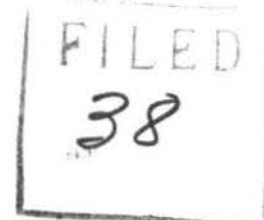


Answer by letter-Burns

January 27, 1971

OPINION LETTER NO. 38

Honorable Harold L. Volkmer  
Representative, District 100  
Room 407, Capitol Building  
Jefferson City, Missouri 65101



Dear Representative Volkmer:

This is in answer to your request in which you asked whether a person who acts as an election judge or clerk must live in the precinct in which he acts as judge or clerk.

You specifically inquire whether a person can act as an election judge or clerk in a precinct within a township when such person resides in the township but not in the precinct.

Section 111.171, RSMo 1969, provides in part as follows:

"1. 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 for which he is elected to act. . . ."

It is clear that the person selected to be an election judge or clerk must reside in the election district for which he is to act.

Of course, a township or a ward may be an election district, but when there is a precinct within a township or within a ward, the election officials of such precinct are acting for the precinct itself as an election unit rather than for the township or ward within which the precinct is located. The precinct in such case is the

Honorable Harold L. Volkmer

election district in which the election is being held and for which the election officials are acting.

It is, therefore, our view that a person who lives within a township but who does not live in a precinct within such township cannot serve as an election judge or clerk in such precinct.

Yours very truly,

JOHN C. DANFORTH  
Attorney General