

ELECTIONS: Declarations of candidacy for nomination
 on Socialist Labor, Progressive, Christian
SECRETARY OF STATE: Nationalist and Socialist Party tickets
 should be certified to county clerks by
 Secretary of State.



May 1, 1952

V-6-V2

Honorable Walter H. Toberman
Secretary of State
State of Missouri
Jefferson City, Missouri

Dear Sir:

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

"We have received declarations of candidacy for nominations under the Socialist Labor, the Progressive, the Christian Nationalist and the Socialist Parties.

"Attached are copies of communications concerning the Christian Nationalist Party."

The communications concerning the Christian Nationalist Party to which you refer consist of a letter dated August 25, 1951 addressed to the Secretary of State, signed by several persons purporting to state that the Christian Nationalist Party was dissolved. The other letter is one signed by Don Lohbeck, as State Chairman of the Christian Nationalist Party under date of March 31, 1952, addressed to the Secretary of State, stating that none of the persons signing the letter of August 25, 1951 had any connection with the Christian Nationalist Party after June, 1951, and that only one of those persons was at any time a member of the State Committee of the Christian Nationalist Party.

Section 120.300, RSMo 1949, provides as follows:

"Hereafter, except as otherwise provided by law, all candidates for

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elective offices shall be nominated by a primary election held in accordance with sections 120.300 to 120.650. Sections 120.300 to 120.650 shall not apply to special elections to fill vacancies, nor to county superintendents of schools, to city officers not elected at a general state election, to town, village or school district officers."

Section 120.340, RSMo 1949, provides as follows:

"The name of no candidate shall be printed upon any official ballot at any primary election unless such candidate has on or before the last Tuesday of April preceding such primary filed a written declaration, as provided in sections 120.300 to 120.650, stating his full name, residence, office for which he proposes as a candidate, the party upon whose ticket he is to be a candidate, that if nominated and elected to such office he will qualify, and such declaration shall be in substantially the following form:

"I, the undersigned, a resident and qualified elector of the (.....precinct of the town of), or (the precinct of theward of the city of), or theprecinct oftownship of the county of and state of Missouri, do announce myself a candidate for the office of on theticket, to be voted for at the primary election to be held on the first Tuesday in August,, and I further declare that if nominated and elected to such office I will qualify."

Section 120.350, RSMo 1949, provides in part as follows:

"Each candidate, except a candidate for a township office, previous to filing

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declaration papers, as in sections 120.300 to 120.650 prescribed, shall pay to the treasurer of the state or county central committee of the political party upon whose ticket he seeks nomination a certain sum of money, as follows:"

Section 120.380, RSMo 1949, provides as follows:

"At least eighty-five days before any primary preceding a general election, the secretary of state shall transmit to each county clerk a certified list containing the name and post office address of each person who shall have filed declaration papers in his office and entitled to be voted for at such primary, together with a designation of the office for which he is a candidate and the party or principle he represents."

It is obvious that it is the duty of the Secretary of State, when declarations of candidacy are filed in his office, accompanied by the receipt of the treasurer of a political party showing that the correct amount has been paid by the person desiring to become a candidate, to certify such names to the county clerks as provided in Section 120.380 quoted supra.

The mere fact that the Secretary of State received during 1951 a communication signed by certain persons stating that such persons dissolved the Christian Nationalist Party of Missouri gives the Secretary of State no right to refuse to accept a proper declaration of candidacy by any person who wishes to file as a candidate on the Christian Nationalist Party ticket, if such declaration is accompanied by a receipt signed by the treasurer of the State Committee of such party or the correct filing fee for the office for which the declaration is made.

Of course, declarations of candidacy by persons on the Socialist Labor, the Progressive and the Socialist Parties should be certified to the county clerks if such declarations are accompanied by the proper receipts by the treasurers of the State Committees of such parties.

CONCLUSION

It is the opinion of this department that the Secretary

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of State should certify to the county clerks declarations of candidacy made by persons who are filing for nomination on the tickets of the Socialist Labor, Progressive, Christian Nationalist and Socialist Parties, if such declarations are accompanied by receipts signed by the treasurers of the State Committees of such parties in the correct amounts.

Respectfully submitted,

C. B. BURNS, JR.
Assistant Attorney General

APPROVED:

a J/T

J. E. TAYLOR
Attorney General

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