

ELECTIONS:  
COMMITTEEMEN:

Section 111.171, RSMo 1969, prohibits the secretary or treasurer of a county committee, whether a member of the committee or not, from serving as an election judge or clerk in elections in which the county is involved.

OPINION NO. 20

January 22, 1971

Honorable Stephen Burns  
State Representative  
District No. 42  
10702 Manchester  
St. Louis, Missouri 63122



Dear Representative Burns:

This official opinion is in response to your request for a ruling on the question of whether Section 111.171, RSMo 1969, prohibits the secretary or treasurer of a county committee who is not a member of the committee from serving as an election judge or clerk. You state that the secretary and treasurer of a Jefferson County political committee are selected by the elected members of the committee in order to broaden the representation of the "grass roots of the party." The Jefferson County clerk refuses to permit the secretary or treasurer of the committee to serve as an election judge or clerk relying on Section 111.171 and Attorney General's Opinion No. 237, dated April 3, 1970, to Honorable Ted Salveter.

The organization of a party political committee in Jefferson County (being a county with more than one legislative district) is governed by Sections 120.800 and 120.810, RSMo 1969. Pursuant to those provisions, a county committee shall elect a secretary and a treasurer "who may or may not be members of the committee." You have advised that the secretary and treasurer of this committee are not members of the committee.

Subsection 1 of Section 111.171, RSMo 1969, reads as follows:

"No person shall be qualified to act as judge or clerk of any registration or election in this state unless he is legally entitled to vote at the next election following his appointment. He must be a person of good repute and character who can speak, read and write the English language. He must reside in the precinct, ward, township or election district

Honorable Stephen Burns

for which he is selected to act. He 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. He must not be a candidate for any office at the next ensuing election but a notary public shall not be disqualified from acting as a judge or clerk."  
[Emphasis supplied]

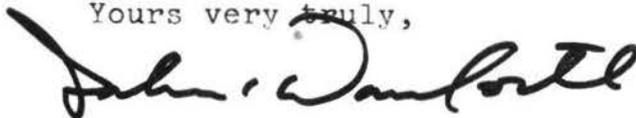
We find no requirement in Section 111.171 that only members of a county committee are prohibited from serving as election judges and clerks. A person is not qualified to act as an election judge or clerk if he holds "any office or employment" under the political subdivision involved in the election. In Opinion No. 237, dated April 3, 1970, to Honorable Ted Salveter (a copy of which is enclosed herewith), we concluded that members of a county committee are not qualified to serve as election judges and clerks because they are "public officers" or "county officers." We believe that the secretary and treasurer of a county committee elected by the members of the committee pursuant to Sections 120.800 and 120.810, RSMo 1969, hold an office under the county and are, therefore, prohibited by Section 111.171 from serving as election judges and clerks in elections in which the county is involved.

#### CONCLUSION

It is the opinion of this office that Section 111.171, RSMo 1969, prohibits the secretary or treasurer of a county committee, whether a member of the committee or not, from serving as an election judge or clerk in elections in which the county is involved.

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

Yours very truly,



JOHN C. DANFORTH  
Attorney General

Enclosure: Op. No. 237  
4-3-70, Salveter