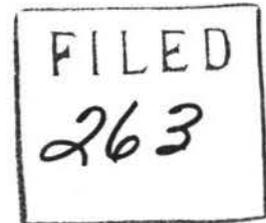


ELECTIONS: The judicial district committee of
JUDGES: the 23rd Judicial Circuit of each
NOMINATIONS: political party shall be composed
CANDIDATES: of the chairman and vice chairman
of the county committees of Wash-
ington and Jefferson Counties and the chairman and vice chairman
of the 122nd, 123rd and 124th legislative districts. The nomi-
nations may be made by the committee members holding such offices
between August 13, 1974 and the third Tuesday in August 1974,
and if not made by such committee members, may be made by the
committee members elected the third Tuesday in August 1974.

OPINION NO. 263

July 19, 1974

Honorable Howard M. Garrett
Representative, District 124
1540 Westvale
Festus, Missouri 63028



Dear Representative Garrett:

This is in answer to your opinion request in which you inquire as to the composition of the Democratic and Republican Judicial District Committees of the 23rd Judicial Circuit. Such committees are authorized under the provisions of House Bill 1122 of the 77th General Assembly to nominate candidates for circuit judge of the 23rd Judicial District to be elected at the November 1974 election.

House Bill 1122 of the 77th General Assembly, which repeals and reenacts Section 478.550, RSMo, effective August 13, 1974, provides as follows:

"1. The circuit court of the counties of Jefferson and Washington, composing the twenty-third judicial circuit, shall be composed of three judges, and each of the judges shall separately try causes, exercise the powers and perform all duties imposed upon circuit judges. The divisions of the circuit court shall be 'Circuit Court Division Number One', 'Circuit Court Division Number Two' and 'Circuit Court Division Number Three.'

"2. The judge of division one shall be elected in 1970 for a term of six years.

Honorable Howard M. Garrett

The judge in division two shall be elected in 1972 for a term of six years. The judge of division three shall be elected at the general election in 1974 for a term of six years. The duly elected and qualified successors of the judges of divisions one, two and three shall be elected for terms of six years.

"3. The candidates for judge of division number three in the election to be held in 1974 only, shall be selected in the same manner as provided for nominations to fill vacancies caused by resignation or withdrawal of a candidate as provided for in section 120.550, RSMo."

Section 120.550, RSMo, provides for nomination by party committees of the county, district or state when a vacancy in candidates for the nomination exists. The composition of the judicial district committee of the 23rd Judicial Circuit is found in the provisions of Sections 120.800 and 120.810, RSMo. Since the entire counties of Washington and Jefferson are within the 23rd Judicial Circuit, the chairman and vice chairman of Washington and Jefferson County Committees are by virtue of Section 210.800 members of the judicial district committee of the 23rd Judicial Circuit.

Under the provisions of Section 120.810(2), the chairman and vice chairman of the three legislative districts wholly within Jefferson County, that is Legislative Districts Nos. 122, 123 and 124, are also members of the judicial district committee of the 23rd Judicial Circuit. Section 120.810(2) has no application to Washington County because such county does not contain two or more entire legislative districts. See Opinion 259-1974 (copy enclosed). We are informed that there are no parts of cities which are a part of the 23rd Judicial Circuit, therefore, the provisions of Section 120.810(4) have no application to the 23rd Judicial Circuit.

Section 29 of Article III of the Constitution of Missouri provides that with the exception of appropriation acts or emergency acts laws passed by the General Assembly shall take effect ninety days after the adjournment of the session in which such laws were passed. Therefore, the effective date of House Bill 1122 of the 77th General Assembly is August 13, 1974, which is ninety days after the adjournment of the Second Regular Session of the 77th General Assembly on May 15, 1974.

Honorable Howard M. Garrett

You also ask whether nominations of candidates for the office of judge to be elected at the November 1974 election are to be made after August 13, 1974 by the committeemen and committeewomen comprising the judicial district committee of the 23rd Judicial Circuit who will be in office between the date of August 13, 1974 and the third Tuesday in August 1974, the day appointed for organizing the new party committees, (Sections 120.800 and 120.810, RSMo), or whether the nomination must be made by the committee members composing the judicial circuit committee elected on the third Tuesday in August 1974.

It is our view that the present committeemen and committeewomen who are members of the judicial district committee of the 23rd Judicial Circuit may make such selection after August 13, 1974 and before the organization of the new committees and such nomination will be valid, but that if the nomination is not made prior to the third Tuesday in August, the nomination will then be made by the committee members of the 23rd Judicial Circuit committee elected on the third Tuesday in August 1974.

CONCLUSION

It is the opinion of this office that the judicial district committee of the 23rd Judicial Circuit of each political party shall be composed of the chairman and vice chairman of the county committees of Washington and Jefferson Counties and the chairman and vice chairman of the 122nd, 123rd and 124th legislative districts. The nominations may be made by the committee members holding such offices between August 13, 1974 and the third Tuesday in August 1974, and if not made by such committee members, may be made by the committee members elected the third Tuesday in August 1974.

The foregoing opinion, which I hereby approve, was prepared by my assistant, C. B. Burns, Jr.

Very truly yours,



JOHN C. DANFORTH
Attorney General

Enclosure: Op. No. 259-1974