

ELECTIONS:
REGISTRATION RECORDS:
COUNTY CLERK:

The County Clerk of Jasper County is charged with and has the duty to retain possession of the registration records of Jasper County at all times, except to deliver, or cause to be delivered, said registration records to the judges of election appointed under and by virtue of the general election laws of election, on the day before any primary or general election for which registration is made. There is no statutory requirement that such registration records be delivered by the sheriff.

OPINION NO. 311

July 16, 1968

Honorable Robert Ellis Young
State Representative, Dist. 33
208 West Macon Street
Carthage, Missouri 64836



Dear Representative Young:

This opinion is in answer to your request, which is as follows:

"Section 114.140 provides that the County Clerk shall deliver the registration records. Section 116.060 provides that the County Clerk shall deliver, 'or cause to be delivered,' these records.

"Since Section 111.480 provides that the County Clerk shall cause ballots to be delivered to the judges of election, said delivery to be made by the Sheriff, there is a question as to whether the law means the County Clerk can cause the registration records to be delivered by the Sheriff in the same manner.

"It has been the practice for the Sheriff to deliver Joplin and Carthage registration records since the registration law for these cities became effective. Now that the delivery problem is heightened by the adoption of a county-wide registration at the 1966 general election, further clarification is needed."

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Since county-wide registration outside of cities which had voter registration was adopted by Jasper County at the 1966 general election, Section 114.140, RSMo 1959 applies to such county and provides:

" . . . The county clerk, on the day before any primary or general election for which registration is made, shall deliver to the judges of election, appointed under and by virtue of the general laws of election, proper registration records for their respective precincts and shall take a receipt from the judge to whom the same may be delivered and keep the receipt on file until the records are returned. All affidavits required by this chapter shall be preserved by the county clerk until canceled as a part of the registration records to which they relate."

This section very definitely charges the county clerk with possession of and responsibility for delivery to the judges, the day before a primary or general election, of the registration records, and there is no requirement in such section for delivery by the sheriff of such registration records to the judges, nor is the sheriff mentioned in said section.

You next refer to Section 116.060, RSMo 1959, applicable to cities of over 10,000, and the phrase therein, "or cause to be delivered." The pertinent portion of this section is as follows:

"The county clerk, on the day before any election for which registration is made, shall deliver, or cause to be delivered, to the judges of election, appointed under and by virtue of the general laws of election, proper registration records for their respective precincts and shall take a receipt, or cause the same to be taken, from the judge to whom the same may be delivered and keep same on file until said records are returned."

We believe that this quoted portion of Section 116.060, RSMo 1959 containing the words, "or cause to be delivered," means, as clearly stated, that the clerk shall be responsible for delivery of the registration records. There is no requirement in such section that the sheriff deliver the registration records. The responsibility is placed on the county clerk.

CONCLUSION

It is the opinion of this office that the County Clerk of

Honorable Robert Ellis Young

Jasper County is charged with and has the duty to retain possession of the registration records of Jasper County at all times, except to deliver, or cause to be delivered, said registration records to the judges of election appointed under and by virtue of the general laws of election, on the day before any primary or general election for which registration is made. There is no statutory requirement that such registration records be delivered by the sheriff.

The foregoing opinion, which I hereby approve, was prepared by my Assistant, Arnold Brannock.

Yours very truly,

A handwritten signature in black ink, appearing to read "Norman H. Anderson", written in a cursive style.

NORMAN H. ANDERSON
Attorney General