

COMMITTEE: Organization of County Committee.

August 14, 1936.



Mr. S. L. Baysinger, Chairman
Phelps County Democratic Committee
Rolla, Missouri

Dear Sir:

This will acknowledge receipt of your request for an opinion of this office dated August 14, 1936, and reading as follows:

"I am writing you this letter to get some definite information on the organization of the County Committees for next Tuesday.

Does the out-going Chairman of the old committee preside until the chairman of the new committee is elected?

Does the old committee adjourn sine die and the new committee elect one of their members through a motion to act as temporary chairman and proceed to the election of the new officers, or can they nominate and elect a new chairman and other officers without any other action.

Has either committee the power to exclude proxys?"

Section 10280 R. S. Missouri 1929, provides as follows:

"The county committee, or city committee, as the case may be, shall be composed of the committeemen and committeewomen 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 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."

Section 5 of Article XIV of the Missouri Constitution provides as follows:

"In the absence of any contrary provision, all officers now or hereafter elected or appointed, subject to the right of resignation, shall hold office during their official terms, and until their successors shall be duly elected or appointed and qualified."

CONCLUSION.

It is our opinion that the Committee must meet and organize as their first act, by electing officers, before proceeding to pass resolutions, motions or doing any other committee business. No resolutions are in order until the business of electing officers, as provided by statute, is completed.

Mr. S. L. Baysinger

-3-

August 14, 1936

The Constitution contemplates that the officers of the old committee hold over until the chairman of the new committee be elected and qualified. It would be the duty of the chairman of the old committee to act as the temporary chairman of the new committee to entertain the motion as to the election of the new chairman.

The matter of membership by proxy is purely a matter for the majority of the committee to decide after it be duly organized by electing the statutory officers. The will of the majority should be sustained.

Respectfully submitted,

WM. ORR SAWYERS,
Assistant Attorney General

APPROVED:

JOHN W. HOFFMAN, Jr.,
(Acting) Attorney General

WOS:MM