

ELECTIONS: Qualifications of judges of election.

C O P Y

July 9, 1942

Mr. H. D. Allison
County Clerk, Buchanan County
St. Joseph, Missouri

Dear Mr. Allison:

This is in reply to yours of recent date wherein you request an opinion from this department on the following statement:

"Will you please inform me if it is permissible for a judge or clerk to serve in another precinct or ward other than the one in which he is registered and qualified to vote on election day.

"We do not find any section in the laws which states that a judge or clerk must serve in only the ward and precinct in which he is qualified to vote but since we have had numerous questions asked in regard to this matter, I would appreciate a legal opinion from you."

We refer you to Section 11469, R. S. Mo. 1939, which provides in part as follows:

"All citizens of the United States, including occupants of soldiers' and sailors' homes, over the age of twenty-one years who have resided in this state one year, and the county,

city or town sixty days immediately preceding the election at which they offer to vote, and no other person shall be entitled to vote at all elections by the people: Provided, each voter shall vote only in the township in which he resides, or if in a town or city, then in the election district therein in which he resides: * * * * *

Section 11500, R. S. Mo. 1939, pertaining to qualifications of judges or clerks of election, provides as follows:

"No person shall be qualified to act as a judge or clerk of any election unless he shall be legally entitled to vote at such election, and shall moreover be able to read and write."

Since said Section 11500 does not specifically provide that the judge or clerk shall be a resident voter of the ward or precinct in which he resides, we think, under the rule that statutes relating to the same subject matter should be read together, that, therefore, said Section 11500 should be read with said Section 11469. Applying that rule then, the judge or clerk of the election should not only be legally entitled to vote at said election, but he also should be legally entitled to vote in the ward or precinct in which he is to act as judge.

CONCLUSION

It is, therefore, the opinion of this department that the qualifications of the judge of an election should be that he should be legally entitled to vote at the election and that he should also be legally entitled to vote in the

Mr. H. D. Allison

-3-

July 9, 1942

county, city, ward or precinct in which he is to act as
judge.

Respectfully submitted,

TYRE W. BURTON
Assistant Attorney General

APPROVED:

VANE C. THURLO
(Acting) Attorney General

TWB:CP