

June 15, 1966



OPINION NO. 324  
Answered by Letter-Burns

Honorable Frank M. Karsten  
United States House of Representatives  
Washington, D.C.

Dear Representative Karsten:

This is in answer to your recent letter inquiring as to the amount of money which may be legally expended by a candidate for the Congress, from the First Congressional District in the August Primary Election and November Election in 1966.

Section 129.100, RSMo, provides that the maximum expenditure for a candidate for Congress in the Primary Election and in the General Election shall be the sum of the total number of votes cast for the candidates for president in such district multiplied by eight (8) cents per vote. Expenditure for traveling expenses including hotel or lodging bills are excepted from such limit.

The First District's composition is set out in Section 128.212, RSMo Supp. 1965. Section 128.305, RSMo Supp. 1965, provides that boundaries of townships, wards and precincts within the City of St. Louis and St. Louis County mean the boundary lines of townships, wards and precincts as they existed on July 1, 1960.

We have ascertained from the Board of Election Commissioners of St. Louis City that there were no changes in the wards included within the First Congressional Districts between the dates of July 1, 1960, and the General Election of November 1964.

Under date of May 23, 1966, the Board of Election Commissioners of St. Louis County informed us that the boundary lines of Airport, St. Ferdinand, Normandy and Washington Townships were not changed between July 1, 1960, and the General Election of 1964. The Board also stated that it was assembling information concerning the

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presidential vote in 1964 in the precincts in Florissant Township included in the First Congressional District as such precincts were constituted, July 1, 1960.

We have not received as yet the information from the St. Louis County Election Board regarding Florissant Township but we can give you at this time a rather close approximation of the amounts that may be legally expended by candidates in the First Congressional District by estimating the November 1964 General Election vote in the part of Florissant Township included in the First Congressional District.

The total votes in the First District excluding Florissant Township was 181,154. Our estimate of the votes in Florissant Township in the First District is 6,194. Hence the total is 187,348 votes.

Since the total vote in the 1964 Election in the First Congressional District for president as estimated was 187,348, under the formula in Section 129.100, candidates are prohibited from expending under state law in excess of \$14,987.84, exclusive of traveling expenses including hotel or lodging bills. This amount can be legally expended under state law at the primary, and the same amount can be legally expended at the general election.

However, Section 248 Title 2 U.S. Code Annotated applicable to the November General Election but not applicable to the August primary provides federal limitation of expenditures insofar as the November General Election is concerned. Such Section provides as follows:

"(a) A candidate, in his campaign for election, shall not make expenditures in excess of the amount which he may lawfully make under the laws of the State in which he is a candidate, nor in excess of the amount which he may lawfully make under the provisions of this title.

(b) Unless the laws of his State prescribe a less amount as the maximum limit of campaign expenditures, a candidate may make expenditures up to ---

(1) The sum of \$10,000 if a candidate for Senator, or the sum of \$2,500 if a candidate for Representative, Delegate, or Resident Commissioner; or

(2) An amount equal to the amount obtained by multiplying three cents by the total number of votes cast at the last general election for all candidates for the office which the candidate

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seeks, but in no event exceeding \$25,000 if a candidate for Senator or \$5,000 if a candidate for Representative, Delegate, or Resident Commissioner.

(c) Money expended by a candidate to meet and discharge any assessment, fee, or charge made or levied upon candidates by the laws of the State in which he resides, or expended for his necessary personal, traveling, or subsistence expenses, or for stationery, postage, writing, or printing (other than for use on billboards or in newspapers), for distributing letters, circulars, or posters, or for telegraph or telephone service, shall not be included in determining whether his expenditures have exceeded the sum fixed by paragraph (1) or (2) of subdivision (b) as the limit of campaign expenses of a candidate." (June 25, 1910, c. 392, §§ 8, 9, 36, Stat. 824; Aug. 19, 1911, c. 33, §2, 37 Stat. 26; Aug. 23, 1912, c. 349, 37 Stat. 360; Feb. 28, 1925, c. 368, Title III, § 309, 43 Stat. 1073.)"

The total vote in 1964 for congressional candidates in the First Congressional District of Missouri was 183,199. Based on such vote and multiplying this number by three (3) cents a total of \$5,495.97 is obtained.

However, the Federal statute provides that in no event shall the maximum expenditure exceed \$5,000 by a candidate for Representative. Therefore the maximum expenditure under the Federal statute by a candidate at the November General Election is \$5,000 in addition to expenditures excluded under Subsection (c) of Section 248 Title 2, U.S.C.A.

Therefore, it is our view that State Law prohibits a candidate for the First Congressional District from expending more than \$14,987.84 in addition to actual traveling expenses at the Primary Election and the same at the General Election. The Federal Law prohibits the expenditure of more than \$5,000 at the General Election but such does not include the expenditures excluded under Subsection (c) of Section 248 Title 2, U.S.C.A.

When we receive the information from the St. Louis County

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Board of Election Commissioners regarding the exact vote in that part of Florissant Township in the First Congressional District, we will give you the exact expenditure that can be made under the State statute.

I trust this information will be of assistance to you.

Very truly yours,

NORMAN H. ANDERSON  
Attorney General

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