

## Campaigns

### **8. Does the state require reporting of contributors to independent spenders?**

The name, address and occupation of a contributor to a political action committee and the date and amount of contribution must be reported to the Missouri Ethics Commission if the contributor has given at least \$100 to the committee. [Mo. Rev. Stat. § 130.041\(1\)\(3\)\(a\)](#). If a contribution is over \$500, a “reasonable effort” must be made to discover if the contributor is a contractor to the level of government to which the candidate is aspiring. [MO. REV. STAT. § 130.041\(3\)\(a\)](#).

According to a recent advisory opinion, a nonprofit corporation must register as a committee if it accepts contributions in excess of \$500 in a calendar year or in excess of \$250 for a single contributor, for the “primary or incidental purpose of influencing or attempting to influence the action of voters for or against the nomination or election to public office of one or more candidates or the qualification, passage or defeat of any ballot.” [James Klahr, Re: Advisory Opinion No. 2018.05.CF.004, Missouri Ethics Commission \(2018\)](#). Such a corporation would be subject to the same donor disclosure rules that apply to other committees. [MO. REV. STAT. § 130.041\(1\)\(3\)\(a\)](#).

There are no provisions requiring disclosure of beneficial owners of LLCs or funders of 501(c) organizations which contribute to independent spenders.

**9. Does the state require the disclosure of the payors of political advertisements or other electioneering communications to appear directly on the communication made through print media, broadcast media (TV, radio etc.), and Internet-based media (Facebook, Twitter, Google, and other online platforms)?**

Funders of ballot measures and independent expenditures are required to be identified on print media advertisements. [MO. REV. STAT. § 130.031\(8\)](#). Printed matter includes any pamphlet, circular, handbill, sample ballot, advertisement, advertisements in any newspaper or other periodical, sign, including signs for display on motor vehicles, or other imprinted or lettered material. [Mo. Rev. Stat. § 130.031\(8\)](#). Broadcast stations are required to identify sponsors of media advertisements “as required by federal law.” [MO. REV. STAT. § 130.031\(8\)](#). There are no requirements for Internet-based media disclosure. [Paid For By Requirements, Campaign Material Identification \(2019\)](#).

## **Legislators**

**10. Do legislators have to disclose client names as part of financial disclosure reports?**

All elected officials and many appointed officials must file periodic financial interest statements, but do not have to disclose client names. [MO. REV. STAT. § 105.483\(1\)–\(12\)](#); [MO. REV. STAT. § 105.485\(3\)](#).

## **Appendix: Sources of Law & Guidance**

### **Constitution**

[Missouri Constitution, Article III, Section 2\(b\) \(MO. CONST. ART. III, § 2\)](#)

[Missouri Constitution, Article III, Section 18 \(MO. CONST. art. III, § 18\)](#)

**Statutes**

[Chapter 105: Public Officers and Employees – Miscellaneous Provisions \(MO. REV. STAT. § 105.005 et seq.\)](#)

[Chapter 130 Campaign Finance Disclosure Law \(MO. REV. STAT. § 130.011 et seq.\)](#)

**Regulations**

[Exec. Order No. 18-10 \(Nov. 20, 2018\)](#)

**Guidance**

[\*The MEC Guide to Ethics Laws: A Plain English Summary\*, Missouri Ethics Commission \(2018\)](#)

[\*Employee Code of Conduct\*, Missouri Office of Administration \(2007\)](#)

[MEC Advisory Opinion No. 2018.05.CF.004 \(2018\)](#)

[James Klahr, Re: Advisory Opinion No. 2018.05.CF.004, Missouri Ethics Commission \(2018\)](#)

[Paid For By Requirements, Campaign Material Identification \(2019\).](#)