

OPINION SUMMARY

MISSOURI COURT OF APPEALS EASTERN DISTRICT

DIVISION FIVE

ROCHELLE WALTON GRAY,)	No. ED98426
)	
Appellant,)	Appeal from the Circuit Court
)	of St. Louis County
vs.)	
)	Honorable Steven H. Goldman
SYLVESTER TAYLOR, II,)	
)	
Respondent.)	FILED: June 14, 2012

Missouri State Representative Rochelle Walton Gray (“Gray”) appeals from the trial court’s judgment in favor of Missouri State Representative Sylvester Taylor II (“Taylor”) on Gray’s petition challenging the qualifications of Taylor to run for election in the Democratic Party primary for Missouri State Representative for the 75th District. The trial court found Taylor satisfied the residency requirements to run in the 75th District under Missouri Constitution Article III, Section 4. On appeal, Gray argues that the trial court erred in finding that Taylor meets the residency requirements of Article III, Section 4.

TRANSFERRED.

Division Five holds: We hold that Taylor is ineligible to run for office in the Democratic Party primary for Missouri State Representative for the 75th District because Article III, Section 4 requires Taylor live within the boundaries of the reapportioned legislative district he seeks to represent, and he does not. We would affirm the judgment of the trial court, however, because of the general interest and importance of the issues presented, this case is transferred to the Missouri Supreme Court under Mo. R. Civ. P. 83.02, 2012.

Opinion by: Kurt S. Odenwald, C.J. Sherri B. Sullivan, J., Concurs, and Clifford H. Ahrens, J., Concurs in result in separate opinion

Attorney for Appellant: Elbert A. Walton, Jr.

Attorney for Respondent: Mary E. Dorsey

Attorney for Amicus Curia: Chris Koster and James R. Layton

THIS SUMMARY IS NOT PART OF THE OPINION OF THE COURT. IT HAS BEEN PREPARED FOR THE CONVENIENCE OF THE READER AND SHOULD NOT BE QUOTED OR CITED.