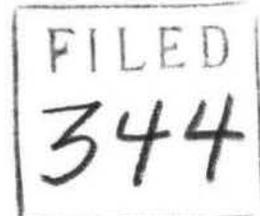


CAMPAIGN EXPENSES: Political committee assessments are
ASSESSMENTS: reportable campaign expenses.

Opinion No. 344

November 30, 1964



Mr. James A. Dunn
Assistant Prosecuting Attorney
Joplin, Missouri

Dear Mr. Dunn:

In your letter of September 27, 1964, you state that republican candidates for county office in Jasper County pay an assessment to the Jasper County Republican Committee Fund and you inquire as to whether these assessments are campaign expenditures, as contemplated by the Corrupt Practices Act, so that they should be recorded in the recorder's office when the candidate files his affidavit of campaign expenses.

It is our view that your question involves an interpretation of Section 129.110, RSMo 1959. That Section reads as follows:

"Every person who shall be a candidate before any caucus or convention, or at any primary election, or at any election for any state, county, city, township, district or municipal office, or for senator or representative in the general assembly of Missouri, or for senator or representative in the Congress of the United States, 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 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,

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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."

The language of the above section is general and inclusive and it does not purport to exclude contributions simply because they might be construed to be assessments rather than voluntary donations. It should further be noted that this section uses the language "setting forth in detail all sums of money" and thereafter expressly excludes "traveling expenses" only. This section also provides that campaign expenses shall be reported if they are expended "in connection with the election of any other persons at said election". As we understand the facts of your case it is admitted that such funds are so used.

As to what constitutes campaign activity, we believe that this is properly defined in *Norris vs. United States*, C.C.A. Neb., 86 F.2d 379, 382, as follows:

"The word 'campaign,' when applied to a personal political candidacy, means all the things and necessary legal and factual acts done by the candidate and his adherents in an effort to obtain a majority or plurality of the votes to be cast in any election for a public office. In short, a campaign for a public office in a public election merely and simply means running for office, or candidacy for office, as the word is used in common parlance and as it is understood by the man in the street."

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CONCLUSION

Therefore, we believe that the described political committee assessments are reportable campaign expenses.

This opinion, which I hereby approve, was written by my Assistant, Clyde Burch.

Very truly yours,

Thomas F. Eagleton
THOMAS F. EAGLETON
Attorney General