

ELECTIONS:
SPECIAL ELECTIONS:

It is the opinion of this office that all township and ward committeemen and committeewomen in Perry and Ste. Genevieve Counties

are members of the legislative district committee of the 154th legislative district. Such party legislative district committees have authority to make nominations of candidates to run under a party designation at a special election to fill a vacancy in the office of representative from such district caused by the death of the incumbent. Nominations of candidates at such election may also be made by nominating petitions of electors.

OPINION NO. 171

February 10, 1970

Honorable R. J. King, Jr.
State Representative
39th District
1010 Hollingwood
St. Louis, Missouri 63132



Dear Mr. King:

This is in answer to your request for an official opinion as to the procedure to be followed in the selection of candidates for a special election to fill a vacancy presently existing in the 154th State Legislative District.

Such district consists of the counties of Perry and Ste. Genevieve. Appendix B, Chapter 22, RSMo.

We are enclosing a copy of Attorney General's Opinion No. 89, rendered September 6, 1955, to William E. Tipton and Attorney General's Opinion No. 302, rendered July 14, 1965, to Governor Hearnes.

You will note that Opinion No. 302 refers to the fact that Opinion No. 89 was withdrawn by this office but that the holding of Opinion No. 89 is still valid insofar as nomination by political committees is concerned. Both opinions hold that nominations to fill vacancies at special elections for members of the General Assembly can be made both by political committees and by petition.

Subsection 1 of Section 120.750, Senate Bill No. 135, Seventy-Fifth General Assembly provides as follows:

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"The central committee of a political party shall consist of the largest body elected for the purpose of representing and acting for the party in the interim between conventions of the party. That for the purpose of making nominations to fill vacancies resulting from death or resignation and not otherwise on a ticket previously nominated a majority of all the members-elect of a central committee shall be necessary to take action. That a central committee shall not have the power to delegate its authority to make nominations to any person or number of persons, and that any act consequent upon any such delegation of authority shall be held to be null and void. That no central committee shall have the power to substitute, to fill any vacancy, the name of any person who is not known to be of the same political belief and party as the person for whom he is substituted."

Such section specifically provides that the central committee of a party, whether it be the county committee, the state committee, a senatorial committee, a judicial committee, a congressional committee, or a legislative district committee, shall have the power to represent and act for political parties between conventions of such parties. Therefore, it is our view that nominations for the special election to fill the vacancy in the 154th legislative district can be made by party legislative district committees and by petitions.

Section 120.810, RSMo., provides in part as follows:

"1. In all counties of this state having more than one legislative district, there shall be elected a chairman and a vice-chairman, one of whom shall be a woman, for each such legislative district, and the county committee and legislative district committees shall each at the same time elect a secretary and a treasurer, one of whom shall be a woman, but who may or may not be members of said committee.

"2. The congressional, senatorial or judicial district committee of a district of which a county having more than one legislative district shall form a part, shall be composed of the county chairmen and vice-chairmen of the several county committees, and the chairman and vice-chairman of each of the several legislative districts."

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We find no statutory provision relating to legislative district committees except in counties containing more than one legislative district as provided for in Section 120.810.

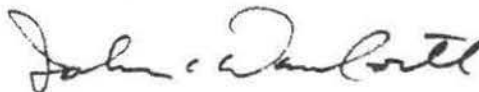
We are enclosing Attorney General's Opinion No. 256, rendered July 27, 1962, to Senator William Baxter Waters. Such opinion holds that in view of the provisions of Sections 120.800 and 120.810 and construing such sections together that the legislative intent is shown to be that members of legislative committees are to be those committeemen and committeewomen from townships or wards or other election districts whose districts are in whole or in part within the legislative district.

Since there is no specific statutory provision as to the composition of legislative district committees when such legislative districts consist of several counties, or a county and part of another county or counties, or several counties and parts of counties, it is our view that the legislative district committees of such districts consist of all committeemen and committeewomen elected from townships, wards, or other election districts in whole or in part in such legislative districts.

CONCLUSION

It is the opinion of this office that all township and ward committeemen and committeewomen in Perry and Ste. Genevieve Counties are members of the legislative district committee of the 154th legislative district. Such party legislative district committees have authority to make nominations of candidates to run under a party designation at a special election to fill a vacancy in the office of representative from such district caused by the death of the incumbent. Nominations of candidates at such election may also be made by nominating petitions of electors.

Very truly yours,



JOHN C. DANFORTH
Attorney General

Enclosures: Op. No. 89
9-6-55, Tipton *Withdrawn*

Op. No. 256
7-27-62, Waters

Op. No. 302
7-14-65, Hearnese