

Summary of SC92620, Rochelle Walton Gray v. Sylvester Taylor, II

Appeal from the St. Louis County circuit court, Judge Steven H. Goldman
Submitted on briefs June 15, 2012; opinion issued June 19, 2012

Attorneys: Gray was represented by Elbert A. Walton Jr. of the Metro Law Firm LLC in St. Louis, (314) 388-3400; Taylor was represented by Mary Elizabeth Dorsey of Ahlheim & Dorsey LLC in St. Charles, (636) 940-8000. The State of Missouri, which submitted a brief as a friend of the Court, was represented by the Missouri Attorney General Chris Koster and Solicitor General James R. Layton of the Attorney General's office in Jefferson City, (573) 751-1800.

This summary is not part of the opinion of the Court. It has been prepared by the communications counsel for the convenience of the reader. It neither has been reviewed nor approved by the Supreme Court and should not be quoted or cited.

Overview: Rochelle Walton Gray appeals the circuit court's judgment on her petition challenging Taylor's qualifications to run for election in the Democratic primary as state representative in the 75th district. In a 6-0 (Judge Price not participating) per curiam decision, the Supreme Court affirms the circuit court's judgment. The circuit court correctly held that although Taylor did not reside in the boundaries of the new 75th district, article III, section four of the state constitution requires only that a candidate reside for one year in the county or any of the districts from which the new district was created through reapportionment.

Facts: Gray and Taylor are currently state representatives in two separate St. Louis County legislative districts. Under the reapportionment plan of November 30, 2011, the districts were redrawn and renumbered. Gray resides in the new 75th district. Taylor resides in a district that was divided with portions now incorporated into the new 75th district, but he does not reside in the 75th district. Gray challenges Taylor's qualifications to seek the Democratic nomination asserting that article III, section four requires a candidate to reside in the district where they are seeking to run for one year prior to the general election. Taylor argues that because reapportionment occurred less than one year before the general election, he was only required to reside in the county or any of the districts from which the 75th district was created for one year. The trial court found that although Taylor did not reside within the boundaries of the new 75th district, article III, section four required only that he reside for one year in the county or any of the districts from which the 75th district was created.

AFFIRMED.

Court en banc holds: The circuit court correctly held that although Taylor did not reside in the boundaries of the new 75th district, article III, section four of the state constitution requires only that a candidate reside for one year in the county or any of the districts from which the new district was created through reapportionment. Taylor meets the one year residency requirement to be eligible to run for election in the upcoming Democratic primary. Article III, section four can be construed to mean Taylor meets the residency requirement if he resides in a district from which the new 75th district was created. Taylor satisfies the constitutional residency requirement for the 2012 election. The plain language of article III, section 4 does not require Taylor to reside within the particular portion of the old district that was re-drawn into the new district. The plain and ordinary meaning of "county" or "district" is broad and unrestrictive and includes any part of such county or district. If a non-resident candidate is elected in a new district, they are still subject to the one-year residency requirement for subsequent elections.