

STATE REPRESENTATIVE:  
QUALIFICATIONS:  
NOT REQUIRED TO BE TAXPAYER:

Article III, Sec. 4, Constitution of Missouri, 1945, and Section 21.080, RSMo Cum. Supp. 1957, providing qualifications of state representatives do not require that one shall have paid a county tax in the county of his residence prior to his election to be eligible to said office.



May 6, 1960

Honorable Lee C. Sutton  
State Representative  
Monroe County  
606 Missouri Avenue  
Columbia, Missouri

Dear Mr. Sutton:

This office is in receipt of your request for a legal opinion, which reads, in part, as follows:

"Does a person who runs for, and if elected, to any office, namely the Representative's Office to the Missouri State Legislature, have to have his or her name entered upon the County Tax Roll and pay a County tax to the County in which this said person is running for or already holding the said State Representative's Office?"

We construe your inquiry to be whether or not one of the legal qualifications one must possess to be eligible to the office of state representative is that he shall have paid a county tax in the county of his residence prior to his election.

While the inquiry does not so state, it will be assumed for the purposes of our discussion herein, that said inquiry refers to the payment of real or personal property taxes within the county of his residence by the representative-elect of such county, a certain period of time, for example, twelve months next before the election of such person to said office. In this connection we direct your attention to Article IV, Section 4, Constitution of Missouri, 1875, which provided the qualifications of members of the Missouri House of Representatives at the time said Constitution was in effect and which reads as follows:

"No person shall be a member of the House of Representatives who shall not have attained the age of twenty-four years, who shall not be a male citizen of the United States, who shall not have been a qualified voter of this State two years, and an

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inhabitant of the county or district which he may be chosen to represent one year next before the day of his election, if such county or district shall have been so long established, but if not, then of the county or district from which the same shall have been taken, and who shall not have paid a State and county tax within one year next preceding the election."

Article III, Section 4, Constitution of Missouri, 1945, and Section 21.080, RSMo Cum. Supp., 1957, provide the present qualifications of representatives.

Article III, Section 4, Constitution of Missouri, 1945, reads as follows:

"Each representative shall be twenty-four years of age, and next before the day of his election shall have been a qualified voter for two years and a resident of the county or district which he is chosen to represent for one year, if such county or district shall have been so long established, and if not, then of the county or district from which the same shall have been taken."

Section 21.080, RSMo Cum. Supp., 1957, reads as follows:

"Each representative shall be twenty-four years of age, and next before the day of his election shall have been a qualified voter for two years and a resident of the county or district which he is chosen to represent for one year, if such county or district shall have been so long established, and if not then of the county or district from which the same shall have been taken."

It is noted from the above quoted provision of the former Constitution that among other qualifications therein provided, no person could be a member of the House of Representatives "who shall not have paid a state and county tax within one year next preceding the election." Upon comparison of said section with Article III, Section 4 of the present Constitution and Section 21.080, supra, it is readily seen that the qualifications as to the payment of taxes have been omitted from the latter constitutional, and statutory provisions by the lawmakers; and do not now constitute one of the qualifications of the office of representative.

Therefore, because of such omission from Article III, Section

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4, Constitution of Missouri, 1945, and Section 21.080 setting out the qualifications of state representatives, and in answer to your inquiry it is our thought that one is not required to have paid a county tax in the county of his residence prior to his election to be eligible to the office of state representative.

CONCLUSION

Therefore, it is the opinion of this office that Article III, Section 4, Constitution of Missouri, 1945, and Section 21.080, RS Mo. Cum. Supp., 1957, providing the qualifications of state representatives, do not require that one shall have paid a county tax in the county of his residence, prior to his election, to be eligible to the office of state representative.

The foregoing opinion, which I hereby approve, was prepared by my assistant, Paul N. Chitwood.

Yours very truly,

John M. Dalton  
Attorney General

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