

OFFICERS: One person may hold both the office of
Justice of the Peace and Township Committeeman.

June 10, 1938

6-11



Honorable Charles E. Murrell, Jr.
Prosecuting Attorney
Adair County
Kirksville, Missouri

Dear Mr. Murrell:

We have received your letter of June 7th,
which reads as follows:

"I would like to have an opinion from
your office on the following matter:
can a man legally file for two
separate offices in Missouri? The
situation is as follows, one Harry
Brown of Novinger, Adair County,
Missouri, has filed for Justice of
Peace of his township and has also
filed for Committeeman for his town-
ship. I would like to have this opin-
ion at your earlist convenience as we
do not want the ballots printed or
the notices in the paper if there is
any chance Mr. Brown will have to
withdraw from the ballot for one of
the offices."

We are enclosing a copy of an opinion of this
office written on January 8, 1935 which rules that, one
person may hold the offices of both Public Administrator
and Justice of the Peace at the same time. This opinion
sets out the rule that one can hold two offices provided
the constitution or statutes do not prohibit and provided,
also, that there is no inconsistency in the functions of
the two offices in question. The enclosed opinion also
sets out, in full, the powers and duties of a Justice of
the Peace. We need then, only to inspect the duties of

a committeeman to determine whether the two offices in question are incompatible.

The powers and duties of a committeeman are set forth, by the Supreme Court of Missouri, in the case of State ex rel. Ponath vs. Hamilton, 240 S. W. 445. In holding that a committeeman is a public officer, the court said:

" * * * They are required to receive and disburse the filing fees required to be paid by candidates (sections 4828, 4991, R. S. 1919); they prepare and submit lists from which judges and clerks of election are to be appointed (sections 4779, 4851, 5120, 5121, R. S. 1919); they fill vacancies on the tickets and to that extent exercise the powers of electors (sections 4815, 4816, 4838, 5004, R. S. 1919); they nominate candidates for vacancies on the board of aldermen of the city of St. Louis (sections 21 and 22, R. C. St. L. 1914); they appoint challengers and watchers at elections (sections 4776, 4840, 4842, 5003, 5004, 5007, 5162, R. S. 1919); they elect their own officers, constitute the congressional committee, and elect the state committee (section 4848, R. S. 1919). * * * "

Neither the constitution nor the Laws of Missouri prohibit the person from holding these two offices. Also from a perusal of the duties of a Justice of the Peace and committeeman, we cannot see that the same are in any way inconsistent, incompatible or repugnant to each other. In fact, the duties of each are in entirely separate and distinct fields.

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CONCLUSION

We conclude, therefore, that one person may legally file and hold the offices of Justice of the Peace and Township Committeeman at the same time.

Respectfully submitted

J. F. ALLEBACH
Assistant Attorney General

APPROVED:

J. E. TAYLOR
(Acting) Attorney-General

JFA:LB