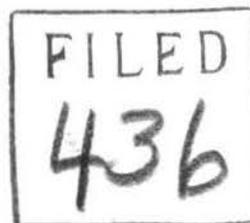


August 30, 1966

OPINION NO. 436
Answered by Letter
(Mansur)

Honorable James C. Kirkpatrick
Secretary of State
Capitol Building
Jefferson City, Missouri



Dear Mr. Kirkpatrick:

This is in reply to your letter of August 26, 1966, concerning the Nominating Petition filed in your office by Edward Verburg, as an independent candidate for representative from the 18th Legislative District and the Nominating Petition of Mrs. Rosemary Flemington, as an independent candidate for Representative in the General Assembly from the 5th Legislative District, each legislative district being within the boundaries of Jackson County, Missouri.

You inquire whether the names of the above candidates should be included in your certification to the county clerks of nominees for public office. We have now been informed that Mrs. Flemington has requested her name to be omitted.

It is our opinion that under Section 120.220, RSMo 1959, the Nominating Petition of a candidate for representative from a legislative district, the boundaries of which are within one county, should be filed with either the county clerk or the board of election commissioners. Since the 18th Legislative District is within the boundaries of Jackson County, the petition should not have been filed in your office and you should not include the name of Mr. Verburg in your certification.

Our opinion on this matter, renders the other question you submitted concerning the signatures immaterial at the present time.

Very truly yours,

NORMAN H. ANDERSON
Attorney General