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Ordered filed "as is" and as of 8/3/07 mkn 8/10/07

August 3, 2007

DUPLICATE OF FILING ON AUG 3 2007 IN OFFICE OF CLERK SUPREME COURT

The Honorable Laura Denvir Stith
Judge of the Supreme Court
Missouri Supreme Court
Supreme Court Building
P. O. Box 150
Jefferson City, MO 65102

SC88476
Trout v. State, et al.

Dear Chief Justice Stith:

I am writing as an "interested person" regarding the Court's opinion in ***James Trout v. State of Missouri et al*** to address the effect of the invalidity of section 130.032, RSMo Supp. 2006, on campaign contributions collected in reliance on that section as well as whether such effect is retrospective or prospective only.

On January 5, 2007, I declared my candidacy for the office of Mayor of Kansas City. In that regard, I caused to be formed a candidate committee under the name of Riederer For Mayor. Donations were made to that committee, and some of those donations were in excess of $1,275.00. The committee accepted donations up to $3,000.00, because that was the limit the Kansas City Council had established by ordinance after the General Assembly abrogated campaign contribution limits in 2006.

I write not only on behalf of the committee and myself, but also on behalf of one other candidate, Alvin Brooks. He also accepted contributions up to the city-established limit of $3,000.00

The election was held February 27, 2007, and I lost. The committee is no longer functioning. It spent all of the money it raised, and it ended up in debt. Brooks and Funkhouser finished first and second in the February 27 election, and thus faced each other in a general election March 27, 2007. Funkhouser won. Brooks's committee is no longer functioning and is in debt. All three candidates and all three committees followed the letter of the law as it was in the first 3 months of this year.

If the Court decides the ***Trout*** case should be applied retrospectively, the Court should exempt committees and candidates whose elections have already taken place. As one of those candidates, representing one of those committees, I know we did everything we could to follow the law as it appeared at that time. We spent many hours making sure we were in compliance with all the laws and regulations. Presumably, if the decision were retrospective, the committee or the candidate would be required to refund amounts contributed in excess of $1275.00. That would be not only a near impossibility but also inequitable. It would be almost impossible,

because there is no way, as a practical matter, for a defunct committee or a losing candidate to raise contributions to pay money back. And it would be inequitable, because it would punish candidates whose only transgression was following the law.

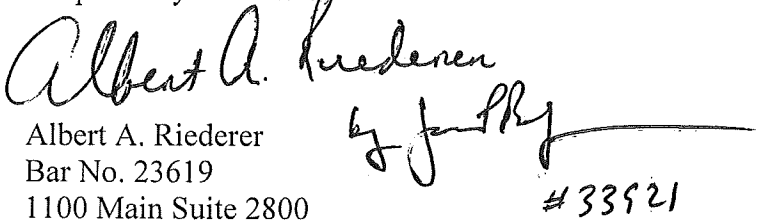
If ***Trout*** were to apply retrospectively to the election for Mayor, then there will be imposed on these candidates and these committees new duties and new disabilities. In ***Doe v. Phillips*** 194 SW2d 833 (Mo. 2006) this Court quoted the Squaw Creek case for the proposition that "A retrospective law is one which creates a new obligation, imposes a new duty or attaches a new disability with respect to transactions or considerations already passed. It must give to something already done a different effect from that which it had when it transpired." If completed elections are not exempt from retrospective application of ***Trout***, then the law will give to something already done [an election] a different effect from that which it had when it transpired.

In ***Fisher v. Reorganized School District*** 567 SW2d 647 (Mo. banc 1978) this court rejected a taxpayer's argument that it had a vested right to assume that because it had a tax exemption for its new plant when built, that exemption would continue. If ***Trout*** is applied to the Kansas City elections of February and March, 2007, it will have the same effect as telling the taxpayer in ***Fisher*** not only that he cannot expect the exemption to continue, but also that his original exemption would be taken away.

What we ask for is "more than a mere expectation based upon an anticipated continuance of existing law." ***Fisher*** at 649 as quoted in ***Doe v Phillips*** at 852. Rather, it is an expectation that the law as applied to an act completed in the past (an election) will not be changed so as to have a different legal effect on that completed act.

We ask the Court that if Trout is retrospectively applied, the Court should exempt from this application elections that have already occurred.

Respectfully submitted,



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