

SUPPLEMENT TO LETTER DATED AUGUST 8, 1962,
ANSWERING OPINION REQUEST NO. 306 BY LETTER.

August 10, 1962



Honorable Bernard W. Gorman
Prosecuting Attorney
Atchison County
Rock Port, Missouri

Dear Mr. Gorman:

With reference to your telephone conversation of August 10, 1962, with Gordon Siddens, Assistant Attorney General, and with further reference to your opinion request dated August 2, 1962, we have the following observations:

1. The election referred to in Section 120.550 as amended last in 1959 is the general election, not the primary election.

2. There is no reason why the name of the candidate selected by the county committee should appear on the primary ballot because the candidate selected by the county committee is the party nominee to be voted on only at the general election.

3. Under the time schedule specified in Section 120.550 as amended there is more than thirty days remaining before the general election to permit the county clerk to have the nominee named by the county committee put on the ballot as the party nominee for the office.

4. The opinion of this office dated September 18, 1956, to Honorable John W. Mitchell, on page 3 the last two paragraphs before the "Conclusion," states the position of this office respecting the point under consideration. The amendment of Section 120.550 in 1959 modifies the principle stated merely to require the nomination of

Honorable Bernard W. Gorman #2

candidate B made by the county committee to fill a vacancy caused by the resignation or withdrawal of candidate A (as stated in your inquiry) to be filed with the county clerk thirty days before the general election on November 6, 1962.

We hope the foregoing fully explains our view of the law.

Yours very truly,

THOMAS F. EAGLETON
Attorney General

JGS:ml

OPINION NO. 306 ANSWERED BY LETTER.

August 8, 1962

Honorable Bernard W. Gorman
Prosecuting Attorney
Atchison County
Rock Port, Missouri

Dear Mr. Gorman:

This will acknowledge receipt of your letter dated August 2, 1962, requesting an opinion of this office relating to the interpretation of Section 120.550 in filling vacancies for candidates who have withdrawn.

We enclose herewith copy of an opinion issued by this office dated September 18, 1956, to Honorable John W. Mitchell. We believe this opinion answers the questions you have asked.

Yours very truly,

THOMAS F. EAGLETON
Attorney General

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