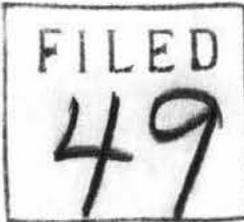


ELECTIONS: Ward formed in Kansas City and Clay County entitled to committeeman and committeewoman on Clay County Central Committee.



February 14, 1952

2-14-52

Honorable Robert G. Kirkland
Prosecuting Attorney
Clay County
Liberty, Missouri

Dear Mr. Kirkland:

This is in answer to your letter of recent date requesting an official opinion of this department and reading as follows:

"Clay County is a county of the third class, having a population of a little over 45,000. It contains six townships; one of the townships is occupied in part by a part of Kansas City, Missouri, which I believe is a first class city. That part of Kansas City in Clay County does not occupy the entire township and has a population of around 15,000. That township probably has a population of around 25,000 or a little better. That part of Kansas City which is in Clay County constitutes Ward 21 of Kansas City, Missouri. Under the present organization of the Democratic Central Committee in Clay County the committee is composed of one committee man and one committee woman from each township. Under the above facts and the provisions of Chap. 120 of the Missouri Revised Statutes, is the Central Committee entitled to any additional members from this particular township or from Ward 21 of Kansas City, Missouri, and if so, how many and on what basis would the number and location of the committee members from this township be determined? If additional members are permitted how are they to be selected? If they are to be appointed by the Governor upon the recommendation of the Central Committee what proof is necessary to be furnished to the Governor's office, showing him that additional committee members are permitted and allowed from this township or ward?"

Honorable Robert G. Kirkland

Section 120.770, RSMo 1949, provides as follows:

"At the August primary each voter may write in the space left on the ballot for that purpose the names of a man and a woman, qualified electors of the precinct, or voting district as the case may be, for committeemen for such township, or voting district, and the man and the woman receiving the highest number of votes in such township, or election district, shall be the members of the party committee of the county of which such voting precinct or district is a part. Any qualified elector in any such voting precinct or district may have his or her name printed on the primary ballot or party ticket on which he or she may desire to become a candidate for committeeman or committeewoman by complying with the provisions of section 120.340 and, in all counties in this state now or hereafter containing a city of the first class, by also paying the sum of five dollars to the treasurer of the county committee of the party on whose ticket he or she seeks election."

Section 120.760, RSMo 1949, provides as follows:

"The word 'county' as used in sections 120.770 to 120.840 shall include the several counties of this state and the city of St. Louis, and the word 'precinct' and the words 'election districts' shall include and refer to wards or townships as the case may require, but shall not apply to any subdivision less than a ward within any city subdivided into wards or to any subdivision less than a township in any county."

Under the provisions of Section 120.760, supra, an election district applies to a ward within any city subdivided into wards. Therefore, the presently constituted Ward 21 of Kansas City which is located in Clay County is an "election district" from which a committeeman and a committeewoman are to be elected to the Clay County Central Committee.

Honorable Robert G. Kirkland

The township within whose boundaries Ward 21 of Kansas City is now located is also entitled to a committeeman and a committeewoman but the committeeman and committeewoman from such township are to be voted on, of course, only by the voters residing outside of Ward 21 of Kansas City.

CONCLUSION

It is the opinion of this department that a committeeman and a committeewoman who will be members of the Clay County Central Committee are to be selected from Ward 21 of Kansas City, which ward is located in Clay County. It is the further opinion of this department that the township in Clay County which includes Ward 21 of Kansas City is to be represented on the Clay County Central Committee by a committeeman and a committeewoman, such committeeman and committeewoman to be selected from that part of the township lying outside of Ward 21.

Respectfully submitted,

C. B. BURNS, JR.
Assistant Attorney General

APPROVED:



J. E. TAYLOR
Attorney General