

ELECTIONS - Must have resided in county 12 months prior to  
general election before name can be placed on  
ballot for Prosecuting Attorney.

September 24, 1938

Honorable Roy W. McGhee  
Prosecuting Attorney  
Wayne County  
Greenville, Missouri



Dear Sir:

We have your request of September 22, 1938  
for an opinion upon the following statement of facts:

"This office will appreciate an opinion  
on the following questions:

"Can B, who was a bona fide resident  
of X county on April 1, 1938, and  
who removed to Y county on April 15,  
1938 and was placed on the ballot as  
a candidate for the office of prose-  
cuting attorney by the county central  
committee of Y county, after having  
received the highest number of votes  
for that office at the November elec-  
tion, 1938, lawfully assume said of-  
fice on January 1, 1939.

"If not, could he assume the office  
on April 15, 1939."

For your information, we are enclosing copy of  
an opinion written on this identical subject to the  
County Clerk of Washington County, which opinion holds  
that a person whose name was placed on the ballot as  
a candidate for Prosecuting Attorney must have lived  
within the county for at least one year prior to this  
November election, and that if he has not so lived in

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the county, he is ineligible to such. This means that he could not assume office at any time because he is ineligible for election. The County Clerk should not, under such conditions, place his name on the ballot as a candidate.

It is, therefore, the opinion of this office that B could not be elected Prosecuting Attorney in Y county and could not at any time thereafter assume office by reason of having received a number of votes at such election.

Respectfully submitted

FRANKLIN E. REAGAN  
Assistant Attorney General

APPROVED:

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J. E. TAYLOR  
(Acting) Attorney General

FER:FE  
Enc.