



MEC
OPINION NO.

2003.02.CI.102-2

COPY

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

573/751-2020
1-800/392-8660

February 25, 2003

At the February 24, 2003 meeting of the Missouri Ethics Commission, your request for an opinion was discussed.

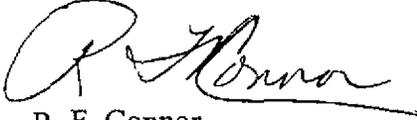
Your first inquiry asks whether the contribution limits found in section 130.032, RSMo would still apply if a local election authority enacted a public funding scheme similar to the federal laws regarding public funding in presidential elections. Your question assumes that a local election authority or political subdivision would be allowed by current Missouri law to enact a public funding scheme. The Commission does not reach that question, in part because it was not asked. Therefore, only for purposes of answering your question, the Commission assumes that the public financing scheme is authorized by Missouri law. If a public financing scheme were enacted, the contribution limits found in section 130.032, RSMo would apply to contributions from the election authority or political subdivision to any candidate. The language of section 130.032.1, RSMo provides that the limits stated in the statute apply to contributions by "any person" and the term "person" is defined in section 130.011(22), RSMo, to include an "entity of the state or any of its political subdivisions."

Your next inquiry asks whether the Missouri Ethics Commission has jurisdiction over allegations of violations of section 115.646, RSMo. The Commission believes that the court in Gerrard v. Board of Election Commissioners answered the question by finding that the Commission does have jurisdiction over violations of section 115.646, RSMo.

Lastly, you asked whether a member of the city council could vote on an ordinance authorizing public funding of local elections. The Commission believes that it would not be a violation of the conflict of interest laws for a member of a city council to vote on an ordinance affecting

public financing of future elections, provided that the financing scheme applied similarly to all candidates for a particular office.

Sincerely,



R. F. Connor
Executive Director

RFC:bd

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.