

CITIES: Candidates for election to offices in cities of
ELECTIONS: the third class, operating under the mayor-council
EXPENDITURES: form of government, are required to file state-
ments of expenditures under Section 129.110, RSMo
1949, and they are restricted to the expenditures
limited in Section 129.100, RSMo 1949.

March 30, 1953



Honorable Stephen R. Pratt
Prosecuting Attorney
Clay County
Liberty, Missouri

Dear Mr. Pratt:

We render herewith our opinion based on your request of
March 19, 1953, which request is as follows:

"The following questions have been raised
and I would appreciate the opinion of your
Department on the following matters:

"1. Do all candidates for election to the
offices in a third class city have to file
a statement of moneys expended as provided
in Section 129.110, Revised Statutes of
Missouri, 1949.

"2. Are all candidates for election to the
offices in a third class city restricted to
the expenditures as set out in Section 129.
100, Revised Statutes of Missouri, 1949."

At our request you have furnished us the additional in-
formation that the third class city mentioned in the request
operates under the mayor-council form of city government.

The pertinent parts of Sections 129.100 and 129.110, RSMo
1949, read as follows:

"129.100. Amount to be expended by candi-
dates--how determined.

"No candidate for congress or for any public
office in this state or * * * municipality

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thereof, which office is to be filled by popular election, shall by himself or by or through any agent or agents, committee or organization, or any person or persons whatsoever, in the aggregate pay out or expend, or promise or agree or offer to pay, contribute or expend any money or other valuable thing in order to secure or aid in securing his nomination or election, or the nomination or election of any other person, or persons, or both such nomination and election, to any office to be voted for at the same election, or in aid of any party or measure, in excess of a sum to be determined upon the following basis, namely: For five thousand voters or less, two hundred dollars; for each one hundred voters over five thousand and under twenty-five thousand, four dollars; for each one hundred voters over twenty-five thousand and under fifty thousand, two dollars; and for each one hundred voters over fifty thousand, one dollar--the number of voters to be ascertained by the total number of votes cast for all the candidates for president in the state, or in any county, district or municipality thereof at the last preceding regular election held to fill the same; and any payment, contribution or expenditure, or promise, agreement or offer to pay, contribute or expend any money or valuable thing in excess of said sum, for such objects or purposes, is hereby declared unlawful.

"129.110. Statement of moneys expended to be made, filed--penalty for failure

"Every person who shall be a candidate * * * at any election for any * * * city, * * * or municipal office, * * * shall, within thirty days after the election held to fill such office or place, make out and file with the officer empowered by law to issue the certificate of election to such office or place, and a duplicate thereof with the recorder of deeds for the county in which such candidate resides, a statement in writing, which statement and duplicate shall be subscribed and sworn to by

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such candidate before an officer authorized to administer oaths, setting forth in detail all sums of money, except all sums paid for actual traveling expenses, including hotel or lodging bills, contributed, disbursed, expended or promised by him, and, to the best of his knowledge and belief, by any other persons or person in his behalf, wholly or in part, in endeavoring to secure or in any way in connection with his nomination or election to such office or place, or in connection with the election of any other persons at said election, and showing the dates when and the persons to whom and the purposes for which all such sums were paid, expended or promised. Such statement shall also set forth that the same is as full and explicit as affiant is able to make it. No officer authorized by law to issue commissions or certificates of election shall issue a commission or certificate of election to any such person until such statement shall have been so made, verified and filed by such persons with said officer."

By the terms of these statutes candidates for office in cities of the third class are included within their purview. Therefore, unless there be some statute limiting or repealing these statutes by repugnancy, inconsistency or by covering the subject matter, they are to be construed according to their plain meaning.

No statute has been found which limits or repeals these sections insofar as they relate to candidates for office in cities of the third class operating under the mayor-council form of government. The only statute concerned with elections of officers in such cities is Section 77.040, RSMo 1949, which could in no way be construed as having that effect.

CONCLUSION

It is the opinion of this office that candidates for election to offices in cities of the third class, operating under the mayor-council form of government, are required to file statements of expenditures under Section 129.110, RSMo 1949, and that they are restricted to the expenditures limited in Section 129.100, RSMo 1949.

Honorable Stephen R. Pratt

The foregoing opinion, which I hereby approve, was prepared by my assistant, Mr. W. Don Kennedy.

Yours very truly,

JOHN M. DALTON
Attorney General