

# Missouri Supreme Court Strikes Down Portions of New Campaign Finance Law

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In a July decision resting largely on procedural issues, the Missouri Supreme Court reinstated the limits on campaign contributions to Missouri candidates that had been repealed by the legislature in 2006. As initially enacted, the bill repealed the general limits on contributions to candidates while prohibiting political parties from making any monetary contributions to candidates. With the limits restored, contributions to candidates for statewide office, state Senate, and the state House of Representatives are limited to \$1,275, \$650 and \$325 per election, respectively.

At the time the legislation was passed, supporters argued that the measure would increase transparency in the political process by requiring candidates to identify more donors to their campaigns on their reporting forms. Under the old system, the bill's proponents argued, contributors could give large sums of money to political parties, which in turn, could make unlimited contributions to individual candidates without identifying the original donor. Opponents disagreed, criticizing the bill as overturning the results of a campaign finance measure approved by voters in the 1990s. By eliminating the candidate contribution limits, the Democratic opposition argued that politicians would now be beholden to large contributors and special interests.

The Missouri Supreme Court's decision did not address the legal merits of the repeal, instead finding that the provision eliminating the contribution limits was inseparable from another provision held unconstitutional by a lower state court that prohibited certain candidates from accepting contributions during a legislative session. After reviewing the legislative history of the provisions in question, the

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court found that "the campaign contribution limits would not have been repealed without the coterminous enactment of the [legislative] black-out period."

Accordingly, despite the inclusion of a severability clause in the legislation, a unanimous state supreme court found that both provisions must be struck down.

With the new law invalidated and the contribution limits restored, the Missouri Supreme Court now must consider whether contributions already received by the candidates in excess of the current contribution limits must be returned. The court has not set a firm timetable for its decision, although briefs on this issue were filed with the court in early August.