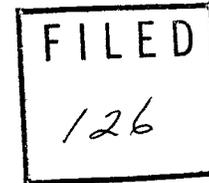


CANDIDATES: In order for a person to be eligible for
SHERIFFS: the office of sheriff under Section
57.010, RSMo 1986, such person need not
have been a registered voter of that county for one whole year
before filing for that office.

October 2, 1987

OPINION NO. 126-87

The Honorable Norman L. Merrell
Senator, District 18
State Capitol Building, Room 423
Jefferson City, Missouri 65101



Dear Senator Merrell:

This opinion is in response to your question asking:

Does Section 57.010, RSMo 1986, require
that a person who runs for sheriff must
have been a registered voter of said county
for one whole year before filing for that
office?

Section 57.010, RSMo 1986, provides as follows:

57.010. Election -- qualifications --
certificate of election. -- At the general
election to be held in 1948, and at each
general election held every four years
thereafter, the voters in every county in
this state shall elect some suitable person
sheriff. No person shall be eligible for
the office of sheriff who has been con-
victed of a felony. Such person shall be
a resident taxpayer and elector of said
county, shall have resided in said county
for more than one whole year next before
filing for said office and shall be a
person capable of efficient law enforce-
ment. When any person shall be elected
sheriff, he shall enter upon the discharge
of the duties of his office on the first
day of January next succeeding his election.

(Emphasis added.)

The primary rule of statutory construction is to ascertain the
intent of the lawmakers from the language used, to give effect

The Honorable Norman L. Merrell

to that intent if possible, and to consider words used in the statute in their plain and ordinary meaning. Metro Auto Auction v. Director of Revenue, 707 S.W.2d 397 (Mo. banc 1986). The statute sets forth five requirements which a person must meet in order to be eligible for the office of sheriff:

- (1) The person shall not have been convicted of a felony.
- (2) The person must be a resident taxpayer of the county for which he is elected sheriff.
- (3) The person must be an elector of the county for which he is elected sheriff.
- (4) The person must have resided in the county for which he is elected sheriff for more than one whole year next before filing for said office.
- (5) The person must be capable of efficient law enforcement.

The one-year requirement applies only to residency and does not apply to being an elector. In other words, a person who is otherwise eligible under Section 57.010 may file for sheriff even if he has not been an elector for one year prior to the filing as long as he has been a resident¹ of the county in which he files for one year prior to the filing.

CONCLUSION

It is the opinion of this office that in order for a person to be eligible for the office of sheriff under Section 57.010, RSMo 1986, such person need not have been a registered voter of that county for one whole year before filing for that office.

Very truly yours,



WILLIAM L. WEBSTER
Attorney General

¹ The issue of residence is one of fact. Residence is largely a matter of intention, to be determined not only from the utterances of the person whose residence is in issue but also from his acts and in the light of all the facts and

The Honorable Norman L. Merrell

circumstances of the case. State ex rel. King v. Walsh, 484 S.W.2d 641 (Mo. banc 1972). Being registered to vote in said county is evidence of residency there but is not conclusive. See In Re Marriage of Bradford, 557 S.W.2d 720 (Mo.App. 1977); and In Re Ozias' Estate, 29 S.W.2d 240 (Mo.App. 1930). See also State ex rel. King v. Walsh, supra.