

March 16, 1971

OPINION LETTER NO. 125  
Answer by Letter (Mansur)

Mr. Walter G. Sartorius  
Chairman  
Board of Probation and Parole  
P. O. Box 267  
Jefferson City, Missouri 65101



Dear Mr. Sartorius:

This is in response to your request for an opinion from this office for our interpretation of Article VII, Section 8, Constitution of Missouri, which provides as follows:

"No person shall be elected or appointed to any civil or military office in this state who is not a citizen of the United States, and who shall not have resided in this state one year next preceding his election or appointment, except that the residence in this state shall not be necessary in cases of appointment to administrative positions requiring technical or specialized skill or knowledge."

You inquire whether a clerical employee of the State Board of Probation and Parole is required to be a resident of this state under the above constitutional provision.

We are enclosing herewith Opinion No. 66, issued by this office on May 14, 1948 to the State Board of Training Schools holding that employees of the State Board of Training Schools do not have to be residents of the state. This opinion sets out the constitutional provisions above referred to and to certain decisions of the appellate courts of this state which have construed the above constitutional provisions and the general principles of law involved. We believe this opinion correctly states the law at the present time.

Mr. Walter G. Sartorius

It is our view that only persons elected or appointed to public office in this state are required to be residents of the state under the above constitutional provisions. It does not apply to employees of the state. They are not required to be residents unless expressly required by statute.

We can find no statute expressly requiring employees of the State Board of Probation and Parole to be residents of this state. Therefore, it is our opinion that clerical employees of the State Board of Probation and Parole are not required to be residents of the state.

Very truly yours,

JOHN C. DANFORTH  
Attorney General

Enclosure: Opinion No. 66  
5-14-48,