

ELECTIONS
CLERKS

- Only two clerks allowed in precincts casting
- less than three hundred votes.

7-16
July 14, 1934



Honorable C. A. Dirckx
Clerk of County Court
Cole County
Jefferson City, Missouri

Dear Sir:

We have your request of July 11, 1934 for an opinion upon the following statement:

"The question that puzzles us is Section 10211 Laws of 1933, which repealed the same Section of R. V. S. 1929. The old Section stated the judges could appoint four clerks, whereas the new Section of 1933 states the judges shall appoint two clerks in precincts of less than three hundred votes and in precincts of more than three hundred votes the judges shall appoint four clerks.

If this Section means the judges collectively shall appoint only two clerks in precincts of less than three hundred, it will be a difficult task to handle the election as there should be two clerks to attend to the recording books and two clerks to attend to the tallying of votes, or in other words four clerks are really needed."

#2 - Honorable C. A. Dirckx

There appear to be no adjudicated cases in this state on the particular issue raised by you. However, prior to the 1933 Legislature, the election law provided for four regular election judges, Section 10206, Revised Statutes of Missouri, 1929 and provided for two extra election judges, Section 10208, Revised Statutes of Missouri, 1929, making a total of six judges who, together with the four clerks provided for in Section 10211, Revised Statutes of Missouri, 1929, took care of the election in each precinct in the state. However, the 1933 Legislature took notice of the fact that many precincts in Missouri cast only a few votes, and the expense of ten people in such small precincts appeared to be excessive to the Legislature. Section 10211, Revised Statutes of Missouri, 1929 was repealed and a new section enacted in lieu thereof, Laws 1933, p. 239, wherein it was provided:

"In all precincts casting less than three hundred votes * * * the judges shall appoint two clerks, and in all precincts casting three hundred or more votes * * * the judges shall appoint four clerks. * * *"

Thus, under the new statute, all precincts in the State of Missouri which cast less than three hundred votes in the last general election shall have only two clerks, one from each political party to be selected by the four judges in charge of that precinct on election day; in all precincts in the State which cast three hundred or more votes at the last general election, the six judges of election shall select, as under the old law, four clerks, two from each party.

It is the opinion of this office that only two clerks are allowed by law in voting precincts which cast less than three hundred votes in the last general election.

Respectfully submitted,

FRANKLIN E. REAGAN
Assistant Attorney General

APPROVED: