

ELECTIONS: Candidates who filed for office and paid their filing
CANDIDATES: fee prior to October 13, 1963, as required by Section
FILING FEES: 120.350, RSMo 1959, need not pay an additional filing
fee as required by Section 120.350, RSMo Cum. Supp.
1963 in order to be eligible candidates.

Opinion No. 86

March 6, 1964



Honorable David Thomas
Prosecuting Attorney
Carroll County
Carrollton, Missouri

Dear Mr. Thomas:

This is in answer to your opinion request regarding an interpretation of Section 120.350, RSMo Cum. Supp. 1963. Your letter reads as follows:

"The question has arisen as to whether the provisions of 120.350 (1963) apply to persons filing for office prior to October 13, 1963 and paying the old fee of \$5.00. Two persons filed for county offices last January (1963) and paid the \$5.00 fee. Must they now pay an additional \$20.00?"

Section 120.350, RSMo Cum. Supp. 1963 reads as follows:

"1. Each candidate, except a candidate for a township office, previous to filing declaration papers, as in sections 120.300 to 120.650 prescribed, shall pay to the treasurer of the state or county central committee of the political party upon whose ticket he seeks nomination a certain sum of money, as follows:

(1) To the treasurer of the state central committee: One hundred dollars if he is a candidate for a state office, fifty dollars if he is a candidate for representative in congress, circuit judge or state senator;

(2) To the treasurer of the county central committee: Twenty-five dollars if he is a candidate for state representative or any county office.

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"2. The candidate shall take a receipt therefor and file such receipt with his declaration papers. The sums of money so paid by the several candidates shall be evidence of their good faith in filing their declaration papers and shall be used as an expense fund by the several political parties upon whose tickets the various candidates seek nomination."

As noted in your letter, Section 120.350, enacted by the 1963 legislature, became law on October 13, 1963. The sole issue presented by you is whether this statute is retroactive in its operation. There is no language in the statute itself purporting to make it retroactive or retrospective in its operation. This being so, this statute is prospective only and cannot affect those persons who filed for office prior to October 13, 1963. As expressed by the Missouri Supreme Court in the case of Clark Estate Company v. Gentry, 362 Mo. 80, 240 SW2d 124, 129 [6], cert. denied, 72 S. Ct. 109, 342 U. S. 868:

"The rule is that, in the absence of clear legislative intent to the contrary, the effect of statutes is prospective only. (Citing cases)"

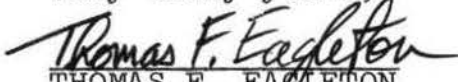
The statute in question here contains no language whatsoever indicating the legislative intent that this statute should be other than prospective in operation.

CONCLUSION

It is, therefore, the opinion of this office that those persons who filed for public office prior to October 13, 1963, and paid the filing fee required under Section 120.350, RSMo 1959, need not pay an additional filing fee required by virtue of Section 120.350, RSMo Cum. Supp. 1963 in order to be qualified candidates for public office.

The foregoing opinion, which I hereby approve, was prepared by my assistant, Robert D. Kingsland.

Very truly yours,


THOMAS F. EAGLETON
Attorney General