

ELECTIONS:

No part of filing fee goes to the State Committee;  
Candidate can be a delinquent taxpayer.

July 3rd, 1934



Mr. William O. Leek,  
Warrenton, Missouri.

Dear Sir:

This Department acknowledges receipt of your letter of June 20th containing several questions and requesting our opinion thereon.

"I would like to know if persons filing their declaration for nomination in the Primary are eligible when the declaration is accompanied with a receipt for five dollars (\$5.00) if it can be shown that no money has been paid and that the receipt was filled out by the committee.

I would also like to know if any part of the filing fee is due the party State Central Committee, and if persons delinquent in their taxes are eligible to file for an office. The particular offices in question are county collector and county representative to the General Assembly."

In answer to your first question, we are of the opinion that the answer is contained in Section 10258, Revised Statutes of Missouri 1929, pertinent part being as follows:

"\* \* \*To the treasurer of the county central committee--five dollars, if he be a candidate for state representative or any county office; take a receipt therefor, and file such receipt with and at the time he files his declaration papers. The said sums of money, so paid by the several candidates, shall be evidence of their good faith in filing said declaration papers, and shall be used as an expense fund by the several political parties upon whose tickets the various candidates propose as candidates and seek nomination; and such sums of money, so paid, shall be excepted from the terms and provisions of article 14 of this chapter."

We interpret this Section to mean that if the receipt for \$5.00 in question, accompanies the candidate's declaration then said candidate has complied with the conditions required for filing and is entitled to have his name printed on the ballot. The fact said candidate paid no money and the receipt was filled out by the committee would not disqualify. The same is a question of fact and if the candidate was trusted or credited by the Committee, then the committee will lose the same or be individually responsible.

In answer to your next question, namely as to whether or not any part of the filing fee is due the State Committee, we are of the opinion that no part of the filing fee is due the State Committee, for the reason that Section 10258 quoted supra, reads,

"\* \* \*The said sums of money, so paid by the several candidates, shall be evidence of their good faith in filing said declaration papers, and shall be used as an expense fund by the several political parties upon whose tickets the various candidates propose as candidates and seek nomination; \* \* \*"

We interpret the above sentence to mean that the County Central Committee can retain all of the money for party purposes if it so desires.

In answer to your next question, namely is a delinquent taxpayer eligible to file for office, we refer you to Section 10257 which contains the form of declaration to be signed by the candidate:

"I, the undersigned, a resident and qualified elector of the ( \_\_\_\_\_ ) precinct of the town of \_\_\_\_\_ ) \* \* \* county of \_\_\_\_\_ and State of Missouri \* \* \*."

The word "elector" defined by Section 6923 is as follows:

"(4) The word electors shall be construed to mean persons qualified to vote for elective offices \* \* \*".

The qualifications of a voter are set forth in Section 10178, Revised Statutes of Missouri 1929, which is as follows:

"Every male citizen of the United States and every male person of foreign birth who may have declared his intention to become a citizen of the United States according to law, not less than one year nor more than five years before he offers to vote, who is over the age of twenty-one years, possessing the following qualifications, shall be entitled to vote at all elections by the people: First, he shall have resided in the state one year immediately preceding the election at which he offers to vote; second, he shall have resided in the county, city or town where he shall offer to vote at least sixty days immediately preceding the election; and each voter shall vote only in the township in which he resides, or if in a town or city, then in the election district therein in which he resides: Provided, however, that no officer, soldier or marine in the regular army or navy of the United States, shall be entitled to vote at any election in this state; and provided further, that no person while kept at any poorhouse or other asylum at public expense, except the soldiers' home at St. James and the confederate home at Higginville, nor while confined in any public prison, shall be entitled to vote at any election under the laws of this state; nor shall any person convicted of felony or other infamous crime, or of a misdemeanor connected with the exercise of the right of suffrage, be permitted to vote at any election unless he shall have been granted a full pardon; and after a second conviction of felony or other infamous crime, or of a misdemeanor connected with the exercise of the right of suffrage, he shall be forever excluded from voting."

The above statute in no wise compels the voter to be a taxpayer and having held anyone, <sup>who</sup> is a qualified elector or voter can be a candidate or hold office, we are of the opinion that the fact that the candidate is delinquent in the payment of his

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taxes does not disqualify him to become a candidate for office.

Respectfully submitted,

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Assistant Attorney-General

APPROVED:

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ROY McKITTRICK  
Attorney-General

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