

ELECTIONS: Townships only entitled to representation  
COMMITTEEMAN: when county court has not recognized city  
wards as election districts.

May 20, 1948



Honorable Hugh P. Williamson  
Prosecuting Attorney  
Callaway County  
Fulton, Missouri

Dear Mr. Williamson:

This is in reply to your request of recent date for an opinion, which reads as follows:

"I would like to have an opinion as to the proper manner in which the positions of committeeman and committeewoman, respectively, should be filled in Fulton Township in the August primary.

"Fulton Township is composed of the city of Fulton and some outlying territory. The city is divided into four wards for the purposes of city elections only. The township is divided into six election precincts for the purpose of voting for county offices. These election precincts cross ward lines and may consist of districts both within and without the city limits.

"Should there be printed on the ballot names for committeemen and committee-women for the wards and also for the township, or should there only be printed on the ballot the names of those who have filed for Fulton Township as a whole?"

Section 11482, R. S. Mo. 1939, provides as follows:

"The county courts of the several counties in this state shall have power to divide any township in their respective counties

into two or more election districts, or to establish two or more election precincts in any township, and to alter such election districts and precincts, from time to time, as the convenience of the inhabitants may require."

As we understand the facts, as embodied in your opinion, the county court has divided the township of Fulton into six election precincts but has not seen fit to make coincident the boundaries of these precincts with the boundaries of the wards in the city of Fulton. Therefore, it would seem that the county court has not declared the wards of the city of Fulton as election districts.

The statute providing for the election of committeemen and committeewomen is Section 11572, R. S. Mo. 1939, which 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 committee men 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: \* \* \*."

(Underscoring ours.)

We have seen above that the county court has not provided for the wards of the city of Fulton to be voting districts. We are of the opinion that because of the language used in Section 11572, supra, "as the case may be," that without this designation the wards are not entitled to representation on the party committees of the county. This particular section of the statutes has not been passed upon by the courts of this state with this factual situation in view, but the Supreme Court of the State of Minnesota, in passing upon an analogous situation in an early case, said in the course of their opinion:

"\* \* \* The mere creation of village organizations within townships, for the purposes of local government, could not be deemed to have abrogated, as to such municipalities, the statute regulating elections for other than local purposes. Nor would the fact that very extensive and complete powers as to local affairs had been conferred, justify the conclusion that it was intended that such villages should constitute separate election districts for the purpose of elections pertaining only to the affairs of the county and of the state. \* \* \*"  
(Stemper v. Higgins, 37 N. W. 95, l. c. 96).

Thus, the fact that the city of Fulton has been divided into wards for municipal purposes is not binding upon the county court when dividing the township of Fulton into election districts. Nor are the six election districts as established by the county court in Fulton Township entitled to representation on the party committees, due to the provisions of Section 11579, R. S. Mo. 1939, which 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."

By the provisions of Section 11579, supra, it is clear that no less a subdivision than a township in a county is entitled to committee representation unless, as indicated above, the county court has recognized city wards as election districts by establishing coincident boundary lines.

It is our view of the law that the offices to be filled at the August primary are committeeman and committeewoman from Fulton Township.

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Conclusion

It is the opinion of this department that unless the county court has recognized city wards as election districts within the township the wards are not entitled to representation on the party committees of the county, but representation should be limited to one committeeman and one committeewoman for the whole township. This opinion is not applicable to counties of the first class and the City of St. Louis.

Respectfully submitted,

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APPROVED:

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JRB:ml