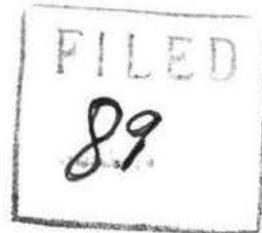


March 15, 1978

OPINION LETTER NO. 89  
Answer by Letter - Klaffenbach

Honorable Robert Fowler  
State Representative, 69th District  
House Post Office  
State Capitol Building  
Jefferson City, Missouri 65101



Dear Representative Fowler:

This letter is in response to your question asking:

"Is it permissible for a husband and wife to seek elective offices in the same fourth class municipality? One as a member of the Board of Aldermen and one to the Collector's office."

Under Section 79.050, RSMo, aldermen of such a city are elected and the collector of the city may be elected or appointed. That is, if the board of aldermen does not provide for the appointment of a collector, after receiving voter approval, the collector shall be elected.

You have stated that the collector in this instance is elected. We know of no statute which prohibits a husband and a wife from seeking the respective offices of alderman and collector in such a city. The nepotism provision of the Constitution, Section 6, Article VII, in our view is not applicable and does not prohibit a husband and wife from seeking such elective offices.

Very truly yours,

JOHN ASHCROFT  
Attorney General