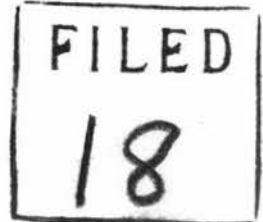


ELECTIONS

Four Judges and two Clerks are to be present at each Precinct in the City of St. Louis at special election to be held April 4, 1950.

January 10, 1950



Board of Election Commissioners
City of St. Louis
208 South Twelfth Blvd.
St. Louis, Missouri

Attention: Joseph P. Uxa, Chief Assistant

Gentlemen:

This is in answer to your letter of recent date requesting an official opinion of this department, and reading as follows:

"We are making preparations for the holding of the Special Election Tuesday, April 4, 1950, and one of the first steps is the filling of vacancies that have arisen in the ranks of Judges and Clerks of Election.

"It is our understanding that the regular quota of six election officials - four judges and two clerks - must be on duty in each polling place in St. Louis, as Section 11682 of the R. S. of Missouri, 1939, although providing that only two judges and two clerks shall officiate at the polls states 'except that in cities and counties where registration of voters is now conducted for by law, that said special elections shall be held in accordance with the provisions of the law now in effect applicable to the holding of elections in said cities and counties.'"

Section 11682, R. S. Missouri, 1939, which you refer to in your letter, provides as follows:

"Whenever a proposed amendment to the Constitution or the proposition: 'Shall there be a convention to revise and amend the

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Constitution?' shall be submitted to the voters at a special election, said election shall be conducted in the manner provided by law for general elections and said propositions shall be submitted, voted on, the returns certified and the results proclaimed in the manner provided by law in case such propositions are submitted at a general election: Provided, that it shall not be necessary to hold said election with booths for the voters and that said election shall be conducted by two judges and two clerks at each polling place, one judge and one clerk to be selected from each of the two parties which cast the highest and next to the highest number of votes for governor at the last general election; except that in cities and counties where registration of voters is now provided for by law that said special elections shall be held in accordance with the provisions of law now in effect applicable to the holding of elections in said cities and counties: Provided further, that the secretary of state shall provide for the same publication in newspapers and the same posting of notices at voting places of the proposition, 'Shall there be a convention to revise and amend the Constitution?' as is provided by law in the case of proposed constitutional amendments."

We believe it to be clear that the exception as to cities and counties, where registration of voters is now provided for by law, obviously excepts the City of St. Louis from being affected in any way by such statute since St. Louis is a city where registration of voters is now provided for by law.

Section 12199, R. S. Missouri, 1939, relating to registration of voters and conduct of elections in cities of 600,000 or more, provides in part as follows:

"Said board of election commissioners shall at least sixty days prior to each presidential election thereafter select and choose four

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electors as judges of election, for each precinct in such city. * * * Two clerks of election for each precinct shall be selected within the same time by said board, and shall possess the same qualifications as the judges. * * * Said judges and clerks shall be appointed for a term ending sixty days prior to the next presidential election after the election at which they were appointed to serve, and shall, during said term, serve as judges and clerks at all special, local, municipal, primary and general elections. * * *"

(Underscoring ours.)

Since such section specifically provides that the judges and clerks provided for in such statute shall serve as judges and clerks at all special elections, we believe it to be clear that at the special referendum election to be held April 4, 1950, that four judges and two clerks shall serve for each precinct in the City of St. Louis.

CONCLUSION

It is the opinion of this department that at the special referendum election to be held April 4, 1950, that four judges and two clerks shall serve in each precinct in the City of St. Louis.

Respectfully submitted,

C. B. BURNS, JR.
Assistant Attorney General

APPROVED:

J. E. TAYLOR
Attorney General