

ELECTIONS: Challengers at primaries have no official rights beyond the territorial limits of the committeeman or committeewoman making the appointment.

July 31, 1936



Honorable Maurice Hoffman
Prosecuting Attorney
Buchanan County
St. Joseph, Missouri

Dear Sir:

We are in receipt of your request for an opinion dated July 27, 1936, which reads:

"I wonder if you could give us an opinion as to the interpretation to be placed upon section 10270 of the Revised Statutes of 1929.

"The statute holds that 'the County, ward or township committeeman of each party in each county or the ward committeemen in any county with a population of over 300,000 may appoint two party agents or representatives', as challengers.

"It seems to me that the interpretation of this section ought not to cause much trouble. The question has arisen in the County as to whether the ward or township committeeman alone can name challengers. It is my view that the committee woman has nothing whatever to do with naming challengers, and that the chairman of the County Committee cannot name challengers except in the township or ward in which he was elected.

"I have no personal interest in this matter in any way, but I would like the opinion of your office so that we may have uniformity under the law in the coming election."

Section 10270 R. S. Mo. 1929, vests the power to appoint challengers in precinct polling places and provides:

"The county, ward or township committeeman of each party in each county, or the ward committeeman in any city with a population of over 300,000, may appoint two party agents or representatives, with alternates for each, who may represent his party at the polling place in each precinct during the casting, canvass and return of the vote at a primary, who shall act as challengers and witnesses to the count of the vote for their respective parties, and have the power prescribed by law."

Section 652 R. S. Mo. 1929, provides:

"When any subject-matter, party or person is described or referred to by words importing the singular number or the masculine gender, several matters and persons, and females as well as males, and bodies corporate as well as individuals, shall be deemed to be included."

CONCLUSION

Pursuant to Section 10270, supra, we are of the opinion that the chairman of the County Committee has no power to appoint challengers in precinct polling places other than in the township or ward to which he was elected. The appointment of challengers give the challengers no power to witness or challenge the casting, canvassing or return of the vote in any polling place other than the polling places located in the township or ward of the committeeman making the appointment.

We are of the opinion that the committeewoman of any political party of a township or ward has equal

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power to appoint challengers as the committeeman, that is, any township or ward committeewoman or committeeman can appoint two challengers with alternates.

Respectfully submitted,

WM. ORR SAWYERS
Assistant Attorney General

APPROVED:

JOHN W. HOFFMAN, Jr.
(Acting) Attorney General

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