

June 12, 1970

Answered by Mansur
OPINION LETTER NO. 315



Honorable James L. Paul
Prosecuting Attorney
McDonald County Court House
Pineville, Missouri 64856

Dear Mr. Paul:

This is in response to your request for an opinion from this office as follows:

"(1) Does the County Clerk in his selection of Judges and Clerks have to select equally from the two major parties, the Judges and Clerks to serve at said election, from the list submitted by the Chairman of each party?

"(2) Who is the proper official to deliver the ballots to the various voting precincts, and who designates the 'messenger' to bring the ballots to the County Clerk following the close of the polls and the tabulation in the various precincts?

"(3) Is the Sheriff required to appoint a Deputy to serve at each polling place, and if so, is the Deputy also the 'mes-

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senger' in returning the results of the election to the County Clerk?'

McDonald County is a third class county.

Section 120.610, RSMo 1959, provides that judges and clerks of primary elections shall be appointed in the same manner and in the same number and shall possess the same qualifications as judges and clerks of the general elections in this state.

In reply to the first question you submit, we enclose herewith Opinion No. 403 issued on October 17, 1968, by this office. Also, Opinion No. 12 issued on July 25, 1936. We believe these opinions answer the first question you submitted.

In answer to your second question as to who is to deliver the ballots to the various voting precincts, Section 111.421, Senate Bill 134, Seventy-fifth General Assembly provides that the county clerks or board of election commissioners shall have ballots and election supplies delivered to the election judges by the sheriff or by a messenger and reasonable compensation shall be allowed for his services to be paid as other election expenses.

We are enclosing herewith Opinion No. 136 issued by this office on February 3, 1970, which holds that sheriffs in third and fourth class counties are required to pay fees collected by them in civil matters, except mileage, into the county treasury but such sheriffs are not to collect fees for services where such charges are payable out of the county treasury.

In answer to your question as to who designates the messenger to bring the ballots to the county clerk's office following the close of the polls on election day, Section 111.211, Senate Bill 134, Seventy-fifth General Assembly, requires the supervisory judges designated by the County Court as provided in Section 111.181 Senate Bill 134, Seventy-fifth General Assembly to return the ballots, poll books and other required materials to the office of the county clerk.

We enclose herewith Opinion No. 327 issued by this office on August 1, 1968, which we believe answers the third question you have submitted.

Honorable James L. Paul

If you have any further questions, please advise.

Yours very truly,

JOHN C. DANFORTH
Attorney General

Enclosures:

Opinion No. 403,
10-17-68, Shrum

Opinion No. 12,
7-25-36, Brown

Opinion No. 136,
2-3-70, Holman

Opinion No. 327,
8-1-68, Kaderly