

INITIATIVE PETITIONS:) Corporations may contribute money to secure
ELECTIONS:) signers on initiative petitions for Consti-
CORPORATIONS:) tutional amendments.

February 24, 1940

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Honorable R. W. Holt
Commissioner of Finance
Jefferson City, Missouri

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Dear Mr. Holt:

This is to acknowledge receipt of your letter of February 12th in which you enclosed a letter from Mr. W. J. Bramman, President of the St. Louis Clearing House Association, in which an opinion is requested of this Department on questions set forth in his letter. We have had communications with persons interested in our opinion, and, after discussing the matter with them, will confine the request to question number three as set forth in Mr. Bramman's letter :

"May banks and other corporations contribute to the Missouri Institute for the Administration of Justice with the understanding that all such contributions shall be set aside in a separate fund and used exclusively for the purpose of securing signatures to initiative petitions?"

We understand from the letter, which we will not set forth in full, that the Institute for the Administration of Justice is a corporation organized by pro forma decree under the laws of Missouri as a voluntary, non-profit organization, whose avowed purpose is, as stated in its articles of association: "for the following purposes useful to the public; to promote, foster and improve the administration of justice." The Institute is now particularly interested in sponsoring an amendment to the Constitution of Missouri, which has for its purpose the providing

of a method for the selection of judges of our courts, different from the present method, and it is the desire of the Institute at this time to secure signatures to initiative petitions so that such a proposition may be placed on the ballot at the November Election this year.

Our attention has been directed to Section 10478, R. S. Mo. 1929, Mo. Sta. Ann. 5, page 3816, which provides in part as follows:

"It shall not be lawful for any corporation organized and doing business under and by virtue of the laws of this state, to directly or indirectly, by or through any of its officers or agents, or by or through any person or persons for them, influence or attempt to influence the result of any election to be held in this state, or procure or endeavor to procure the election of any person to a public office by the use of money belonging to such corporation, or by subscribing any money to any campaign fund of any party or person, * * * or to use or offer to use any power, effort, influence or other means whatsoever, to induce or persuade any employee or other person entitled to register before or vote at any election, to vote or refrain from voting for any candidate, or on any question to be determined or at issue at any election. * * *"

The section further provides for forfeiture of its charter or franchise for willful misuser thereof and such corporation shall be enjoined from transacting any business in this State. Although this particular section has been on the statute books since 1897 (Laws of Missouri, 1897, page 108), we do not find that any case has reached the appellate courts construing said section.

After a careful reading of the above section we do not believe that it was the intention of the Legislature to prohibit corporations from donating funds to the Institute, or other persons, for the purpose of defraying the expenses of obtaining signatures on an initiative petition to change the Constitution of Missouri, for the reason that it would not be the using of funds to influence or attempt to influence the result of any election held in this state nor would it be for the purpose of inducing or persuading any person entitled to vote at any election, to vote or refrain from voting on any question to be determined or at issue at any election. It is merely providing the funds to submit a constitutional amendment to the people, for its adoption or rejection.

It is, therefore, our opinion that banks and other corporations organized and doing business in Missouri, may donate funds to the Missouri Institute for the Administration of Justice for the purpose of enabling said Institute to defray the expenses of obtaining signatures for the initiative petition mentioned above, and in so doing would not violate the provisions of Section 10478, Revised Statutes of Missouri, 1929.

Very truly yours,

COVELL R. HEWITT
Assistant Attorney-General

APPROVED:

W. J. BURKE
(Acting) Attorney-General

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