

March 14, 1967



Honorable Arlie H. Meyer
State Representative - District 105
Capitol Building
Jefferson City, Missouri

Dear Mr. Meyer:

This is in response to your request for an opinion dated February 28, 1967, which makes the following inquiry:

"A third class city presently operating under a Mayor-Council form of government is considering the drafting of a Home-Rule Charter. Can a city councilman elected by qualified voters run for a Home Rule Charter Commission without resigning from the city council? If the councilman wins a post on the Home Rule Charter Commission, can he legally maintain his city councilman's post while the charter is being drafted and voted upon?"

This question involves a construction of Section 19, Article VI of the Constitution relating to the formation of a Constitutional Charter City. This section is rather lengthy but spells out in detail how any city may determine whether it wishes to form a Constitutional Charter. This Section provides in part as follows:

"* * *The question, and the names or the groups of names of the electors of the city who are candidates for the commission, shall be printed on the same ballot without party designation. Candidates for the commission shall be nominated by petition signed by not less than two per cent of the qualified electors

Honorable Arlie H. Meyer

voting at the next preceding city election, and filed with the election body or official at least thirty days prior to the election; provided that the signatures of one thousand electors shall be sufficient to nominate a candidate. If a majority of the electors voting on the question vote in the affirmative, the thirteen candidates receiving the highest number of votes shall constitute the commission. * * *

It will be noted that the only reference to qualifications of persons to serve on the Charter Commission is that they be electors. Therefore, if a City Councilman of the city is an elector he would be qualified to be a candidate as a member of the Charter Commission.

We perceive no reason why there would be any inconsistency or incompatibility in a person service as a City Councilman while at the same time serving as a member of the Charter Commission.

Yours very truly,

NORMAN H. ANDERSON
Attorney General