

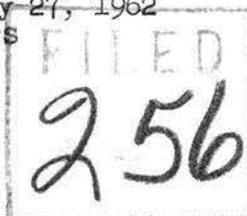
LEGISLATIVE DISTRICT COMMITTEE:

CONGRESSIONAL DISTRICT COMMITTEE:

a legislative district of Clay County compose the legislative district committee for such legislative district. (2) There is no requirement that either the chairman or vice-chairman of a legislative district committee reside within the legislative district for which he or she is chairman or vice-chairman. (3) The chairman and vice-chairman of the county committee, the chairman and vice-chairman of each of the three legislative districts into which Clay County has been divided and the committeeman and committeewoman elected in the 21st Ward of Kansas City, constituting a part of Clay County, are, by virtue of

Honorable William Baxter Waters  
State Senator, 17th District  
First National Bank Building  
Liberty, Missouri

July 27, 1962



their election as such, members of the Sixth Congressional District Committee.

Opinion No. 256

Dear Mr. Waters:

You have requested the opinion of this office as follows:

"As a result of the 1960 decennial census, Clay County became entitled to three members in the House of Representatives of the Missouri General Assembly. Pursuant to statute, the Clay County Court has officially established said three legislative districts and they are now in existence.

"This fact has had a bearing on the number of members to which Clay County is entitled on the Sixth Congressional Political Committee. It is with reference to this membership that I should like to submit the following questions to your office and request an official opinion therefor.

"1. How are the respective chairmen and vice-chairmen of the legislative district committee, as provided for in paragraph 1 of Section 120.810 VAMS, selected?

"2. What are the qualifications for said chairman and vice-chairman, that is, must they be members of the overall county committee?

"3. If they legally must be members of the county committee, what method of selection is to be followed if there be not a sufficient

Honorable William Baxter Waters

number of the members of the county committee residing in said legislative district so as to provide a chairman and vice-chairman?

"4. Clay County includes three legislative districts and a part of Kansas City located therein. With Clay County being a part of the Sixth Congressional District, how many members is said county entitled to have on said Congressional Political Committee under the provisions of said paragraph 4 of Section 120.810 VAMS?

Section 120.810, RSMo 1959, provides for a legislative district committee in all counties having more than one legislative district. In those counties entitled to only one representative, no provision is made for a legislative district committee, for the obvious reason that such county has no legislative district as such. The only provisions in our constitution and statutes for districts, in connection with representatives in the Missouri Legislature, concern counties entitled to more than one representative. In such situation, the county is required to be divided into districts. Article III, Sections 2, 7, and 9, Constitution of Missouri and Sections 22.040 and 22.050, RSMo 1959. There is no provision for districting the entire House of Representatives comparable to that with respect to State Senators. As to the latter, senatorial districts as such are created and exist even when the boundaries thereof are coextensive with the boundaries of a single county. Article III, Sections 5 and 7, Constitution of Missouri. It is for such reason that paragraph 3 of Section 120.810 makes no reference to representative districts coextensive with a single county, while providing for congressional, senatorial and judicial districts coextensive with a single county.

In determining the method of selection and the qualifications of the respective chairman and vice-chairman for each of the legislative districts in Clay County, Section 120.810 must be read together with Section 120.800, RSMo 1959. Originally both sections were a part of a single act enacted in 1923. Section 120.800 was amended in 1949 (H.B. 2063) to provide that the county chairman and vice chairman shall be members of the congressional committee, and Section 120.810 was amended in 1953 to read in its present form. (Laws 1953, p. 734.)

Honorable William Baxter Waters

We note that Section 120.800 provides that the county committee shall be composed of the committeemen and committee-women elected in the several townships, or voting districts, at the August primary next preceding and shall meet at the county seat on the third Tuesday in August of the year in which the primary election is held, and organize by the election of one of its members as chairman and one of its members as vice-chairman, one of whom shall be a woman. Provision is also made therein for the election of a secretary and a treasurer, who may or may not be members of the committee.

