



OPINION NO.

1996.03.119

STATE OF MISSOURI
MISSOURI ETHICS COMMISSION
P.O. BOX 1254
JEFFERSON CITY, MISSOURI 65102

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March 25, 1996

COPY

At the March 12, 1996 meeting of the Missouri Ethics Commission, your request for an opinion was considered. The following is in response to your questions:

1. What is the current maximum amount individuals can contribute to my campaign for Prosecuting Attorney of Jackson County?

The maximum amount an individual can contribute to your campaign for Prosecuting Attorney is \$1,025 per election.

2. Can monetary contributions be received for the primary election and general election in one check? If yes, what, if any, accounting procedures should the campaign utilize to distinguish primary and general cycle contributions and/or expenditures? If no, may the campaign receive one check for the primary election and one check for the general election at the same time? What accounting procedures should the campaign utilize and how should the contribution be earmarked by the contributor? If the campaign may not receive two checks at one time, when is the first date the campaign may receive contributions for the general election?

The Commission stated that monetary contributions for the primary and the general election cannot be received in one check. Checks received must be deposited or returned within 5 days of receipt of the check. Therefore, you cannot receive two checks at the same time, with one check denominated as a contribution for the primary and the other as a contribution for the general election. Contributions for the primary are accepted up to the date of the primary election. Thereafter, checks received will be considered contributions for the general election.

3. What is the current maximum in-kind contribution for my campaign for Prosecuting Attorney of Jackson County? As in question #2, what accounting procedures should the campaign utilize to distinguish primary and general cycle in-kind contributions and may such contributions be co-mingled in any way?

The Commission stated that the maximum amount of in-kind contributions is the same as monetary contributions. The total of in-kind and monetary contributions cannot exceed \$1,025 per election from any one individual. Contributions received that are not spent in the primary are available for use in the general election.

The following is in response to your questions posed in your second letter of January 24, 1996.

1. Due to the recent ruling by the 8th Circuit in Shrink v. Maupin & Nixon, will 130.038 be enforced by the Missouri Ethics Commission?

The Commission stated that they will not enforce section 130.038, RSMo. I have enclosed a copy of MEC Opinion No. 96.03.118 for your information.

2. If 130.038 is not enforced and after an election remaining funds exist, may such funds be used in other elections?

Yes. The District Court stated in Shrink v. Maupin & Nixon that contributions given to a candidate shall be used by that candidate however that candidate sees fit and will not be limited to a specific election.

3. May a candidate committee or campaign committee transfer its remaining funds to another candidate committee or campaign committee? If yes, what, if any are the provisions for completing such a transfer?

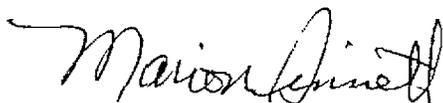
Yes. The method for transferring funds is described in section 130.034, RSMo.

4. In light of your recent answer to the question posed by CIP/GM, what documentation, if any, must a candidate committee keep as a record if a candidate committee received contributions in such a fashion, i.e. a series of earmarked contributions made by a continuing committee to a specific candidate?

The candidate should keep a record of all correspondence concerning such contributions. The candidate must also have the information required by section 130.120, RSMo.

If you have any further questions, please feel free to contact this office.

Sincerely,



Marion N. Sinnett
Administrative Secretary

MNS:bd
Enclosure

NOTICE

Anyone examining this advisory opinion should be careful to note that an opinion of the Missouri Ethics Commission deals only with the specific request to which the opinion responded and only as to the law as it existed at the date of the response and cannot be relied upon for any other purpose or in any other manner.