

ELECTIONS:  
CONSTITUTIONAL CONVENTION:

Clerk shall notify judges of  
their selection to act at election  
of delegates to Constitutional  
Convention.

----- March 8, 1945 -----

Mr. W. Oliver Rasch  
Prosecuting Attorney  
Jefferson County  
Hillsboro, Missouri

3-15

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Dear Sir:

This is in reply to yours of recent date, wherein  
you submit the following question:

"After the judges have been selected,  
as provided for in the case of a  
general election, how and by whom  
should they be notified?"

Under Section 11683, R. S. Mo. 1939, the judges of  
the election for delegates to the Constitutional Conven-  
tion are selected in the manner provided by law for general  
elections. Under Section 11499, R. S. Mo. 1939, it is pro-  
vided that judges for general elections shall be appointed  
by the county court. We do not find any statute directing  
the clerk of the county court to notify such judges of  
their selection, however, we think that the county court,  
under its inherent power, would have authority to direct  
the clerk of that court to send out notices of such selec-  
tion.

The county court is a court of record, (Section 36,  
Art. VI of the Constitution of Missouri). Since an early  
day in the history of this state, the rule has been adopted  
and applied that every court of record has inherent power,  
independent of any statute, to make rules for the transaction  
of its business. Risher v. Thomas, 2 Mo. 98.

It is well known that it has been a practice of all county clerks to notify judges of election of their appointment. In the absence of a statute directing the clerk to give this notice, then the county courts may, by order, direct the service of such notice.

CONCLUSION

It is, therefore, the opinion of this department that the respective county courts may direct the county clerks to notify the judges of election of their appointment as judges for the Constitutional Convention election, and, under such order it is the duty of the clerk to give notice thereof.

Respectfully submitted,

TYRE W. BURTON  
Assistant Attorney-General

APPROVED:

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ROY McKITTRICK  
Attorney-General

TWB:CP