

OPINION NO. 385
Answered by Letter-Finnegan

November 18, 1964



Honorable Charles G. Hyler
Prosecuting Attorney
St. Francois County Courthouse
Farmington, Missouri

Dear Mr. Hyler:

Your recent request for an opinion of this office concerns the office of County Clerk of St. Francois County. The situation in St. Francois County is as follows:

The County Clerk, Floyd Becker, elected in 1962 for a four year term, resigned in the early part of 1964. The Governor appointed Robert Baker to the office after Becker's retirement. On November 3, 1964, Mr. Vollie Hulsey was elected in the general election to fill the unexpired term of Floyd Becker.

You ask when the person elected for the unexpired term of the County Clerk takes office.

This question has been answered by an opinion of this office under date of June 19, 1953, addressed to the Honorable Phil M. Donnelly, which is enclosed. In the Donnelly Opinion, the unexpired term involved was to be a short term from November, 1954, to January, 1955, while in the present situation the term involved is a long term from November, 1964, until January, 1967. This in no way changes the effect of Section 51.090, RSMo, as to the date when the one chosen to fill the remainder of the term of the County Clerk assumes office.

It is our opinion that the person elected to fill the unexpired term of the County Clerk is entitled to take the office when the result of the general election has been certified.

Very truly yours,

THOMAS F. EAGLETON
Attorney General

Enclosure

GDF:mje