

You can set requirements for advertising in your paper

You need to get familiar with Case.Net

Recent callers to the hotline have raised two questions relating to the Internet, so this month we'll address those. One is advertising related and one is news related, so read on.

First, are the campaign finance attributions required in political ads posted online?

Well, that's a VERY interesting question. The pertinent statute, Section 130.031.8, contains a wealth of words that relate to a print product, such as the following: publishing, printed matter, pamphlet, circular, handbill, advertisement, including advertisements in any newspaper or other periodical, sign, including signs for display on motor vehicles, or other imprinted or lettered material...

So, what does that mean in regard to the interpretation of this law. Does it apply only to the print product?

Well, interestingly enough, the Missouri Ethics Commission addresses that on its website. In its Q&A section you will find the following:

Do campaign material identification requirements (paid for by) also apply to internet information and/or websites? **Answer:** Section 130.031.8 RSMo. states, "any person publishing, circulating, or distributing printed matter relative to any candidate for public office or any ballot measure shall on the face of the printed matter identify ... the person who paid for the printed matter." Printed matter includes any pamphlet, circular, handbill, sample ballot, advertisements, and signs.

The Commission recommends that the campaign material identification requirements specified in Chapter 130 RSMo. be placed on any website pages

or information relative to a candidate or ballot measure on a website.

I say this means two things. First, remember that as a newspaper, you can set any advertising requirements for your advertisers you want, and if you are taking an ad for online advertising related to a ballot measure, you may mandate that attribution be included if the advertiser wants you to run the ad. On the other hand, if you inadvertently drop an attribution line in an online ad and are facing suit, let's talk. I'd say you might have a good defense there.



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The next issue deals with the use of Case.Net, the online case information website managed by the Missouri Office of State Courts Administrator and the Missouri Supreme Court. Some reporters who, frankly, have been blessed over the years with overly helpful court personnel, are being told they are now on their own in terms of finding information on cases.

I don't want to discourage you from maintaining that close relationship with your court clerks. We all know how important our sources can be to us. But if your clerk is overwhelmed and cannot be as helpful as in the past, it's time for you to take time to play with Case.Net and fully understand its capabilities. The Case.Net URL is <https://www.courts.mo.gov/casenet/base/welcome.do>.

From the comfort of your office, you can search on it for all cases filed on a certain day. You can see the numbers assigned to the cases and ask about what happened to any cases for which there seems to be a gap in the numbers.

If you are following a case, you can see when the hearing dates are from

the docket entries and the case schedule. If a criminal case you are following disappears, you know that likely there's either been a dismissal, a nolle prosequere, or a suspended imposition of sentence issued and the files have been closed since probation has been completed (the file must stay open after sentencing until the probation period is over). You are allowed to ask your clerk the "final disposition" and the clerk must provide that to you.

Of course, you also have access to all pleadings and judgments issued by the Missouri Supreme Court and the various Courts of Appeal on their websites, all from your desk.

Now, here's one other tip: If you have a case where you'd like to see the pleadings and you don't have an office near the courthouse, AND IF your county has begun electronic filing, you can go befriend your neighborhood lawyer and the odds are good that person has electronic access to all pleadings filed.

For example, because I have registered as an electronic filer, I have the ability to retrieve any pleading in any case in any county where electronic filing has begun. If there's an electronic file, a registered lawyer can review the pleadings.

While the public does not yet have that access due to security issues, perhaps you might find a friendly local lawyer who could help you out as a "source."

It's a wonderful resource for reporters, and I encourage you to spend time learning how to use the Case.Net system.

—Jean Maneke has been the legal hotline counselor for the Missouri Press Association for more than 20 years. MPA offers member newspapers the hotline at no charge for answers to questions about open meetings/records, libel, advertising and similar matters.

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