

ELECTIONS: Mode of conducting election of  
CONSTITUTIONAL CONVENTION: delegates to Constitutional Con-  
vention.

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January 16, 1943

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Dear Sir:

This is in reply to yours of recent date wherein you request an opinion from this department on the mode of electing delegates to the Constitutional Convention.

Under Section 3 of Article XV of the Constitution of Missouri the provision in relation to election of delegates to a Constitutional Convention reads as follows:

"\* \* \* The electors of each senatorial district of the state, as then organized, shall elect two delegates as herein provided at such election, and the electors of the state voting at the same election shall elect fifteen delegates-at-large, such election to be conducted as provided by law; \* \* \* \* \* "

The lawmakers by Section 11683, R. S. Mo. 1939, have made provision for elections for the purpose of electing delegates to a Constitutional Convention. This section reads as follows:

"Whenever an election shall be called to elect delegates to a constitutional convention or an election called for the purpose of ratifying a submitted new Constitution, 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 were submitted at a general election; except, 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 the next highest number of votes for governor at the last general election: Provided, however, that in all cities and counties of this state where registration of voters is now or may be provided for by law, elections under the provisions of this section shall be held in accordance with the provisions of law now in effect, applicable to the holding of elections in said cities and counties, and the county committee of each political party which at the general election for governor held next preceding any special election to elect delegates to a constitutional convention or for ratification of a new Constitution, cast at least ten per cent of all the votes cast at such election for governor in such city and county, shall appoint three judges and one clerk outside of such city for election under the provisions of this section, and in all such cities the judges and clerks of elections regularly appointed or that may be hereafter appointed and commissioned for regular state and county elections shall act as judges and clerks of all special elections under the provisions of this section. All acts or parts of acts inconsistent with the provisions of this act are hereby declared inapplicable to elections called for the purpose herein provided for."

By this section you will note that in counties and cities other than those in which registration of voters is provided

for only two judges and two clerks at each polling place is required.

It will also be noted by this section that in cities and counties which have registration of voters then the election of delegates to the Constitutional Convention is conducted in the same manner that is followed under the general election laws. Since there may be some different provisions for elections in cities and counties which have registration of voters, then the procedure for such cities and counties would depend entirely upon the election law as it applies to such cities or counties.

CONCLUSION

From the foregoing it is the opinion of this department that in counties and cities other than those which have registration of voters, only two judges and two clerks at each polling place may be selected to act at an election to elect delegates to the Constitutional Convention.

We are further of the opinion that in cities and counties which have registration of voters the general law applicable to such cities and counties should be followed in selecting judges and clerks for an election to elect delegates to the Constitutional Convention.

Respectfully submitted

TYRE W. BURTON  
Assistant Attorney-General

APPROVED:

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ROY McKITTRICK  
Attorney - General