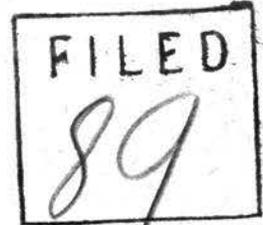


ELECTIONS; Committeemen or committeewomen for county committee to be selected from wards of incorporated cities and from territory outside of such cities in the township.

June 17, 1938

Honorable Hampton Tisdale  
Prosecuting Attorney  
Cooper County  
Boonville, Missouri



Dear Mr. Tisdale:

This will acknowledge receipt of yours of the 6th, which reads as follows:

"I have been asked to interpret Section 10278, R. S. of Missouri, 1929, insofar as it applies to the selection of Precinct Committeemen and Committeewomen.

"I would appreciate your giving me an opinion on the following questions:

- (1) May Committeemen and Committeewomen be elected from each voting precinct in the County instead of Township Committeemen and Committeewomen at the August Primary under Section 10278 R. S. Mo. 1929?
- (2) Is an elector who complies with Section 10257 R. S. Mo. 1929 in its entirety entitled to have his or her name placed on the ballot for Precinct Committeeman or Committeewoman at the August Primary election?
- (3) In case an elector files for both Township and Precinct Committeeman or Committeewoman, does the Township or Precinct take precedent, and which name should be placed on the ballot? "

The section to which you refer, to-wit, Section 10278, reads in part as follows:

"At the August primary each voter may write in the space left on the ballot for that purpose the names of a man and a woman, qualified electors of the precinct, or voting district as the case may be, for committeemen for such township, or voting district, and the man and the woman receiving the highest number of votes in such township, or election district, shall be the members of the party committee of the county, or in the case of a city not within the county, of the city of which such voting precinct, or district is a part: \*\*\* "

Section 10284 reads as follows:

"The word 'county' as used in this article shall include the several counties of this state and the city of St. Louis, and the word 'precinct' and the words 'election districts' shall include and refer to wards or townships as the case may require, but shall not apply to any subdivision less than a ward within any city subdivided into wards, or to any subdivision less than a township in any county."

The foregoing statutes have not been interpreted by the courts of this State. We think that Section 10278 authorizes the voters of each township or election district to elect a committeeman and committeewoman to represent that territory on the county committee. Section 10284 provides that "election districts" shall include and refer to wards or townships as the case may require, and therefore, in view of Section 10278, we think that each ward in an incorporated city would be entitled to a committee-

man and committeewoman and that in a township which does not contain incorporated cities, such township would be entitled to a committeeman and a committeewoman on the county committee. In a township containing one or more incorporated cities, the territory in such township outside of such incorporated city or cities would also be entitled to a committeeman and a committeewoman in addition to committeemen and committeewomen from the wards of such incorporated city or cities.

In such latter case, the territory outside such city or cities would be an election district. We think the statute is quite clear that each ward in an incorporated city is entitled to a committeeman and a committeewoman, and in order to give the territory outside of such incorporated city representation on the county committee, that territory would likewise be entitled to a committeeman and a committeewoman. We see nothing in the statute which would give any preference to a committeeman or committeewoman from the township outside of incorporated cities over the committeemen and committeewomen elected from the wards of incorporated cities. It would seem to us that in a township containing an incorporated city of three wards, such township would be entitled to four committeemen and four committeewomen on the county committee, each ward of such city being entitled to one committeeman and one committeewoman, and the territory outside of such city being entitled to one committeeman and one committeewoman.

The proviso in Section 10278 reads as follows:

" \*\* Provided, that any qualified elector in any such voting precinct or district may have his or her name printed on the primary ballot, or party ticket on which he or she may desire to become a candidate for committeeman or committeewoman by complying with the provisions of section 10257, R. S. 1929."

The language of this proviso is clear and it definitely states that an elector who complies with Section 10257 is entitled to have his name placed on the ballot to become a candidate for committeeman or committeewoman.

CONCLUSION.

It is, therefore, the opinion of this office:

(1) Each ward in an incorporated city is entitled to one committeeman and one committeewoman on the county committee, and in addition to these, the territory of a township lying outside of such incorporated city or cities and within the township, is entitled to one committeeman and one committeewoman on the county committee.

(2) An elector who complies with Section 10257 is entitled to have his or her name placed on the ballot as a candidate for committeeman or committeewoman for either the ward of an incorporated city or for the township, the township committeeman being the one selected from the territory of a township not within an incorporated city or town.

(3) That there is no preference between a township committeeman and a ward committeeman, each being of equal rights and priorities. If, therefore, an elector who resides in a ward of an incorporated city, and such ward elects a committeeman or committeewoman for the county committee, such elector would not be eligible as a candidate for the office of township committeeman or committeewoman, since he would not reside in the territory of the township outside of the incorporated city.

If, however, the wards of such city are not selecting committeemen and committeewomen for the county committee, there would be no reason why such an elector residing in such city would not be eligible to the office of township committeeman or committeewoman, since in that case the whole township would be the election district from which the committeeman and committeewoman are being selected.

Respectfully submitted

HARRY H. KAY  
Assistant Attorney General

APPROVED:

ROY McKITTRICK

Attorney General