

ELECTIONS; Section 10206, R. S. 1929, construed as meaning one judge of each political party to act as receiving judge and likewise one judge of each political party to act as counting judge to count all the votes of each political party. In the event two additional judges are appointed, as provided in Laws of 1937, p. 234, four judges, two from each political party are to count the votes of all parties.  
July 23, 1938.



Honorable Lloyd C. Stark  
Governor of Missouri  
Jefferson City, Missouri

Dear Governor Stark:

In reply to your recent inquiry of this Department, namely:

Should the ballots to be cast in the coming Primary Election of August 2d, be counted by the judges of the respective parties, or should the Democratic Judges count the Democratic ballots and the Republican Judges count the Republican ballots?

Section 10206, R. S. Mo. 1929, of the general election law, provides:

"It shall be the duty of said judges to select from their number two judges who shall be designated and known as receiving judges."

The above paragraph should be considered in connection with Section 10208, which was amended in 1933 and again in 1937, found at Laws of Missouri, 1937, page 234, which provides:

"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. \* \* \*"

Therefore, it is evident that the receiving judges to be designated as provided in Section 10206, supra, must be not

July 23, 1938

of the same political party. The judges, not named as receiving judges, duties are to count the votes. Section 10206, supra, further provides:

"\* \* after the delivery of ballot box No. 1 to the counting judges, the same shall be immediately opened by them, \* \*

that is, all of the counting judges, whether there be two or four counting judges (four, where at the preceding election there were more than two hundred votes cast in the precinct) shall open the ballot box and count the ballots.

Section 10206, supra, further provides:

"\*\* and the tickets shall be taken out, one at a time, by one of the counting judges, who shall read distinctly, while the ticket remains in his hand, the name or names written or printed thereon, also the office as intended to be filled by such person voted for, and deliver the same to the other counting judge, who shall string the same on a thread or string, as provided by law. \* \*"

Conclusion.

It is clear that it was the intention of the Legislature that the above procedure should be followed by the judges of the opposite political parties, that is, in the counting of votes cast in the Primary Election for all political parties, the Republican and the Democratic judges should count the votes of the respective parties.

Respectfully submitted,

APPROVED:

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