

RELATING TO CERTIFICATE OF APPOINTMENT AND NOTICE OF
JUDGES OF ELECTION.

4-28
April 26th, 1934



Mr. Emil F. Helmendach
Union, Missouri

Dear Sir:

This department acknowledges receipt of your letter dated April 21st, 1934, in which you state and inquire as follows:

"There has been some discussion in this county as to who is required by law to notify the judges of elections of their appointment. Shall the sheriff notify those appointed or is that the duty of the Clerk of the County Court?

If the County Clerk is to notify these judges of their appointment what is the amount of fees the County Clerk shall be allowed for these services?

If the County Clerk is to certify the names of the appointees to the sheriff what is the amount of fees allowed the Clerk for such services?

I should like a definite explanation to these questions and thank you in advance for information you may be able to give me."

I.

It is the duty of County Clerk's to certify appointment of judges of elections.

It does not appear that any definite provision is made in our statutes for notifying judges of election of their appointment as such judges in their respective precincts.

However, under section 11781 R.S. 1929 may be found authority to County Clerk to make a charge for entering every appointment of judges of election and issuing certificates thereon. Also under said section is found authority

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April 26th, 1934

for the County Clerk to make charge for every certificate and seal not otherwise provided for.

From this it may be presumed the County Clerk is to certify the appointment of the judges of election and mail said certificate of appointment to each of such judges. No where does it appear that any provision is made for fees to the sheriff, in serving said certificate of appointments, and it is a fundamental principal of law that no officer is entitled to fees not specifically provided by law, therefore it could not be presumed that the sheriff could be expected to render such a service where no provision is made for fees.

It is therefore our opinion that it is the duty of the County Clerk to certify under seal to each judge of election, his appointment, and serve such judges with such an appointment by mailing same to said judges in the usual course of mail, as provision is made for fees to such clerk for such service.

Respectfully submitted,

W. W. BARNES
Assistant Attorney General

APPROVED:

ROY McKITTRICK
Attorney General