

COMPATIBILITY OF OFFICES:  
FILING FOR OFFICES:

A person may file for both a county office  
and for county committeeman on the same  
ticket at the same time.



May 22, 1958

Honorable William C. Myers, Jr.  
Prosecuting Attorney, Jasper County  
917 West Daugherty  
Webb City, Missouri

Dear Sir:

You recently requested an opinion of the following matter:

"The County Clerk of Jasper County has requested that I obtain a ruling from your office on the legality, in second class counties, of the same person filing both for a county office and for a county committeeman."

Your request does not state whether the person has filed for nomination in both races on the same ticket or whether the person has filed on one ticket for County Committeeman and on the other ticket for County office. A basic knowledge of politics makes the latter state of facts extremely unlikely. We, therefore, assume that the person has filed on one ticket for both offices.

The law in Missouri is settled that a man, absent statutory or constitutional provisions to the contrary, may hold more than one office providing the offices are compatible. See State ex rel. Walker v. Bus, 135 Mo. 326. We feel that, absent some statutory or constitutional provision, a man may file for more than one office at the same time. We have searched the law and find no statutory or constitutional provision prohibiting filing for more than one office at the same time on the same ticket. We call attention, however to Section 120.370, which reads, in part, as follows:

"No person shall file more than one written declaration indicating the party designation under which his name is to be printed on the official ballot. All declaration papers shall be filed as follows:"

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Some question arises as to the meaning of this section when it is considered in connection with the other statutory provisions governing filing. Section 120.340, RSMo 1949, requires that each candidate file a declaration of candidacy for office 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 the . . . . .ward of the city of . . . . .), or the . . . . .precinct of . . . . .township of the county of . . . . .and state of Missouri, do announce myself a candidate for the office of . . . . .on the . . . . .ticket, 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."

This declaration is the only written declaration required to be filed and the question arises as to whether the language "no person shall file more than one written declaration" should be held to literally prohibit more than one filing. We think such a holding would be improper.

Section 120.370, when read as a whole, indicates that the section is intended to prohibit filing more than one written declaration indicating the party designation under which a candidate's name is to appear on the ballot. In other words, a man must run as a Republican or a Democrat. He may not run as both a Democrat and a Republican at the same time on the same ticket. We feel that inasmuch as a man may

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hold more than one office at a time in Missouri if the offices are compatible and, further, that inasmuch as there are now no constitutional or statutory provisions prohibiting filing for more than one office at the same time on the same ticket, that a person may properly file for both county office and county committeeman on the same ticket at the same time.

CONCLUSION

It is the opinion of this department that a person may file for both a county office and for county committeeman on the same ticket at the same time.

The foregoing opinion, which I hereby approve, was prepared by my assistant, Mr. James E. Conway.

Yours very truly,

John M. Dalton  
Attorney General

JEC:mw