

7/7
July 9, 1936.



Honorable Carter M. Buford,
Ellington, Missouri.

Dear Senator:

This department is in receipt of your request for an opinion with reference to the manner of appointing judges of election in the primary election to be held in Reynolds County.

Section 10287, R.S. Mo. 1929 provides:

"The judges and clerks for primary elections held under this article shall be appointed in the same manner, and possess the same qualifications and consist of the same number as judges and clerks of general elections in this state: * * *"

Section 10206, R.S. Mo. 1929, pertaining to the appointment of judges of election in the general election, provides in part that four judges of election shall be appointed by the County Court for each election precinct in all of the counties of this state.

Section 10209, R.S. Mo. 1929, pertains to the method of appointment of judges of election, and provides:

"All judges of elections appointed under the provisions of this article shall be selected by the county court from a list of persons furnished said court in the form and manner following: The political party that polled the largest number of votes at the last preceding general election and the political party that polled the next largest vote at said

election shall, each, through its central committee, furnish to said county court at least fifteen days before the election, a list of names of persons qualified by law to serve as judges of election, double the number required for judges of said election, from which said list said county court shall, at least ten days before the election herein provided for, select and appoint the number of judges required to hold said election, taking one-half of the judges so appointed from each of said lists: Provided, that for the purpose of determining the political parties entitled to representation on the election board, the county court shall take the vote cast for governor throughout the entire state for the respective parties: Provided further, that if any political party, through its committee, shall fail to present a list of names as aforesaid, within the time aforesaid, then the said county court may select and appoint the requisite number of judges provided by law for said party."

Section 10208, Laws of Missouri, 1933, p. 238, provides for the appointment of additional judges of election, as follows:

"In all precincts in this state that at the last preceding general election cast three hundred or more votes, at the same time and in the same manner as judges of election are appointed or elected, two additional judges of election for each such election district in the state shall be appointed or elected; three of the judges shall be taken from the political party that polled the largest number of votes at the last preceding general election and three of the

July 9, 1931.

judges from the party that polled the next largest vote. The judges of election shall designate two of their number, not of the same party, whose duty it shall be to have charge of the ballots and to furnish them to the voters in the manner hereinafter provided."

The above statutes, in the opinion of this department, are controlling as to the appointment and method of appointment of judges of election in primary elections in Reynolds County.

Respectfully submitted,

JOHN W. HOFFMAN, Jr.,
Assistant Attorney General.

APPROVED:

ROY MCKITTRICK,
Attorney General.

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