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

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

July 16, 2004

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.

At the July 15, 2004 meeting of the Missouri Ethics Commission, your request for an opinion was discussed. The following is the Commission's response to your questions:

1. Is there any prohibition whatsoever on a candidate loaning money to their own candidate committee?

It is clear under Missouri statutes and caselaw that there is no limitation on the amounts that a candidate may contribute to the candidate's own campaign. Therefore, if a loan is a contribution, there is no limit on the amount that a candidate may loan to his or her own campaign. Section 130.011(12), RSMo defines a contribution as, "A payment, gift, loan, advance, deposit, or donation of money or anything of value,..." Therefore, under the Missouri campaign finance laws, there is no limit on the amount that a candidate may loan to his or her own campaign.

2. Is there any interpretation of any existing law, regulation, or constitutional provision that would limit in any way the use of marital assets by a candidate in loaning money to their committee? (emphasis in original)

The language of your question suggests that you are asking for an interpretation of law that is beyond the scope of this Commission's authority. This opinion is limited to an interpretation of Missouri law over which this Commission has jurisdiction.

The use of the term "marital assets" in your question is confusing because that term is defined only in the context of legal actions related to marital separation and dissolution. See section 452.330, RSMo. Instead, it is more appropriate to examine the limitations on the use of funds held jointly between spouses, one of whom is the candidate, in the candidate's campaign. While there is no limit on the amount of a candidate's funds that may be contributed to that candidate's

own campaign, the separate funds of the candidate's spouse or family members are subject to the statutory contribution limits. Unlike some other states that make an exception to the contribution limits for members of a candidate's immediate family, there is no such exception in Missouri.

The Commission opines that there is no limit on the amount of funds that can be used if the candidate has an undivided full interest in funds. An example would be funds held with a spouse as tenants by the entirety or joint tenants. And, any funds held separately by a spouse are subject to contribution limits.

Sincerely,



R. F. Connor
Executive Director

RFC:bd

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