

Corrupt Practices — Elections — Candidates — Entertainment — Meat — Drink.

Corrupt practices act in its relation to entertainments and furnishing of meat or drink discussed.

Mr. O. D. Sundahl,
Secretary, Republican Central Committee,
Kalispell, Montana.

October 6, 1932.

My dear Mr. Sundahl:

You request an opinion of this office as to the following matter: May political parties hold "school house" or other gatherings where the political party puts on entertainments of various kinds and serves lunch?

Section 10791 provides as follows:

“Any person or candidate who shall, either by himself or by any other person, either before or after an election, or while such person or candidate is seeking a nomination or election, directly or indirectly, give or provide, or pay, wholly or in part, the expenses of giving or providing any meat or drink, or other entertainment or provision, clothing, liquors, cigars, or tobacco, to or for any person for the purpose of or with intent or hope to influence that person, or any other person, to give or refrain from giving his vote at such election to or for any candidate or political party ticket, or measure before the people, or on account of such persons, or any other person, having voted or refrained from voting for any candidate or the candidates of any political party or organization or measure before the people, or being about to vote or refrain from voting at such election, shall be guilty of treating. Such elector who accepts or takes any such meat, drink, entertainment, provision, clothing, liquors, cigars, or tobacco, shall also be guilty of treating, and such acceptance shall be a ground of challenge to his vote and of rejecting his vote on a contest.”

You are advised that the inhibition of the statute is directed against the person or candidate who may, or through some other person may, give or provide, or pay the whole or any part of the expenses of such entertainment, etc., or if the money that is contributed by the candidate is in any part used to pay for the expenses of such entertainment, and he is guilty, under code section 10796, of a corrupt practice and his election, if successful, may be challenged and contested.

Under code section 810 such a person whose nomination may have been annulled by contest shall not be eligible to hold office during the period for which he has run.

You are therefore advised that no funds provided by a candidate may be used for any such entertainment, and it would seem that the expenditure for such entertainment would constitute a corrupt practice if it were furnished by some one other than the candidate as the first line of the section is: “Any person or candidate who shall * * * directly or indirectly give or provide * * * the expenses of giving or providing any meat or drink * * * for the purpose of or with intent or hope to influence that person to give or refrain from giving his vote * * *”

The intention of the statute being evident that favors for parties as well as for individuals may not be procured in this manner, and the concluding sentence is “Every elector who accepts or takes any such meat, drink, entertainment, * * * shall also be guilty of treating, and such acceptance shall be a ground of challenge to his vote and of rejecting his vote on a contest.”

You are accordingly advised that the furnishing of meat or drink at political rallies by any person constitutes a violation of the act. Your attention is likewise directed to the penalty of fine and imprisonment

in cases where other punishment is not provided. (See code section 10816).

It is not the intention of this office to advise against picnics where those participating bring their own lunches or the holding of political rallies at places where food is provided by some one who sells it directly to the guests themselves.

Very truly yours,
L. A. FOOT,
Attorney General.