

ELECTIONS: County committee may certify nominations to fill vacancies on ticket not later than ten days before election.

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September 15, 1938 9/15

Hon. Albert Kelly  
Circuit Clerk  
Atchison County Circuit Court  
Rock Port, Missouri



Dear Sir:

This will acknowledge receipt of your letter of September 13 which reads as follows:

"There has been considerable discussion in our Official Democratic family as to the number of days required for the Republican Party to file candidates for vacancies on their ticket. Several of us were under the impression the ticket must be filled 30 days prior to the General election but some have said a new law has been enacted whereby the time for filing has been set up to 15 days prior to the General election. If such a ruling is in effect please quote us Section etc.

I might further add the particular phase in which we are interested pertains to elective officials only, and not a committeeman or committeewoman."

Section 10268, R.S. Missouri, 1929, reads as follows:

"Vacancies occurring after the holding of any primary or where no person shall offer himself as a candidate before such primary, shall be filled by the party committee of the district, county or state, as the case may be: Provided, however, that no name shall be allowed on any ticket until the required fee shall have been paid."

Section 10245, R.S. Missouri, 1929, after designating the time when the certificates of nomination may be filed with the Secretary of State and the County Clerk or Election Commissioners, reads as follows:

"Provided, that in case of any vacancy in said nomination, by resignation, death or otherwise, the central committee, or a convention called for that purpose, of the party on whose ticket such vacancy may occur, may select and certify to the secretary of state, county clerk or board of election commissioners the name or names of candidates to fill such vacancy: Provided, that the certificates of nomination to fill vacancy shall be filed with the secretary of state not later than fifteen days before the day fixed by law for the election of the persons in nomination, and with the board of election commissioners or county clerk not later than ten days before such election."

It will be seen by the foregoing section that the county committee has until within ten days of the election to certify in nominations made by them to fill vacancies occurring on their ticket. We think this section clearly defines the time and that, therefore, the committee about which you inquire would have until ten days before election to certify to the County Clerk the names of candidates for vacancies occurring on the county ticket.

#### CONCLUSION

It is, therefore, the opinion of this office that the county central committee of a political party may certify to the County Clerk nominations to fill vacancies on their ticket at any time up to ten days prior to the election at which such candidates will be voted upon.

Respectfully submitted,

HARRY H. KAY  
Assistant Attorney General

APPROVED By:

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J.E. TAYLOR  
(Acting) Attorney General

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