

LEGISLATURE:
LEGISLATORS:
CONSTITUTIONAL LAW:
ELECTIONS:

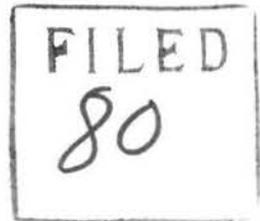
In order for a person to be eligible to file as a candidate for the office of state senator in a district in which such office will be filled at the November 7, 1972 general

election, he must have been a resident of such district for one year prior to the November 7, 1972 election date.

OPINION NO. 80

February 14, 1972

Honorable Donald J. Gralike
State Representative, District 49
Room 301 Capitol Building
Jefferson City, Missouri 65101



Dear Representative Gralike:

This is in answer to your opinion request of recent date in which you inquire as to the eligibility of certain persons to file for the office of state senator in districts in which senators are to be elected at the November 7, 1972 election. You asked whether an individual is eligible to file for the office of state senator at such election if he does not live in a presently constituted state senatorial district in which the 1972 election is to be held to fill the office of state senator but does live in the county which contains all or a part of such senatorial district.

Section 6 of Article III of the Constitution of Missouri provides as follows:

"Each senator shall be thirty years of age, and next before the day of his election shall have been a qualified voter of the state for three years and a resident of the district which he is chosen to represent for one year, if such district shall have been so long established, and if not, then of the district or districts from which the same shall have been taken."

Your question is answered by Opinion No. 104 rendered February 7, 1967 to Representative Richard J. Rabbitt, which opinion is referred to in your opinion request. We are enclosing a copy of such opinion.

Honorable Donald J. Gralike

Such opinion ruled as to the eligibility of individuals to file for the office of representative in the General Assembly of Missouri, whereas your question has to do with the eligibility of an individual to file for the office of state senator. However, we believe that the similarity of the constitutional provisions applicable to representatives and senators in cases in which districts are established more than one year preceding the election makes it clear that the ruling in Opinion No. 104 is equally applicable to your question.

In such opinion the Attorney General held that under the provisions of Section 4 of Article III of the Constitution of Missouri an individual must have been a resident of the district from which he files for the office of representative for one year before the date of the general election to fill such office if the district is in existence for more than one year prior to such election date.

The opinion held on page 3:

"Examination of this section of the Constitution shows that the language 'county or district' is used three times in the section. The first two times it seems clear that where representative districts have been established for more than one year the representative to be qualified must be a voter for two years and a resident of his district for one year. . . ."
(Emphasis added)

That opinion, of course, made a further ruling as to the eligibility of persons to file for the office of representative when representative districts were not in existence for a year or more prior to the election date. However, that part of the opinion has no relevance insofar as your question is concerned because the senatorial districts in which senators will be elected at the November 7, 1972 elections will have been in existence more than one year on the date of such election. The records of the office of the Secretary of State disclose that the final report of the Senatorial Redistricting Commission establishing senatorial districts in the state of Missouri was filed in that office August 30, 1971. On such date the Missouri senatorial districts came into existence. Section 7, Article III, Missouri Constitution. It follows therefore that since senatorial districts were created in this state more than one year prior to the November 7, 1972 elections an individual in order to be eligible to file as a candidate for election for state senator at such election must have been a resident of the district in which he files for a period of one year before the 1972 election date.

Honorable Donald J. Gralike

CONCLUSION

It is the opinion of this office that in order for a person to be eligible to file as a candidate for the office of state senator in a district in which such office will be filled at the November 7, 1972 general election, he must have been a resident of such district for one year prior to the November 7, 1972 election date.

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

Very truly yours,

A handwritten signature in cursive script, appearing to read "John C. Danforth".

JOHN C. DANFORTH
Attorney General

Enclosure: Op. No. 104
2-7-67, Rabbitt