

December 30, 1974

OPINION LETTER NO. 372
Answer by Letter - Klaffenbach

Honorable Donald L. Manford
Missouri Senate, 8th District
425 State Capitol Building
Jefferson City, Missouri 65101



Dear Senator Manford:

This letter is in response to your questions asking:

"(1) Is the new campaign reform law enacted by a referendum vote, applicable to primary and general election campaigns for city councilmen and mayors?

"(2) Are the spending limitations set forth in said new law also applicable to such candidates?"

Proposition No. 1, proposed by the initiative petition, respecting campaign financing and election practices was adopted by the voters at the last general election and by its terms becomes effective January 1, 1975, (Section 19).

The Missouri Elections Commission composed of six members is created and established by such initiated law, (Section 11). The Commission is given the duty of administering such law, (Section 12). The initiated law contemplates the appointment of attorneys by the Commission, (Sections 11, 12 and 13). Subsection 2 of Section 13 empowers and requires the Missouri Elections Commission to issue advisory opinions. Such subsection provides as follows:

"The commission is empowered to:

* * *

Honorable Donald L. Manford

"Issue, upon request, and publish advisory opinions upon the requirements of this act, based on a real or hypothetical set of circumstances."

It is our view that, in the absence of exceptional circumstances, this office should defer to the explicit authority given to the Commission to issue interpretations "upon the requirements of this act". While the Commission has not as yet been chosen it seems clear that the Commission is required to be chosen soon and that your question can then be appropriately addressed to such body under the provisions of subsection 2 of Section 13.

For the above reason we do not believe that your questions should be answered by an opinion of this office under Section 27.040, RSMo. We therefore respectfully decline to render an opinion on such questions.

Very truly yours,

JOHN C. DANFORTH
Attorney General