

ELECTIONS: The County Court may make any reasonable allowance to election Clerk for returning the poll books.

March 25, 1943

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Honorable Marion Robertson
Prosecuting Attorney
Saline County
Marshall, Missouri

Dear Sir:

We are in receipt of your opinion request under date of March 24, 1943, which asks the following question.

"Would the Clerk of the election who transmitted the poll books to the office of the county clerk, be entitled to the same compensation as a messenger, as provided by that section of the statute, or does the County Court have in its discretion the power to allow him only 5¢ a mile necessarily traveled going and returning?"

Section 11496, R. S. Missouri 1939, provides:

"All judges and clerks of election shall be allowed such compensation for their services in conducting elections and returning the poll books and ballots to the county clerk's office, as the county courts of their respective counties may deem reasonable, not to exceed three dollars per day, to be paid out of the county treasury."

Under this provision the only test is whether or not the allowance of the County Court is reasonable. The allowance by the County Court of five cents a mile seems to be a reasonable allowance. That, however, is a factual question.

Honorable Marion Robertson

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The only limitation imposed by the section, supra, is that the total compensation not exceed three dollars per day.

CONCLUSION

The County Court may make such allowance as is reasonable, for payment of election clerks, providing such compensation does not exceed three dollars per day. However, the statute does not set up any basis for computing the compensation of such election clerk who returns the ballots and poll books, but it is within the discretion of the County Court to arrive at the amount of such compensation on a mileage basis.

Very truly yours

WILLIAM C. BLAIR
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APPROVED:

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WCB:BAW