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JEFFERSON CITY

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OPINION LETTER NO. 120

Honorable Harold L. Lowenstein  
Representative, District 34  
Room 104, State Capitol Building  
Jefferson City, Missouri 65101

Dear Representative Lowenstein:

This letter is in response to your question asking:

"Section 120.750, RSMo. (Amended by Laws 1969, p. 237, section 1) provides in Sub-section 2 that 'a Party committee may adopt a Constitution or By-Laws or both.' Do such By-Laws adopted by a Party Committee remain in effect beyond the following Primary Election when the membership of the Committee may be changed as a result of such Primary Election? Does the language in Sub-Section 2 of Section 120.750 that '.... within any 60-day period after the required Committee Organizational Meeting following the Primary Election, any such... By-Laws may be changed or amended by a majority vote of the total membership of such Committee' indicate that the By-Laws of the previous Party Committee continue in effect after such Primary Election?'"

Subsection 2 of Section 120.750, RSMo Supp. 1973, to which you refer, provides:

"A party committee may adopt a constitution or bylaws or both. Such constitution or bylaws may have any provisions not in conflict with the laws of the state of Missouri. Changes to such party rules may require no greater than a two-thirds vote of the total membership

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of a committee. However, within any sixty-day period after the required committee organizational meeting following the primary election, any such constitution or bylaws may be changed or amended by a majority vote of the total membership of such committee."

We note that in the case of Scott v. Natchitoches Parish Democratic Executive Committee, 121 So.2d 766 (La. 2nd Cir. 1960), the court stated at l.c. 768-769:

"It is urged on behalf of defendant that the State Central Committee is not a continuing body, and, accordingly, that the resolution, shown by the certificate to have been adopted September 5, 1959, was not in effect in June, 1960, at which time a newly constituted State Central Committee had taken office.

"Frankly, this argument is so tenuous and unreasonable that it hardly justifies notice. We think it is generally accepted that the rules and regulations of any legislative or administrative body continue in effect despite changes in the composition of said group. We think the point is covered by LSA-R.S. 18:294, which provides, in part:

'The state central committee may adopt for its government and for the government of any committee in this Part authorized to be created, any rules and regulations not inconsistent with the constitution and laws of the state or of the United States.'

"Certainly the adoption of rules and regulations, until altered or rescinded, must continue in effect. . . ."

It is our view that the above subsection indicates it is the legislative intent that the rules of the committee are continuous and remain in effect until amended as provided therein.

Yours very truly,



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Attorney General