

ELECTIONS:
JUDGES:
NOMINATIONS:
CANDIDATES:

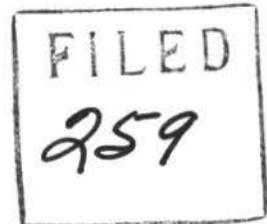
The judicial district committees of the twentieth judicial circuit are composed of the chairman and vice chairman of the county committees of Franklin, Gasconade and Osage

Counties and if there are parts of cities included in the twentieth judicial circuit, the ward committeemen and committeewomen from the wards in whole or in part in such parts of such cities are also included as members of the judicial district committee of the twentieth circuit.

OPINION NO. 259

July 19, 1974

Honorable W. E. Blackwell
Representative, District 120
Rural Route 2
Hermann, Missouri 65041



Dear Representative Blackwell:

This is in answer to your recent opinion request reading as follows:

"What constitutes the membership (source, numbers and position or titles) of the judicial district committee of the twentieth judicial circuit of Missouri comprising the counties of Osage, Gasconade and Franklin, and by whom are they elected and in what manner?"

"What effect if any does the fact that the county line of a county making up part of the judicial circuit runs through a city (part of the city being in the judicial circuit and part in another county) have on the makeup of the judicial district committee?"

You further state:

"House Bill 964 providing for an additional (second) circuit judge of the twentieth judicial circuit of Missouri was recently signed into law by the Governor of the State of Missouri. It provides that candidates shall be

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nominated in the same manner as provided in Section 120.550, which section relates to 120.800 and 120.810.

"Legislative (representative districts) involved are: District No. 120 comprised of all of Maries and Osage Counties and part of Gasconade County: District No. 121 comprised of part of Franklin County: District No. 126 comprised of parts of Crawford, Franklin and Washington Counties: District No. 128 comprised of Dent and parts of Crawford, Gasconade, Iron, Phelps, Reynolds, and Washington Counties."

House Bill 964 of the 77th General Assembly, which becomes effective August 13, 1974, provides in part as follows:

"Section 1.1. Beginning on January 1, 1975, the circuit court of the counties of Franklin, Gasconade and Osage, composing the twentieth judicial circuit, shall be composed of two judges. Each judge shall separately try causes, exercise the powers, and perform all duties imposed upon circuit judges. The divisions of the circuit court shall be 'Circuit Court Division Number One' and 'Circuit Court Division Number Two'.

"Section 1.2. The judge of division two shall be elected at the general election in 1974 for a six-year term and candidates shall be nominated in the same manner as provided in Section 120.550, RSMo 1969, for that election only and the judge of division one shall be elected at the general election in 1976 for a six-year term, and their successors shall be elected for six-year terms. . . ."

Section 120.550 referred to in subsection 2 of Section 1 of House Bill 964 provides that the party committee of a district shall have authority to make nominations when there is a vacancy in the candidates for nomination.

The composition of a judicial district commission is provided for in Sections 120.800 and 120.810, RSMo, which provide as follows:

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"Section 120.800. The county committee, or city committee, as the case may be, shall be composed of the committeemen and committee-women elected in the several townships, or voting districts, at the August primary next preceding and shall meet at the county seat of the several counties of this state, and at such place in any city not within a county as the chairman of the then existing city committee may designate, on the third Tuesday in August of the year in which the primary election is held, and organize by the election of one of its members as chairman and one of its members as vice chairman, one of whom shall be a woman, and a secretary and a treasurer, one of whom shall be a woman, but who may or may not be members of the committee. The county chairman and vice chairman so elected shall by virtue thereof become members of the party congressional, senatorial and judicial committees of the district of which their county is a part."

"Section 120.810.--1. In all counties of this state having more than one legislative district, there shall be elected a chairman and a vice chairman, one of whom shall be a woman, for each such legislative district, and the county committee and legislative district committees shall each at the same time elect a secretary and a treasurer, one of whom shall be a woman, but who may or may not be members of said committee.

2. The congressional, senatorial or judicial district committee of a district of which a county having more than one legislative district shall form a part, shall be composed of the county chairmen and vice chairmen of the several county committees, and the chairman and vice chairman of each of the several legislative districts.

3. The congressional, senatorial or judicial district committee of a district co-extensive with one county shall be the county committee.

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4. The congressional, senatorial or judicial district committee of a district which shall be composed in whole or in part of a part of a city or part of a county shall include as members of such committee, the ward or township committeemen and committeewomen from such wards or townships included in whole or in part in such part of a city or part of a county forming the whole or a part of such district."

In view of the fact that the twentieth judicial circuit contains the entire counties of Franklin, Gasconade and Osage, the county chairman and vice chairman of Franklin, Gasconade and Osage Counties are by virtue of Section 120.800 members of the judicial committee of the twentieth judicial circuit.

We are enclosing Opinion 83, rendered August 20, 1968, to Representative George W. Parker and Opinion 139, rendered April 29, 1972, to Senator Richard M. Webster, which opinions hold that the provisions in subsection 1 of Section 120.810 providing for the election of a chairman and vice chairman in all counties of the state having more than one legislative district apply only to counties having two or more entire legislative districts within the county. In view of the statement in your opinion request, it is clear that no county in the twentieth judicial circuit has more than one legislative district. Therefore, the provisions of subsection 2 of Section 120.810 providing that a judicial district committee of a district in which a county having more than one legislative district shall form a part shall contain the chairman and vice chairman of each of the several legislative districts have no application to the twentieth judicial circuit.

Subsection 3 of Section 120.810 has no application to the twentieth judicial district committee because such subsection is applicable only to judicial circuits composed of only one county.

Subsection 4 of Section 120.810 provides that the judicial district committee of a district which is composed in part of a part of a city shall include as members of such committee the ward committeemen and committeewomen from the wards included in whole or in part in such part of the city forming a part of such district. Therefore, if there is a part of a city which forms a part of the twentieth judicial circuit, the ward committeemen and committeewomen from the wards included in whole or in part in such part of the city are members of the twentieth judicial circuit committee.

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CONCLUSION

It is the opinion of this office that the judicial district committees of the twentieth judicial circuit are composed of the chairman and vice chairman of the county committees of Franklin, Gasconade and Osage Counties and if there are parts of cities included in the twentieth judicial circuit, the ward committeemen and committeewomen from the wards in whole or in part in such parts of such cities are also included as members of the judicial district committee of the twentieth circuit.

The foregoing opinion, which I hereby approve, was prepared by my assistant, C. B. Burns, Jr.

Very truly yours,



JOHN C. DANFORTH
Attorney General

Enclosures: Op. No. 83
8-20-68, Parker

Op. Ltr. No. 139
4-27-72, Webster