



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

OPINION NO.  
1995.09.139

314/751-2020  
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COPY

October 2, 1995

At the September 19, 1995 meeting of the Missouri Ethics Commission, your request for an opinion was considered. The following is in response to your questions:

1. *Are candidates for offices for which the election cycle commenced prior to the passage of Proposition A subject to the provisions of that law through the general election of November 1996?* Proposition A became effective upon passage on November 8, 1994. Candidates for election in November, 1996 are subject to the campaign limitations in Proposition A. The election cycle for those candidates began November 8, 1994 and runs through the general election, November 5, 1996.
2. *Are contributions, legal when made and accepted, now illegal by reason of the newly applicable provisions of Proposition A?* Contributions made prior to November 8, 1994 are legal and do not count against the contribution limitations enacted on November 8, 1994.
3. *Are contributions made prior to November 1994, but during the 1992-1996 election cycle, to be counted against the aggregate contribution limits of the donors.* As stated above, contributions made prior to November 8, 1994 are not counted against the maximum allowable contributions the candidate may receive in an election cycle. Contributions made after November 8, 1994 are counted against the maximum allowable contributions the candidate may receive in an election cycle.
4. *Are "spend-down" provisions like those contained in S.B. 650 (1994) and Proposition A applicable at the present time to any funds held by candidates whose last campaign preceded the effective date of such provisions, (e.g., offices for which the election cycle is 1992-1996)? Under Proposition A, can a candidate ever be required to dispose of excess funds which were accumulated prior to the statute's effective date, or would such a requirement be invalid under Article 1, Section 13 of the Constitution of Missouri?*

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5. Do the "spend-down" provisions apply at the present time in any way to campaign funds now held by persons (or their committees) who might eventually file to become candidates for election in 1996 (whether to the same office for which they previously ran in 1992, or to a different office), if they last campaigned in 1992 for an office with a four year election cycle? (Or may the holders of such funds retain them in full until the statutorily specified times after the 1996 election, and only then dispose of their excess funds?)

The Commission declines to opine at this time because of the holding in Shrink MO PAC v. Maupin et al.

If you have any further 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.