



JOHN R. ASHCROFT  
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STATE OF MISSOURI

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November 5, 2020

Auditor Nicole Galloway  
P.O. Box 869  
Jefferson City, MO 65102

Dear Auditor Galloway:

On September 9, 2020, my office received a complaint from Christopher Vas of Liberty Alliance (Liberty) alleging you violated Section 115.646, RSMo. On September 29, 2020, my office notified you that we had determined a further review was necessary. Section 115.646 states that:

No contribution or expenditure of public funds shall be made directly by any officer, employee or agent or any political subdivision to advocate, support, or oppose any ballot measure of candidate for public office. This section shall not be construed to prohibit any public official of a political subdivision from making public appearances or from issuing press releases concerning any such ballot measure.

It has been a common phrase, "*The Best Politics is Good Government*". I believe it is never wrong for political leaders to speak out on issues in which they have concern. However, the law can be violated when speaking out if done solely or predominately to support or oppose a candidate or ballot measure and public funds are used to do so.

I was unable to determine whether there was a violation of 115.646 without additional information because your op-ed published in the St. Louis Post Dispatch attacked Governor Parson instead of attacking House Bill 126. Thus, my office made a Sunshine law request for emails between your office staff discussing the publishing of the op-ed. On October 2, 2020, your office responded that because the request covered a substantial period, and may require review to determine if any of the records were closed or confidential, it would take your office 30 days to comply with our request.

Ultimately, your office provide my office with 32 pages of documents on the afternoon of Friday, October 30, 2020.<sup>1</sup> Had my office received these 32 pages, many of which are redundant, my office could have closed this matter sooner.

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<sup>1</sup> Although your cover letter providing us the documents, along with a tweet sent out by your office, indicated your office had provided or disclosed 138,000 pages of documents to my office, this statement is misleading. In a letter from your General Counsel Paul Harper dated September 17, 2020 (which was prior to our notification that we were going to conduct an investigation),

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After my office reviewed the documents to determine if public funds were used to support or oppose your candidacy for governor, I have determined there is no probable cause to believe you violated Section 115.646, RSMo, as alleged by Liberty. Therefore, I am closing this complaint.

Sincerely,

A handwritten signature in black ink, appearing to read "John R. Ashcroft". The signature is written in a cursive, flowing style.

John R. Ashcroft  
Secretary of State

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Mr. Harper claimed that Liberty had been harassing your office with Sunshine requests. Mr. Harper further indicated that Liberty had been provided "thousands" of documents and that those "records are available free of charge for anyone to review by going to <https://app.auditor.mo.gov.sunshinepostings/>". This link takes one to your website, which has 5 years' worth of Sunshine documents your office has provided individuals pursuant to requests under Chapter 610. This could not have been a response to our Sunshine request since it was sent prior to my office making a Sunshine request. Furthermore, this link was never mentioned in your office's October 2, 2020 letter responding to our Sunshine request.