

# **Bond Case Briefs**

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## **ELECTIONS - MISSOURI**

### **City of Maryland Heights v. State**

**Supreme Court of Missouri, en banc - February 15, 2022 - S.W.3d - 2022 WL 464268**

Officials of political subdivisions within county brought action against State, seeking declaration that statute prohibiting officials from directly using public funds to advocate, support, or oppose a ballot measure or candidate for public office violated the First and Fourteenth Amendments of the federal constitution.

The Circuit Court entered judgment in favor of officials. State appealed.

The Supreme Court held that:

- Statute did not constitute a regulation of officials' speech and thus did not violate free speech clause of First Amendment;
- Term "ballot measure," as used in statute, was not impermissibly vague under due process clause; and
- Statute's terms "public funds" and "directly" were also not impermissibly vague under due process clause.

Supreme Court of Missouri holds that statute prohibiting political-subdivision officials from directly using public funds to advocate, support, or oppose a ballot measure or candidate for public office did not constitute a regulation of officials' speech and thus did not violate free speech clause of First Amendment, where statute did not in any way prohibit the use of private or personal funds to subsidize officials' speech.

Term "ballot measure," as used in statute prohibiting political-subdivision officials from directly using public funds to advocate, support, or oppose a ballot measure or candidate for public office, was not impermissibly vague under due process clause, even though statute did not define term; another statute, though not strictly applicable to statute at issue, defined term as a proposal intended to be submitted to voters, and whether a proposal was intended to be submitted to the voters would be clear in most circumstances, especially when the process for getting it on the ballot has begun.

Terms "public funds" and "directly," as used in statute prohibiting political-subdivision officials from directly using public funds to advocate, support, or oppose a ballot measure or candidate for public office, were not impermissibly vague under due process clause, even if a variety of hypothetical situations might pose close call under statute; speculation about hypothetical situations was insufficient to support facial attack when language understandable to ordinary person conveyed what was prohibited in the vast majority of intended applications.