

SPECIAL ELECTIONS: Sec. 10389 not applicable - only necessary to appoint two judges and two clerks at each polling place for the Bond Election on May 15, 1934.

April 12, 1934

Hon. Gordon Weir,
Prosecuting Attorney,
Greenfield, Missouri.

Dear Sir:

This department is in receipt of your letter of April 5, 1934 requesting an opinion as to the following state of facts:

"The County Court wants to know if they will be required to select six judges and four clerks for the election to be held the 15th day of May, 1934, on the bond question or can they select only two judges and two clerks to take care of this, as this number, they think will be sufficient to do the work."

Section 10389, R. S. Mo. 1929 provides in part as follows:

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

Dade County is a county having a population of some 11,000 inhabitants and there is no special law providing for registration of voters.

The general law respecting elections with reference to the appointment of judges is Section 10206, R. S. Mo. 1929, which provides in part as follows:

"In all counties in this state, four judges of election shall be appointed by the county court for each election precinct in each of said counties;****"

This section is expressly made inapplicable to special elections held to amend the Constitution; it is therefore the opinion of this department that by reason of Section 10389, supra, it is only necessary to appoint two judges and two clerks at each polling place for the bond election to be held on the 15th day of May, 1934.

Respectfully submitted,

JOHN W. HOFFMAN, Jr.,
Assistant Attorney General

APPROVED:

ROY McKITTRICK,
Attorney General

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