

GENERAL ASSEMBLY:
LEGISLATIVE EMPLOYEES :

Section 21.150, RSMo Supp. 1967,
which allows the members of the
minority party of the House of

Representatives to employ one stenographer or secretary for
each five members of the minority party is not unconstitutional
when tested by the "one man-one vote" principle as articulated
by the Supreme Court of the United States.

OPINION NO. 37

April 30, 1970

Honorable Les Langsford
Representative, District 141
2311 South Dollison
Springfield, Missouri 65804



Dear Representative Langsford:

This official opinion is issued in response to your request
for an opinion with respect to the following inquiry:

"As you are no doubt aware, minority members
of the general assembly, by virtue of the
statute in caption, have a rough time in
their attempts to answer mail received from
their constituents.

Surely, the constituents in a legislative
district represented by a member of the
minority party in the Missouri General
Assembly are entitled to the same amount
of secretarial and clerical benefits as do
the constituents in a district represented
by a member of the majority party under the
concept of one man-one vote ruling handed
down by the Supreme Court of the United
States."

The statute to which you refer is Section 21.150, RSMo Supp.
1967, which provides, in part, as follows:

"2. The members of the minority
party of the house of representatives have
the right to employ one stenographer or

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secretary for each five members of the minority party; the minority floor leader and minority caucus chairman of the house of representatives each has the right to employ one additional stenographer or secretary, and the remainder of the officers and employees of the house of representatives, except the elective officers thereof, shall be selected or appointed by the members of the majority party of the house of representatives. The senate or house of representatives may each by resolution continue in employment at their regular salaries not more than fifteen officers or employees of each body for a period of not to exceed thirty days and not more than five officers or employees of each body for a longer period of time after the sine die adjournment of the general assembly, the number of employees and their term of employment to be fixed in the resolution. At least one such employee of the house of representatives and one employee of the senate shall be selected by the minority party, of each respective body."

The validity of this statute is ruled only with respect to your specific inquiry, which is whether the statute is violative of the "one man-one vote" principle articulated by the Supreme Court of the United States. We hold that the cited statutory provision is not violative of the "one man-one vote" principle articulated by the Supreme Court of the United States.

The cases of *Baker v. Carr*, 369 U.S. 186, 7 L.Ed.2d 663, 82 S.Ct. 691 (1962), *Reynolds v. Sims*, 377 U.S. 533, 12 L.Ed.2d 506, 84 S.Ct. 1362 (1964) and succeeding reapportionment cases, establish a basic constitutional principle which protects the right of all qualified citizens to vote and to have their votes counted and this includes protection from having one's vote diluted or debased. The challenged statutory provision does not affect the right of qualified citizens to vote or to have their votes counted, does not dilute or debase a person's vote, and, therefore, does not present a situation which would warrant application of the "one man-one vote" principle.

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CONCLUSION

It is, therefore, the opinion of this office that Section 21.150, RSMo Supp. 1967, which allows the members of the minority party of the House of Representatives to employ one stenographer or secretary for each five members of the minority party is not unconstitutional when tested by the "one man-one vote" principle as articulated by the Supreme Court of the United States.

The foregoing opinion, which I hereby approve, was prepared by my assistant, Warren K. Morgens.

Yours very truly,

A handwritten signature in black ink, reading "John C. Danforth". The signature is written in a cursive style with a large, prominent initial "J".

JOHN C. DANFORTH
Attorney General