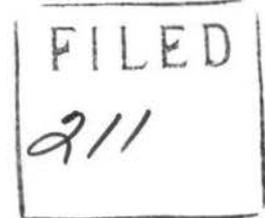


ELECTIONS: Section 129.300, RSMo 1969, which
CORRUPT PRACTICES: requires the identification of persons publishing, circulating or distributing certain printed matter relative to the candidacy of any person seeking nomination or election to any public office applies to pamphlets, circulars, handbills and similar printed matter but does not apply to yard signs.

OPINION NO. 211

August 16, 1972

Honorable William Raisch
State Representative
9904 Vassel Drive
Affton, Missouri 63123



Dear Representative Raisch:

This opinion is in answer to your opinion request in which you ask:

"Does this regulation [Section 129.300, RSMo 1969] include yard signs which are posted in ground on stick or placed in other manners or areas (not in violation of any law where they may be posted) which signs state 'Elect, or Re Elect, or Vote For, Candidate, Party, name of office seeking.'"

Section 129.300 to which you refer states:

"It shall hereafter be unlawful for any person or group of persons, or any firm, organization, association, league or other body or any members thereof to publish, circulate or distribute any pamphlet, circular, handbill or other printed matter relative to the candidacy of any person or persons seeking nomination or election to any public office unless the same shall bear thereon in plain type the name and address of the person or persons, or the names and addresses of the officers of any firm, organization, association, league or other body, causing such matter to be published and distributed, and in the event that two or more persons join in causing said matter to be published and distributed then the names of each of such persons shall be imprinted thereon in plain

Honorable William Raisch

type; provided, that if more than ten persons join in publishing and distributing such matter, then it will be a sufficient compliance with this section if the names of ten such persons shall be imprinted thereon in plain type as herein provided."

Section 129.300 is penal in nature, a violation of which is punishable by imprisonment so it must be strictly construed. If there is any doubt about its application to a particular set of facts, the doubt must be resolved in the negative. State v. Hodge, 8 S.W.2d 881 (Mo. 1928); State v. Carter, 319 S.W.2d 596 (Mo. 1958).

Further, in this instance, in determining the intent of the legislature and the purpose for which the statute was enacted, the doctrine of ejusdem generis should be applied. This rule of construction is stated in Hammett v. Kansas City, 173 S.W.2d 70, 75 (Mo. 1943), as follows:

". . . 'The ejusdem generis rule is that where a statute contains general words only, such general words are to receive a general construction, but, where it enumerates particular classes or things, followed by general words, the general words so used will be applicable only to things of the same general character as those which are specified.'"

Under these rules of construction, it is our view that this statute applies only to pamphlets, circulars, handbills, and similar printed matter that are distributed and not to such yard signs.

CONCLUSION

It is the opinion of this office that Section 129.300, RSMo 1969, which requires the identification of persons publishing, circulating or distributing certain printed matter relative to the candidacy of any person seeking nomination or election to any public office applies to pamphlets, circulars, handbills and similar printed matter but does not apply to yard signs.

The foregoing opinion, which I hereby approve, was prepared by my assistant, John C. Klaffenbach.

Very truly yours,



JOHN C. DANFORTH
Attorney General