



August 15, 1969

OPINION LETTER NO. 370

Honorable L. Edward Stone  
State Senator  
26th District  
Chesterfield, Missouri 63017

Dear Senator Stone:

This is in answer to your letter of recent date in which you ask whether the nomination of a candidate at a special election to fill the vacancy caused by the death of Representative Omar Dames of the 105th district should be made by the county committee of St. Charles County or by the legislative committee of the 105th district.

We are enclosing opinion No. 89 rendered September 6, 1955, to William E. Tipton. Such opinion holds that candidates at a special election to fill a vacancy in the 10th senatorial district which was located wholly within Jackson County were to be nominated by the party senatorial committee of the 10th district and not by the county committee in whole or in part.

We believe such opinion to be applicable to the question presented and that under the provisions of Section 120.810 RSMo quoted in such opinion the nomination of a candidate to fill a vacancy at a special election in a legislative district in a county which contains more than one legislative district should be made by the legislative district committee and not by the county committee.

Opinion No. 89-1955 was withdrawn by this office only insofar as such opinion holds that nominations to fill a vacancy at a special election cannot be made by a petition of the electors. Therefore, the opinion is still valid insofar as party nominations are concerned and we believe, as stated above, that such opinion is directly in point.

We are enclosing opinion No. 256 rendered July 27, 1962, to Senator William B. Waters which rules as to the composition of a legislative district committee.

Very truly yours,

JOHN C. DANFORTH  
Attorney General