

November 9, 1972

OPINION LETTER NO. 106
Answer by Letter - Klaffenbach



Honorable Noel Cox
Missouri Senate, 29th District
Ozark, Missouri 65721

Dear Senator Cox:

This letter is to acknowledge receipt of your request for an opinion from this office in regard to whether or not anyone who has resided in the state of Missouri for less than a year can serve as a marshal of a town or a fourth class city. The marshal of a town or of a fourth class city is an officer of such town or city. Sections 80.250, 80.400, 80.410, 79.050, 79.330.

Article VII, Section 8 of the Missouri Constitution 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."

This constitutional provision is applicable to city officers. Kirby v. Nolte, 164 S.W.2d 1.

It is our view that a city marshal of a town or a fourth class city comes within the provisions of Article VII, Section 8

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of the Missouri Constitution. Therefore, it is our opinion that an individual who has resided in the state of Missouri for less than a year cannot serve as marshal of a town or fourth class city.

Very truly yours,

JOHN C. DANFORTH
Attorney General