

ELECTIONS: Pertaining to amounts a representative may spend for election under Section 10481 R.S. Missouri 1929.

September 21, 1938 9/24



Honorable William Barton
Representative
Montgomery County
Jonesburg, Missouri

Dear Sir:

We have received your letter of September 3rd, which reads in part as follows:

"Please advise the maximum amount a candidate for Representative may spend in Montgomery County for campaign expenses under the Corrupt Practice Act."

We are enclosing a copy of an opinion rendered by this office to the Honorable Roy Hamlin on March 1, 1935. In this opinion we concluded that under Section 10481 R.S. Missouri 1929, the various applicable amounts as set forth in said statute may be expended in the primary election and that the successful candidate may then expend the same amount in the following general election.

The applicable part of Section 10481 relative to the amount each candidate may spend is as follows:

"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

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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;* * *

Section 2, Article IV of the Constitution of Missouri provides that "the House of Representatives shall consist of members to be chosen every second year by the qualified voters of the several counties* * *". Section 11270 R.S. Missouri 1929, provides that Montgomery County is entitled to one representative.

CONCLUSION

Consequently, in order to ascertain the amounts which the candidate for representative in Montgomery County may expend for campaign expenses it is necessary to ascertain the total vote cast for all candidates for president in Montgomery County in the 1936 presidential election. The formula provided in Section 10481 can then be easily applied. The total amount thus ascertained can be spent by any such candidate at the primary and if the candidate is nominated a similar amount can be spent in connection with the ensuing election. We are unable to apply the formula as set out in Section 10481 for figuring the exact amount which a representative from Montgomery County may spend to be elected because we do not have available in this office the total vote cast for president in Montgomery County in the 1936 election. The county clerk of your county will have this information and will no doubt be able to furnish you the same upon request.

Respectfully submitted,

J. F. ALLEBACH,
Assistant Attorney General

APPROVED:

J. E. TAYLOR
(Acting) Attorney General