

ELECTION:
NONPARTISAN CANDIDATES:

Chapter 120, RSMo 1959, authorizes candidacy through the usual primary election process or by nominating petitions.

Opinion No. 284

September 16, 1964



Honorable David J. Dixon
Prosecuting Attorney
Johnson County Courthouse
Warrensburg, Missouri

Dear Mr. Dixon:

In your recent letter you inquire as to whether a person may, within the time permitted for filing as a candidate for the primary election, file as a nonpartisan candidate under the provisions of Section 120.360, RSMo 1959, without previously filing petitions for nomination, and be entitled to be placed on the general election ballot if no other candidates file on the nonpartisan ticket.

We believe that Chapter 120, RSMo 1959, as amended, provides alternative ways for the nomination of nonpartisan candidates. Section 120.360 authorizes a nonpartisan candidate to pay the regular filing fee and seek the nomination on the nonpartisan ticket under the usual primary election procedures. If the candidate elects to follow this procedure, then his name would appear on the general election ballot in accordance with Section 120.430. We believe that these conclusions are supported by the case of State ex rel. Preisler v. Toberman, 269 SW2d 753. In the Preisler case the court said:

"The two methods of nomination are entirely different and are not inconsistent with or repugnant to each other."

In other words, the standard procedure for nominating nonpartisan candidates by way of a primary election continues to be authorized by the above statutory provisions, notwithstanding Sections 120.180 to 120.230, which expressly authorize the nomination of certain candidates by nominating petitions.

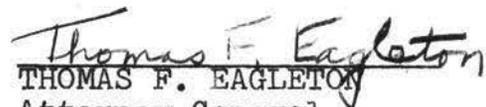
Honorable David J. Dixon

CONCLUSION

The nomination of independent or nonpartisan candidates may be accomplished through the usual primary election process or by way of nominating petitions as authorized by Section 120.180, RSMo 1959.

The foregoing opinion, which I hereby approve, was prepared by my assistant, Clyde Burch.

Yours very truly,


THOMAS F. EAGLETON
Attorney General