

ELECTIONS:

Candidates for committeeman and committee-
woman in that part of Kansas City located
POLITICAL COMMITTEES: in Clay County will file from the township
in which he or she lives.

April 24, 1950

4/25/50

Honorable Robert G. Kirkland
Prosecuting Attorney
Clay County
Liberty, Missouri



Dear Sir:

This is in answer to your letter of recent date
requesting an official opinion of this department reading
as follows:

"This office requests for the use of
the County Clerk of Clay County an
official opinion interpreting Section
11573, R. S. Mo. 1939 in view and in
connection with the present physical
situation in Clay County. In other
words, the County Clerk wants to know
for what portion of the county or for
what portion of the city of Kansas
City in Clay County candidates file
for committeeman and committeewoman,
and whether or not such candidates are
required to pay a fee of five dollars
upon such filing."

You informed us further that that part of Kansas City
which is in Clay County occupies only a part of a township
in Clay County and that that part of Kansas City in Clay
County has been made a part of two wards of Kansas City lo-
cated in Jackson County.

Section 120.77 (11572) House Bill 2063, 65th General
Assembly, provides 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

April 24, 1950

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 of which such voting precinct or district is a part. 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 11550, and in all counties in this state now or hereafter containing a city of the first class, by also paying the sum of five dollars to the treasurer of the county committee of the party on whose ticket he or she seeks election."

Section 11579, Revised Statutes of Missouri, 1939, provides 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."

Since no separate wards have been established in that part of Kansas City located in Clay County, it is our view that Section 120.77, House Bill No. 2063 quoted supra, governs in this case. It is to be noted that the only requirement in Section 120.77 as to the payment of the filing fee for committeemen or committeewomen relates to counties containing a city of the first class and that Clay County does not contain such a city. Therefore, a person resident in that part of Clay County annexed to Kansas City files for the office of committeeman or committeewoman from the township in which he or she lives, and no filing fee is required.

Conclusion

It is the opinion of this department that a person who

Honorable Robert G. Kirkland

April 24, 1950

lives in that part of Kansas City located in Clay County who wishes to file for the office of committeeman or committeewoman files for such office from the township in which he or she lives.

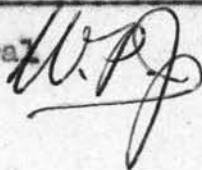
It is further the opinion of this department that no filing fee is required when filing for the office of committeeman or committeewoman from a township in Clay County.

Respectfully submitted,

C. B. BURNS, JR.
Assistant Attorney General

Approved:

J. E. TAYLOR
Attorney General



CEB:lrt