After the county committee has completed its organization as aforesaid, then under the provisions of Section 120.810, in counties such as Clay County, an election is held by the members of the legislative district committee "at the same time" (i.e., the third Tuesday in August) for the selection of a chairman and a vice-chairman for each legislative district. Although the statute does not spell out in so many words how such legislative committee shall be constituted, the clear import of the statutes relating to the various party committees is that each such legislative district shall be composed of the committeemen and committeewomen elected in the several townships and wards included in whole or in part in such district. It is of course possible that one or more of such committeemen and committeewomen will not be a resident of a legislative district, and that the same committeeman and committeewoman may be members of two or more legislative districts. However, such fact has no bearing upon the membership of such committeeman and committee-woman in the legislative district committees for all legislative districts of which their township or ward is a part.

It follows from the foregoing that each legislative district committee is, in effect, a subcommittee of the county committee, such subcommittee consisting of all committeemen and committee-women elected in townships and wards included in whole or in part in the legislative district. Each legislative district committee, at the time specified, is required to elect from its membership a chairman and a vice-chairman, one of whom must be a woman, for such legislative district. The statute does not prescribe residence in the legislative district as a qualification for the office of chairman and vice-chairman. All that is necessary is that such officers be members of the legislative district committee and that one of them must be a woman. The

Honorable William Baxter Waters

fact that the statute expressly provides that the secretary and treasurer need not be members of the committee further evidences the legislative intent that the chairman and vice-chairman must be members thereof.

Hence, in answer to your first three questions, we are of the opinion that the chairman and vice-chairman for each of the three legislative districts in Clay County are elected immediately following the organization of the county central committee by those members of the county committee who are committeemen and committeewomen from the townships and Ward 21 composing in whole or in part each such legislative district, that said chairman and vice-chairman must be members of said legislative district committee but need not reside in said district, and that one of said officers must be a woman.

Your final question relates to the number of members to which Clay County is entitled on the congressional committee for the Sixth Congressional District. Under the provisions of both Paragraph 2 of Section 120.810 and Section 120.800, the county chairman and vice-chairman are, by virtue of his and her election as such, members of the party congressional committee. In addition, Paragraph 2 of Section 120.810, provides that where a county forming a part of a congressional district has more than one representative district, then the chairman and vice-chairman of each of the legislative districts in said county shall be a member of the congressional district committee. Paragraph 4 of Section 120.810, to the extent here relevant, provides that the congressional district committee of a district which shall be composed in part of a part of a city shall include as members thereof the ward committeeman and committeewoman for such wards included in whole or in part in such part of the city forming a part of the district. You have informed us that Ward 21 of Kansas City, located in Clay County, constitutes a part of the Sixth Congressional District. Therefore, under the express provisions of said Paragraph 4, the committeeman and committeewoman from Ward 21 of Kansas City are required to be included as members of the Sixth Congressional District committee in addition to the county and legislative district chairmen and vice-chairmen.

#### CONCLUSION

It is the opinion of this office: (1) The committeemen and committeewomen of the several townships and of Ward 21 which are included in whole or in part in a legislative district

Honorable William Baxter Waters

of Clay County compose the legislative district committee for such legislative district. (2) Immediately following the organization of the county committee, the members of each legislative district in Clay County shall elect one of its members as chairman and one of its members as vice-chairman, one of whom must be a woman. There is no requirement that either the chairman or vice-chairman of a legislative district committee reside within the legislative district for which he or she is chairman or vice-chairman. (3) The chairman and vice-chairman of the county committee, the chairman and vice-chairman of each of the three legislative districts into which Clay County has been divided and the committeeman and committeewoman elected in the 21st Ward of Kansas City, constituting a part of Clay County, are, by virtue of their election as such, members of the Sixth Congressional District Committee.

The foregoing opinion, which I hereby approve, was prepared by my assistant, Joseph Nessenfeld.

Yours very truly,

---

THOMAS F. EAGLETON  
Attorney General

JH:gm