

ELECTIONS: A person legally qualified as a voter and able to read and write may act as a judge of election (except candidate) in counties the size of Livingston County.

October 20, 1936.

Honorable Randall R. Kitt
Prosecuting Attorney
Livingston County
Chillicothe, Missouri



F I L E D

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Dear Sir:

This is to acknowledge your telegram dated October 19, 1936, as follows:

"I wish you would please send me an opinion on the following question can anyone employed on or the foreman on a federal works progress administration project or anyone employed by or holding an office under the United States the State of Missouri a county or a municipality serve as a judge of election at the General Election. Please send me this opinion at the earliest possible moment."

Section 10207, R. S. Mo. 1929, provides for the qualifications of judges of election and is as follows:

"No person shall be qualified to act as a judge or clerk of any election unless he shall be legally entitled to vote at such election, and shall moreover be able to read and write."

You will note the above section only provides two qualifications for the judges of election, namely: (1) That

such person shall be legally entitled to vote at such election, and (2) that such person shall be able to read and write. No other limitation is placed on such persons.

Section 2, Article VIII of the Constitution of Missouri relates to who are entitled to vote, and reads as follows:

"All citizens of the United States, including occupants of soldiers and sailors' homes, over the age of twenty-one years who have resided in this State one year, and in the county, city or town sixty days immediately preceding the election at which they offer to vote, and no other person, shall be entitled to vote at all elections by the people; provided, no idiot, no insane person and no person while kept in any poor-house at public expense or while confined in any public prison shall be entitled to vote, and persons convicted of felony, or crime connected with the exercise of the right of suffrage may be excluded by law from the right of voting."

Nowhere do we find any Missouri case or any statute which prohibits an employee or a foreman of a Federal Works Progress Administration project from acting as a judge of election, or the employment by or the holding of an office under the United States, the State of Missouri, a county, or municipality, barring such person or persons from acting as judges or clerks of election in counties such as Livingston County. Section 10209, R. S. Mo. 1929.

We are further of the opinion that the appointment of such persons, if they were appointed as judges of election, would not be violative of the public policy of the State of Missouri.

Hon. Randall R. Kitt

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Oct. 20, 1936.

You have not asked the question, but suffice it to say that a person who is a candidate for office could not be a judge of election as it would be violative of public policy.

It is our opinion that if a person (other than a candidate) is a legally qualified voter and is able to read and write, that such person may act as judge of election, so far as Missouri is concerned, in Livingston County, whether he be employed by or holds a job as foreman of a Federal Works Progress Administration project, or an office under the United States or the State of Missouri or the county or the municipality.

Yours very truly,

James L. HornBostel
Assistant Attorney-General

JLH:EG

APPROVED:

JOHN W. HOFFMAN, Jr.,
(Acting) Attorney-General.