

WEEKS CONVENTION BILL- Discussion of provisions for mass meetings

May 24, 1933. ⁵⁻²⁴

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Board of Election Commissioners
of the City of St. Louis,
Mr. James A. Waechter, Chairman,
St. Louis, Missouri.

Gentlemen:

We are in receipt of your letter of May 22, 1933, in which you enclosed a letter from the Missouri Branch, Women's Organization for National Prohibition Reform, in which they asked several questions and in order that there be no variance between the rulings of your department and this department, you ask that we submit you an opinion as to the questions asked by said organization.

The questions submitted to you on the Week's Convention Bill are as follows:

"W.O.N.P.R.

May 10, 1933.

Questions on the Weeks Convention Bill
on which we should like official rulings.

Under Section 2, the County Court is empowered to appoint two judges and two clerks who favor and two judges and two clerks who oppose the pending amendment.

Although it is not specifically stated, it undoubtedly means the Election Commissioners in St. Louis - does it not?

Our question on this section is, "Would it not be logical for the Women's Organization for National Prohibition Reform and the Crusaders favoring the proposed amendment and the W.C.T.U. and Anti-Saloon League opposing the proposed amendment, to make recommendations for these appointments?"

In this connection would it be possible for our organization to have a list of the judges and clerks, appointed for regular elections, so that we might ascertain which of them favor and which are opposed to the proposed amendment?

The term "each precinct or voting district" - does that actually mean precinct - or would it mean townships in counties and wards in Saint Louis? And who would decide which it means?

When qualified electors meet in said mass conventions, who will organize and conduct the meeting? Will the County Courts and Election Commissioners appoint one chairman for the group favoring and the group opposing, or will the groups divide and organize themselves?

This seems a very vital point to us on which there should be clear and unmistakable rulings to avoid confusion.

Who will be charged with the responsibility of making returns of the proceedings together with names of delegates to the County Courts or Election Commissioners?

Governor fixes date of special election.

Governor fixes date and hour for Mass Conventions throughout the State in "precinct or other voting district".

For County Conventions to be held in County Seat.

For Senatorial District Convention.

For State Conventions to be held in the State Capitol.

The places of meeting - except for County Convention in County seats - and State Convention in Capitol, shall be fixed by County Court or Election Commissioners. Is this correct?

Where there are parts of wards in several Senatorial Districts, would there be a delegate elected to each of the several Senatorial districts represented by that ward?

Example:

Parts of Ward 8 are in the 29th and 30th Senatorial Districts.

Parts of Ward 14 are in the 29th, 30th and 31st Senatorial Districts. Would they elect a delegate for each of the Senatorial District representatives in the Ward?

Section 4.

In counties and cities of less than 350,000, in mass conventions in "precinct or other voting district" wets and dries elect two delegates each to County Conventions. In County Conventions the wets and dries elect four each to Senatorial District Conventions. In Senatorial Districts, wets and dries

In cities of 350,000 or more, wets and drys elect one delegate each from "precinct or other voting district" to Senatorial District Convention.

In Senatorial District Conventions, wets and drys nominate two each and certify names to Secretary of State. Is this correct?"

Due to the numerous questions asked above, we do not in this opinion give the reasons in detail for our answers, but the opinion of this department relative to said questions is as follows:

Under Section 2 of House Bill No. 514 it is the opinion of this department that where the Bill provides that "the County Court is empowered to appoint two judges and two clerks, etc.", such provision is applicable to the Board of Election Commissioners in the City of St. Louis.

It is the opinion of this department that the term "each precinct or voting district" as used in said House Bill has the same meaning as said term is used in the election statutes of the State of Missouri and particularly Sec. 10189 R.S. 1929, and accordingly it means "precincts" and does not refer to townships in counties or wards in St. Louis.

The Bill provides that in counties under 350,000 inhabitants the qualified electors attending each precinct or voting district convention shall divide into two groups, one favoring and one opposing the proposed amendment, and each group shall elect two delegates to said county convention; and further in said Bill pertaining to counties and cities having 350,000 inhabitants or more, it is provided that the qualified electors attending each precinct or voting district convention shall divide into two groups, one favoring and one opposing the proposed amendment, and each group shall elect one delegate to said

senatorial district convention---pertaining to said parts of the Bill you ask "if when qualified electors meet in said Mass conventions, who will organize and conduct the meetings?" In reply to said question, it is the opinion of this department that in view of the fact that House Bill No. 514 fails to make any express provision relative to the matter referred to, the electors meeting in said conventions, at the place designated by either the county court or the Election Commissioners (as the case may be) and at the time designated by the Governor in his Proclamation, shall organize themselves under rules common to parliamentary procedure, that is to say: the entire convention will first organize itself and thereafter the groups within the convention, as referred to in said Bill, will divide and again organize themselves. After each group has designated the number of delegates to which it is entitled to, the convention will then again assemble as a whole and the Chairman of each group will report to the convention as a whole the names of the respective delegates selected by each group as provided for in said Bill.

You next ask: "Who will be charged with the responsibility of making returns of proceedings, together with names of the delegates to the county courts or Election Commissioners?" And it is the opinion of this department that the statute does not provide for making returns to either the county courts or election commissioners of the names of the delegates selected in the precinct convention, but that said names should be certified to by the Chairman and Secretary of the precinct convention and submitted to the delegates elected (as their credentials), such delegates taking their certificates with them to either the county convention or the senatorial convention, as the case may be. Although it is not provided in the statute that a return of the names of the

delegates so selected should be made to the county courts or Election Commissioners, yet it is the opinion of this department that in the interest of orderliness and certainty, and as a matter of precaution, the secretary of each precinct convention should at the time of making out the certificates above mentioned, certify the names of the delegates elected and return the same to the county court or the Election Commissioners.

In answer to your next query, it is the opinion of this department that the county courts or the Election Commissioners (as the case may be) will designate the places for the holding of the precinct conventions and that in cities and counties of over 350,000 inhabitants the Governor will fix the place, date and hour of the senatorial district convention, whereas, in the counties of under 350,000 inhabitants the place of meeting is fixed by the Act as the county seat of the county. The senatorial district convention applicable to counties under 350,000 shall also be held on the date, hour and place fixed by the Governor.

You next ask, "Where there are parts of wards in several senatorial districts, would there be a delegate elected to each of the several senatorial districts represented by that ward?" It is our opinion that this question is merely a moot question, since it has no bearing upon the operations of the conventions mentioned in the Week's Bill, since no precinct (as differentiated from wards) will be found which is partly in one senatorial district and partly in another, and in view of the provision of the Act, the fact that one ward may be partly in one senatorial district and partly in another will occasion no difficulty.

Your next inquiry is as follows:

"In counties and cities of less than 350,000 in mass conventions in precinct or other voting district, wets and dries elect two delegates each to county conventions. In county conventions the wets and dries elect four each to senatorial district conventions. In senatorial districts wets and dries nominate two each and certify nominations to Secretary of State.

In cities of 350,000 or more wets and dries elect one delegate each from precinct or other voting district to senatorial district convention.

In senatorial district convention wets and dries nominate two each and certify names to Secretary of State.

Is this correct?"

It is our opinion that you are correct in the above statements. Another matter mentioned in the letter referred to us related to whether or not your Board of Election Commissioners would appoint as judges and clerks for the election provided for in Section 2 of the Week's Convention Bill members of various organizations, but as to this question we cannot answer, since that is a matter which must be handled by you in your discretion.

We trust that the above answers in full the interrogatories submitted to us.

Yours very truly,

POWELL B. McHANEY,
Assistant Attorney General.

APPROVED:

Attorney General