

OPINION
46-236

May 24, 1946 (OPINION)

PRECINCT COMMITTEEMEN

RE: Meeting - Legislative Members - Right to Vote

This office is in receipt of your letter of May 18, 1946, in which you ask the opinion of this office on the following questions:

1. Have the successful candidates for the legislature the right to vote at the meeting of precinct committeemen held shortly after the primary election.

Our answer to this question is, yes. Section 16-1709 of the Revised Code provides:

The precinct committeeman of a party elected as provided in this chapter together with the nominees for, and holdover members of, the legislative assembly of that party, shall constitute the county committee for such party."

2. If the successful legislative candidate is also elected precinct committeeman from his precinct, does that permit him to give his precinct proxy to another person to use, thus in reality giving him two votes at the meeting--one as precinct committeeman and one as successful legislative candidate?

Our answer to this question is, no. A member of the Legislature cannot, in effect, function as two precinct committeemen. Each member of the legislature and each precinct committeeman has only one vote. And if a member of the legislature, or holdover member, is also a precinct committeeman, he has, in our opinion, only one vote.

3. In our legislative district (the thirty-second), composed of the two counties of Foster and Eddy, the successful senatorial candidate will be from Eddy. Will that successful candidate have the right to choose to attend our Foster County meeting and, of course, the right to cast his vote there instead of the Eddy County meeting?

In our opinion, the answer to this question is, no. A member of the legislature can be a member of only one county committee, the county in which he resides and in which he is a voter.

NELS G. JOHNSON

Attorney General