

ELECTIONS: Judges of election should be selected or approved by entire central county committee.

September 24, 1936.

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Mrs. E. W. Walker,
Chairman Phelps Co. Central Committee,
Rolla, Missouri.

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Dear Madam:

You recently submitted to this department the following inquiry:

" * * * What I would like to know is this: whether each township committeeman and committeewoman shall select the judges or whether if there is any misunderstanding, whether the whole committee must approve of all the judges. In other words, can a township committeeman or committeewoman compel the appointment of judges that they may select whether the majority of the committee approve them or not?"

Section 10209, R.S. Mo. 1929 provides for the appointment of persons to serve as judges of election, the pertinent part of which is as follows:

"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: * * * "

The statute uses the words "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." If each township committeeman and committeewoman select their proportionate number of judges from their respective townships, we think it is proper, but because the statute states "through its central committee", which must necessarily include all members of the committee, we think the committee as a whole must approve of the judges selected by the committeemen and committeewomen in their respective townships.

For the same reason we are of the opinion that a township committeeman or committeewoman could not compel the appointment of any judge. It is a matter for a majority of the committeemen to approve. In many counties the chairman of the respective party committees selects the judges, but under the provisions of Section 10209, supra, the entire committee has a voice in the matter, and the names of the judges selected should be concurred in by the committee as a whole.

Respectfully submitted,

OLLIVER W. NOLEN,
Assistant Attorney General.

APPROVED:

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

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