



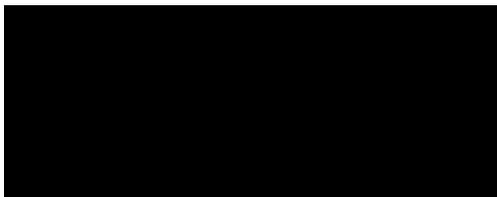
MEC
OPINION NO.

2008.04.CF.002

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

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

April 18, 2008



Re: Opinion No. 2008.04.CF.002



At the April 17, 2008 meeting of the Missouri Ethics Commission, your request for an opinion was discussed. The following is the Commission's Response to your questions:

A. *Are funds donated or expended for the purpose of influencing the outcome of post-election litigation (including election contest and recount proceedings) "contributions" or "expenditures" as defined in Sections 130.011(12) and (16), RSMo?*

B. *If funds donated or expended for the purpose of influencing the outcome of post-election litigation (including election contest and recount proceedings) are contributions, do the contribution limits in Section 130.032, RSMo apply?*

Sections 130.011(12) and (16), RSMo define contributions and expenditures in the context of the specific purpose of (1) "supporting or opposing the nomination or election of any candidate for public office," or (2) supporting "any committee supporting or opposing candidates." The definition of "candidate" is someone who "seeks nomination or election to public office," See Section 139.011(3); a committee uses funds to influence or attempt to influence "the action of voters for or against the nomination or election to public office of one or more candidates," See Section 130.011(7) RSMo; and an "election" is defined as the elections and political party caucuses where candidates are nominated, elected, or selected. See Section 130.011(15) RSMo.

NOTICE

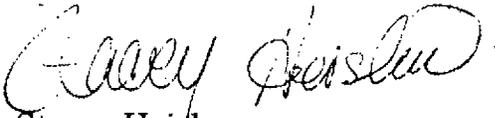
Anyone examining this advisory opinion should be careful to note that an opinion of the Missouri Ethics Commission deals only with the specific request to which the opinion responded and only to the law as it existed at the date of the opinion and cannot be relied upon for any other purpose or in any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

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As election contests and recount proceedings are by their very nature post-nomination and post-election proceedings, funds donated or expended solely for the purpose of influencing the outcome of post-election litigation do not fall within the definition of contributions and expenditures for purposes of Chapter 130. In as much as funds donated or expended for the purpose of influencing the outcome of post-election litigation are not contributions as defined in Section 130.011(12) and (13) RSMo, donations for such should not be made nor co-mingled with any committee funds.

Sincerely,



Stacey Heislen
Interim Executive Director

SH: ss

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.
