

CONSTABLES: Fee entitled for attending elections.

March 17, 1937

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Mr. Charles W. Lamkin, Jr.
Prosecuting Attorney
Chariton County
Keytesville, Missouri

Dear Mr. Lamkin:

This department is in receipt of your request for an opinion, under date of March 10, 1937, wherein you state as follows:

"Chariton County is under township organization. See Branch Township in this county recently held two special elections for the purpose of voting on road bonds, which were duly called according to law. There are two voting precincts in this township. The judges and clerks of the election did not request the presence of the constable. However, he appeared at one precinct, with a deputy at the other to perform such official duties as he might be called upon to perform. I will appreciate an opinion from your office as to whether this constable and his deputy are entitled to any compensation, and if so, how much."

We are enclosing an opinion rendered by this department to Mr. Lewis B. Hoff, Prosecuting Attorney, under date of August 27, 1936, wherein the fees of a constable and his

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deputies for attending elections are discussed.

It will be noted that Section 11777, as set out on page 2 of the enclosed opinion provides that before the constable is entitled to his fee for attending any election in his township, he must be required to do so by the judges of election.

From the foregoing, it is our opinion that the constable is not entitled to any fee for attending any election in his township unless he be required to do so by the judges of the election.

Under the ruling of the enclosed opinion, the deputy constable would not be entitled to a fee for attending elections in either event.

Respectfully submitted,

WM. ORR SAWYERS
Assistant Attorney General

APPROVED:

J. E. TAYLOR
(Acting) Attorney General

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MW