

**ELECTIONS: COSTS
OF REGISTRATION AND
CANVASS IN GENERAL
ELECTION IN CLAY
COUNTY, MISSOURI:**

We conclude that the city of Kansas City and Clay County must proportionately share the cost of registration and canvass of voters by mail for the November General Election, 1958, according to the population Kansas City bears to the total population of Clay County, all of which is set out and authorized by Section 119.180, RSMo 1949.

April 21, 1959



Board of Election Commissioners
County Court House Annex
7 South Water Street
Liberty, Missouri

Dear Sirs:

We are in receipt of your recent letter requesting our official opinion on the following question:

"Request for Attorney General's opinion as to whether Kansas City Missouri, under the provisions of Chapter 119 of the Revised Statutes of Missouri, 1949, shall bear their proportionate share of the costs of registration and canvass of voters for the November, 1958, General Election, although no City candidates or charter or bond questions appeared on the ballot for said election?"

"Reference is made to your letter to the Honorable James L. Williams, County Counselor for Jackson County, Missouri, dated October 27, 1958, wherein you find that the cost of a primary election canvass is a general expense which is to be paid both by Jackson County and Kansas City under the provisions of Chapter 117 and which we feel should apply to Kansas City for the November General Election of 1958, in regards to Clay County Missouri. Kansas City has denied any liability for registration or canvass conducted for said election on the basis of no municipal issues and that the canvass was conducted by mail."

We wish to point out at the outset of this opinion that your question involves expenses concerning the registration and canvass of voters for the November, 1958, General Election and that said canvass was conducted by mail.

Your question basically involves interpretation of Section 119.180, RSMo Cum. Supp. 1957, which reads as follows:

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- "1. In all counties in this state affected by this chapter, the board of election commissioners, clerks of the board, and all assistants employed by the board of election commissioners, except as otherwise herein provided, shall be paid as follows: The members of said board of election commissioners as such, and as members of the board of registry, as herein provided, shall each receive a salary of one thousand two hundred dollars per year, and assistants and clerks employed by the day by the board of election commissioners shall receive a salary of not more than eight dollars per day, and the same shall be paid upon a certificate of the board that the services have been rendered. All expenses incurred by the board of election commissioners shall be paid in like manner.
- "2. When any county of this state has within its boundaries any part of a city of more than four hundred thousand population, according to the last United States decennial census, all such salaries and expenses shall be paid proportionately by such city and county, with such city paying such proportion as its population within such county bears to the total population of the county.
- "3. In all city elections, general or special, such city shall pay judges and clerks of election for their services under this chapter, and shall pay their proportionate share for judges and clerks if a city proposal of any kind is to be submitted to the voters at any general, county or state elections.
- "4. At all general, county, state or other elections which include officers elected throughout a whole county the county shall pay the judges and clerks of election for their services under this chapter in connection with the election held within such county."
(Emphasis supplied.)

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In this case, Kansas City is within the boundaries of Clay County and is a city of more than 400,000 population. Therefore, the above statute which is a part of Chapter 119, RSMo Cum. Supp. 1957, is applicable and the question narrows down to an interpretation of paragraph 2 of Section 119.180, supra, where provision is made for city and county proportionately paying "all such salaries and expenses" as its population bears to the total population of the county.

Section 119.280, et seq., provides that the board of election commissioners shall constitute the board of registry. Also, it sets forth the duties of the board of registry, how the registration records shall be kept; provides for canvass of the precincts; and that the board of election commissioners shall deliver election supplies to the board of registry. No specific provision is expressly made for the payment of expenses of the aforesaid costs of registration and canvass.

We next direct your attention to Section 119.170 which authorizes the board of election commissioners to provide supplies, etc., and reads as follows:

"Said board of election commissioners is hereby authorized to provide, subject to the provisions of section 50.660, RSMo, all necessary ballot boxes, registration books, verification lists, poll books, tally sheets, booths, printed ballots, blanks, stationery and all necessary supplies and equipment for the conduct and holding of registrations and elections, including primary elections, and for every incidental purpose connected herewith. Said election commissioners shall also be authorized to require bonds sufficient in sum to insure prompt and faithful compliance with all such contracts and to contract for or rent the polling places and places of registration and outfit and equip the same and secure light, heat, and other conveniences for same. In all cases where the printing of official ballots is awarded to a bidder, the board of election commissioners may require the constant guarding of such ballots by a guard of their own selection, at the expense of the contractor, from the beginning of the printing of the same

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until their safe delivery at the office of said board of election commissioners. The salaries and expenses of said board of election commissioners shall be audited and paid as the salaries and expenses of other county officers are audited and paid."

These statutes relating to registration, canvass, supplies and payment of expenses must be read in pari materia and, if possible, effect given to each clause and provision. See Davenport v. Teeters, Mo. App., 273 S.W. (2d) 506, 510 (1,2).

Paragraph (1), Section 119.180, supra, provides in essence that the salaries and expenses of the board of election commissioners whose members also serve on the board of registry shall be paid upon certificate of the board that services have been rendered.

Section 119.170, supra, provides in part as follows:

"* * * The salaries and expenses of said board of election commissioners shall be audited and paid as the salaries and expenses of other county officers are audited and paid."

Reading these two sections in pari materia, it is apparent that counties are liable to pay all salaries and expenses of the board of election commissioners after said board certifies it has rendered services.

Paragraph (2) of Section 119.180, supra, we believe, creates an exception to the aforesaid county liability and provides that if a county has a city of more than 400,000 population within its boundaries the "salaries and expenses" shall be proportionately paid by said city and county according to the population the city bears to the county. The terms "salaries and expenses" in paragraph (2) obviously refers to the "salaries and expenses" of the board of election commissioners and board of registry provided for in paragraph (1).

It is evident the Clay County Board of Registry incurred expenses while registering and canvassing the voters in the 1958 general election. There being no express provision for payment of the board of registry's expenses and since its members compose the board of election commissioners, these expenses would

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generally be the sole liability of the county under the provisions of paragraph (1), Section 119.180 and Section 119.170, supra. However, in this case, since Kansas City is a city of more than 400,000 and is within the boundaries of Clay County, said expenses come within the purview of Section 119.180, paragraph (2), supra.

We therefore conclude, after reading Section 119.180, paragraph (2), and Section 119.280, supra, in pari materia, that Kansas City is liable for its proportionate share according to the population it bears to the total population of Clay County for the costs and expenses of the registration and canvassing the returns by mail of the general election held last November, 1958. We believe this result is reasonable and is what the legislature intended by paragraph (2), Section 119.180, supra.

CONCLUSION

We therefore conclude that the city of Kansas City and Clay County must proportionately share the cost of registration and canvass of voters by mail for the November general election, 1958, according to the population Kansas City bears to the total population of Clay County, all of which is set out and authorized by Section 119.180, supra.

The foregoing opinion, which I hereby approve, was prepared by my assistant, J. Burleigh Arnold.

Yours very truly,

John M. Dalton
Attorney General

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