

March 8, 1962



Honorable Warren C. Phelps
Representative, 7th District
Jackson County
1701 Bryant Building
Kansas City, Missouri

Dear Mr. Phelps:

We are in receipt of your request for an opinion on the following matter:

The Kansas City Board of Election Commissioners, under date of December 28, 1961, revised the boundary lines of certain wards in the city. Prior to December 28, 1961, some candidates for ward committeeman and committeewoman filed declarations of candidacy for such offices. The question upon which our opinion is requested is whether the order of the Board of Election Commissioners certifying new boundaries for the wards operates of itself to invalidate such prior declarations of candidacy.

In an opinion dated December 27, 1961, to Honorable George H. Morgan this office ruled that all senatorial and representative districts in Jackson County went out of existence after the 1960 decennial census, and therefore, until new districts were created as provided by law, there was no office in existence for which a candidate could validly seek nomination. The opinion ruled that as a result of the foregoing, declarations of candidacy theretofore filed for such offices were void and of no force and effect.

The premise upon which the Morgan opinion was based is inapplicable to the ward revision in Kansas City. The wards which theretofore existed did not automatically go out of existence as a result of either the census or any canvass of voters.

Honorable Warren C. Phelps March 6, 1962

The board of election commissioners is authorized by Section 117.190 RSMo 1959, to revise the ward boundaries in the circumstances there set forth. However, the wards as theretofore established were actually in existence at the time the declarations of candidacy were filed, and so too, the offices of committeeman and committeewoman for such wards, for which such declarations of candidacy were filed prior to December 28, 1961, were also in existence at the time such declarations were filed. This essential fact distinguishes the situation applicable to filings for ward committeeman and committeewoman from that involved in the Morgan opinion in which the representative and senatorial districts were not in existence at the time of the filings.

Hence, it is our opinion that declarations of candidacy for ward committeeman and committeewoman in Kansas City, filed prior to December 28, 1961, were not automatically rendered ineffective and void because of subsequent changes in ward boundaries. Of course, all such candidates must be qualified voters in the wards as finally constituted.

Yours very truly,

THOMAS F. EAGLETON
Attorney General

JN:BJ