

August 26, 1963



OPINION NO. 279
ANSWERED BY LETTER (Chitwood)

Honorable Edwin W. Mills
Prosecuting Attorney
St. Clair County
P. O. Box 151
Osceola, Missouri

Dear Mr. Mills:

This office is in receipt of your request for our legal opinion as to whether one who is a qualified surveyor, residing in a Missouri county, can be a candidate and legally elected county surveyor in a Missouri county other than the one of his residence.

In an opinion of this office written for Honorable Albert D. Nipper, Prosecuting Attorney of Washington County, Missouri, on May 25, 1949, it was concluded that a vacancy caused by the failure of the person elected to the office of county surveyor to qualify, should be filled by appointment of the Governor, and the appointee need not be a resident of the county for which he is appointed, the only residence requirement being residence in this State for one year next preceeding the appointment. This matter was fully discussed on page two of the opinion, and refers to Section 13190, RSMo 1939, on the requirements of the office of county surveyor (now Section 60.010, RSMo 1959).

In view of the fact that residence in the county is not one of the statutory requirements for appointment or election to the office of county surveyor where the vacancy exists, it is believed that the above mentioned opinion answers your inquiry in the affirmative and a copy of same is enclosed for your consideration.

Yours very truly,

THOMAS F. EAGLETON
Attorney General

PNC:jh
Enc.