

ELECTIONS:
ELECTION JUDGES:
COMMITTEEMEN AND
COMMITTEEWOMEN:

Section 111.171, RSMo 1969, prohibits committeemen and committeewomen from serving as election judges and clerks (1) in any election conducted by a county clerk or a board of election commissioners or (2) in any election in which a countywide proposition is on the ballot or (3) in any election in which candidates for county office are on the ballot.

OPINION NO. 301

October 27, 1970

Honorable Ted Salveter
State Representative
District 142
1005 Woodruff Building
Springfield, Missouri 65806



Dear Representative Salveter:

This letter is in response to your request for clarification of our Opinion No. 237, April 3, 1970, with reference to the following question:

"The conclusion reached in the foregoing opinion was that committeemen and committeewomen of both political parties are interpreted to be 'county officials' and therefore are not qualified to serve as election judges and clerks under Section 111.171 V.A.M.S. 1969-70 Cum. Supp. Much confusion still exists with respect to when and when not, committee people may work at the polls. I refer you particularly to that part of the statute which states that he must not hold office or employment under any political subdivision 'involved in the election to be held at the time of his appointment'. It would seem to me that if a committeeman is a county officer, he could still work in either a city, state or national election.

"I would appreciate it very much if you would let me know whether you agree that

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under your original opinion, committeemen would be precluded from serving only in a 'county' election. I also would appreciate it if you could specify what exactly is a county election, a city election, and a state election, within the meaning of this section."

You make specific reference to the following sentence in subsection 1 of Section 111.171, RSMo 1969 which states:

". . .He [a judge or clerk of any registration or election] must not hold any office or employment under the United States, the State of Missouri, or under the county, city, or other political subdivision involved in the election to be held at the time of his appointment. . . ." (Emphasis supplied.)

We believe that Section 111.171 prohibits people who hold a public office or employment under the United States or the State of Missouri from serving as election judges or clerks in any election. Officers and employees of counties, cities or other political subdivisions are prohibited from serving as election judges or clerks only if the employing entity is "involved in the election to be held at the time of his appointment." When is a "county, city or other political subdivision involved in the election to be held. . ."?

The primary purpose of statutory construction is to determine the intent of the legislature using the statutory language in question and then to construe the statute so as to give effect to the intention of the legislature. Rosedale-Skinker Imp. Ass'n v. Board of Adjustment City of St. Louis, 425 S.W.2d 929 (Mo. 1968).

By 1.090, RSMo 1969, the legislature has enacted into law the general rule of statutory construction that:

"Words and phrases shall be taken in their plain or ordinary and usual sense, but technical words and phrases having a peculiar and appropriate meaning in law shall be understood according to their technical import."

The word "involved" seems to have no "peculiar and appropriate meaning in law" and should, therefore, be taken in its

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"plain or ordinary and usual sense."

The definition of "involved" in Webster's Third New International Dictionary (1961) which is most appropriate to this context is "to relate closely: CONNECT, LINK (the problem is closely involved with the management of pastures. . .)".

Therefore, we believe that the legislature intended to prohibit officials or employees of counties, cities or other political subdivisions from being election judges or clerks in elections in which the entity employing the individual is connected or linked. Such a political entity is connected with elections in either or all of the following ways:

- (1) The election is conducted by the political entity, or
- (2) Propositions submitted to the voters on behalf of the political entity are on the ballot, or
- (3) Candidates for an elective office in the political entity are on the ballot.

A political entity can be involved in an election in any of the foregoing ways. Therefore, office holders or employees of such an entity would not be eligible for appointment as election judges or clerks.

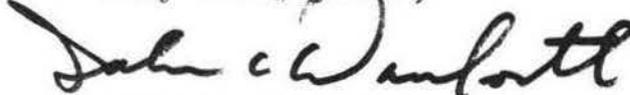
We have previously concluded that committeemen and committeewomen are county officers for the purpose of Section 111.171. See Opinion No. 237, dated April 3, 1970, to you. Therefore, committeemen and committeewomen would be prevented from serving as election judges and clerks in any election in which (1) the county conducts the election or (2) a countywide proposition is on the ballot or (3) candidates for a county office are on the ballot.

CONCLUSION

It is the opinion of this office that Section 111.171, RSMo 1969, prohibits committeemen and committeewomen from serving as election judges and clerks (1) in any election conducted by a county clerk or a board of election commissioners or (2) in any election in which a countywide proposition is on the ballot or (3) in any election in which candidates for county office are on the ballot.

The foregoing opinion, which I hereby approve, was prepared by my Assistant, D. Brook Bartlett.

Very truly yours,



JOHN C. DANFORTH
Attorney General