



OPINION NO.
1995.01.10a

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

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January 23, 1995

The Missouri Ethics Commission, at its January 17, 1995 meeting, discussed the questions posed in your December 8, 1994 letter.

1. Do the expenditure limits of section 130.052.4 apply separately to the primary and the general election? Under the provisions of Senate Bill 650, the expenditure limits of section 130.052 apply separately to the primary and the general election.

2. What constitutes status as an Agent for the Committee? The Commission stated that anyone who receives a contribution or makes expenditures on behalf of the candidate acts as an agent for that candidate. This agent is required to report to the candidate the specific information as to who gave the contribution, the date of the contribution, the amount of the contribution. Such action must be within 5 days of the receipt. I refer you to section 130.036.1 RSMo.

3. In section 130.011(10) defining a continuing Committee, do the words "whose primary purpose is to solicit, accept and use contributions from the members, employees or stockholders of such entity" refer to all of the entities described or simply the words "club or other organization."? The Commission stated in response to this question that the words "whose primary purpose is to solicit, accept and use contributions from the members, employees or stockholders of such entity" refers to all the entities described.

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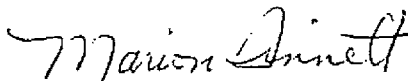
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4. Do candidate contribution limits of section 130.032 apply to expenditures of continuing committees which benefit the candidate? Do the limits apply separately to the candidate and the Committee or do they apply jointly to the candidate and the continuing Committee? In response to this question, the Commission stated that 130.032.3 limits the amount of money that those types of committees can contribute to the candidates described in 130.032.1. This does not restrict the contributions received by continuing committees. The Commission further stated that continuing committees shall be true continuing committees as defined by statute.

5. Do the continuing committee's expenditures, in favor of a candidate, count against the candidate's expenditure limit? The Commission stated that the candidate cannot be held liable for expenditures made by persons or organizations that are not controlled by the candidate. Continuing committees are allowed to spend funds in support of or in opposition to any candidate or ballot proposition. Other entities and organizations that are not committees are also allowed to expend funds; however those organizations must be aware of the reporting requirements contained in section 130.051.

If you have any other questions, please do not hesitate to contact this office.

Sincerely,


Marion N. Sinnett
Administrative Secretary

MNS: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.