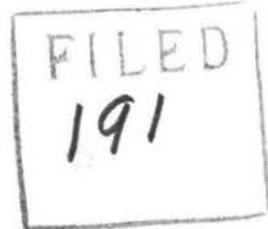


March 23, 1971

Opinion Letter No. 191  
Answered by letter (Klaffenbach)

Honorable Walter L. Meyer  
Missouri House of Representatives  
State Capitol - Room 410  
Jefferson City, Missouri



Dear Mr. Meyer:

This letter is in response to your opinion request in which you ask the following question:

"As you know the Senatorial Redistricting Committee met in the Senate Lounge on March 2, 1971, to organize their members. They organized, in my opinion, in violation of our State Constitution under Article 3, Section 7, by electing co-chairmen to head this commission. The Constitution clearly states they shall organize on the 15th day excluding Sundays and holidays, after they have been selected. The Constitution says there shall be a Chairman, a Vice-chairman, and a Secretary. I believe they violated this section of the Constitution by electing co-chairmen."

Section 7 of Article III of the Missouri Constitution provides that such commissioners shall "proceed to organize by electing from their number a chairman, vice-chairman and secretary".

We note that the above terminology was new in the amendment which was adopted at the special election January 14, 1966.

Your inquiry does not indicate the function that the "co-chairmen" are intended to perform and we presume that they are to perform the duties of the chairman, each exercising co-equal authority.

Honorable Walter L. Meyer

While we find no judicial guidelines on this exact point it is our view that although such an election is a literal deviation from the express language of the constitutional provision and as such is certainly questionable, we do not view it as a substantive violation of Section 7 of Article III of the Constitution.

We do not believe that districts established by the commission would be set aside or invalidated because of the election of co-chairmen by the commission.

Very truly yours,

JOHN C. DANFORTH  
Attorney General