In the case of Continental Paper Grading Co. v. Howard T. Fisher and Associates, Inc. (1954), 3 Ill. App. (2d) 118, 120 N. E. (2d) 577, the words and phrases “supervision,” “personal supervision” and “personal direction and supervision” as the words relate to Illinois Architect's Act, Laws 1919, p. 218, Sec. 3 (Smith-Hurd Ill. Annotated Statutes, 1957 Cum. P. P., Ch. 101/2, Sec. 3) were held to mean and apply as follows:

“As used in this section authorizing corporations to perform specific acts, ‘supervision,’ ‘personal supervision,’ and ‘personal direction and supervision,’ mean supervision by a registered architect in the sense that such architect shall have and exercise the general duty of overseeing the work regardless of who shall actually perform the executive function of directing the subordinates or other personnel regularly or specially employed by corporation to act and actually acting under such general overall directive authority of registered architects.”

Therefore, I am of the opinion that the provisions of Burns' 63-2301, supra, require that in the operation of a watchmaking or watch repairing business, it must be at all reasonable times operated under the personal supervision and management of a registered watchmaker who is on the premises.

OFFICIAL OPINION NO. 42
July 24, 1958

Mr. Edwin Steers, Sr.
Member, State Election Board
108 E. Washington Bldg., No. 1108
Indianapolis 4, Indiana

Dear Mr. Steers:

Your letter of June 11, 1958, has been received in which you enclose a letter from the attorneys for the trustee of Wabash Township, Adams County, Indiana. The enclosed letter stated that, pursuant to Acts 1955, Ch. 15, as found in Burns’ (1957
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Supp.), Sections 28-2468 to 28-2478, an election was held for the establishment of a school corporation and a board of school trustees in a school township having a population of not less than three thousand five hundred (3,500). You request my Official Opinion as to the amount of compensation to which the members of the precinct election boards at said election were entitled.

Section 6 of the Acts 1955, Ch. 15, supra, as found in Burns' 28-2473, supra, provides for the procedure for an election held under the provisions of the act and the pertinent portions of said statute read as follows:

"On the day and hour named in such notice, such polls will be opened and the votes of the registered voters shall be taken upon the question of the creation and establishment of such new school corporation and board of school trustees, and said election shall be governed by the general election laws of the state insofar as they may be applicable, except as otherwise provided herein. Such township trustee and his advisory board shall constitute the board of election commissioners, and they shall cause to be prepared and distributed proper ballots. There shall be printed on the ballot two [2] squares with the words substantially as follows:

"Shall the _________ school township create and establish a new school corporation and board of school trustees as resolved for under chapter_______of the 1955 Acts of the Indiana General Assembly?" (In which blanks, the respective name of the school township concerned and the chapter number of this act, shall be inserted.)

[YES] [NO]

"Each voter desiring to vote for said question shall make a cross with a pencil in the square containing the
word 'Yes,' and each voter desiring to vote against the same shall make a cross in the square containing the word 'No.' Such township trustee and his advisory board shall appoint inspectors, judges, clerks, and sheriffs for such election. The votes cast at such election shall be counted and canvassed, at a place designated by the township trustee on the day following said election at 10:00 o'clock a.m., and the certificate of the votes cast for and against the creation and establishment of said new school corporation and board of school trustees shall be filed with the township trustee holding such election and with the county recorder in the county in which said school township is located with the copy of the initial resolution, and the said county recorder shall file the same in miscellaneous records. * * *” (Our emphasis)

An examination of Burns’ 28-2468 to 28-2478, supra, does not disclose the compensation to be paid to the members of the election boards and therefore it is necessary to look to the general election laws in order to determine their compensation.

This method of adoption by reference has been approved by our Supreme Court in State ex rel. Board of Comrs. of County of Hendricks v. Board of Comrs. of the County of Marion (1908), 170 Ind. 595, 619, 85 N. E. 513, wherein the Court said:

“It is well settled that one statute may adopt a part of or all of another statute by a specific and descriptive reference thereto, and the effect is the same as if the law or statute, or the part thereof adopted, had been written into the adopting statute. 2 Lewis’s Sutherland, Stat. Constr. (2d ed.), §§ 405-407; State, ex rel., v. Leich (1906), 166 Ind. 680, 682, and authorities cited. When so adopted only such portion is in force as relates to the particular subject of the adopting act, and is applicable and appropriate thereto. 2 Lewis’s Sutherland, Stat. Constr. (2d ed.), § 405.” (Our emphasis)

The provisions in the general election law for compensation of precinct election board members is found in Acts 1945, Ch.
“Each judge, each clerk and each assistant clerk of any primary or general election may be allowed and paid the sum of eight dollars [§8.00]; and each sheriff of any such election may be allowed and paid the sum of five dollars [§5.00]; and each inspector of such election may be allowed and paid the sum of eight dollars [§8.00] for the performance of all the duties of his office imposed upon him by this act, which are performed by him on election day and eight dollars [§8.00] for his services in calling at the county clerk’s office for the precinct election supplies and the return of same to the clerk’s office after the election whether the same is rendered before, on the day of or after such election: Provided, however, That the county commissioners in any county may, by order of such board made and filed with the auditor of any such county not less than fifteen [15] days prior to the date of any primary or general election, provide for allowances and pay not to exceed the following amounts: Each judge, each clerk and each assistant clerk, the sum of twelve dollars [§12.00] in counties using voting machines, and fifteen dollars [§15.00] in counties using paper ballots; each sheriff, the sum of nine dollars [§9.00]; and each inspector, the sum of twelve dollars [§12.00] for the performance of all duties of his office imposed on him by this act, which are performed by him on election day, and twelve dollars [§12.00] for his services in calling at the office of the clerk of the circuit court for the precinct election supplies and the return of same to the clerk’s office after the election: Provided, further, That in school, district and elections other than those above specified, except town elections, the county commissioners may fix the compensation of the precinct election officers at any determinate amount not to exceed the pay schedule first provided in this section. In town elections the compensation shall be fixed by the board of town trustees not in excess of the first above mentioned schedule.” (Our emphasis)
It should be noted that the last proviso in the above act provides that in school elections the county commissioners may fix the compensation of the precinct election officers at any determinate amount not to exceed the first pay schedule which is eight dollars ($8) for each judge, clerk and assistant, five dollars ($5) for each sheriff and eight dollars ($8) for each inspector for the performance of his duties on election day and an additional eight dollars ($8) for his services in picking up the precinct election supplies from the county clerk and the return thereof after the election.

Your question has arisen due to the fact that Burns’ 28-2473, supra, concerning school elections requires the members of the precinct election board to return the following day at 10 A.M. for the purpose of counting and canvassing the votes, and this raises the query as to whether the members of the election board are entitled to any additional compensation other than that set out in the general election law.

It must be conceded that, if the compensation provisions in the general election law are in the nature of a per diem, the election board members at this particular school election would be entitled to an additional day’s pay for returning the following day. However, it is apparent from an examination of Burns’ 29-3215, supra, that said act provides for compensation in full for all of the duties performed by the members of the precinct election boards in connection with the election for which they serve.

Prior to the passage of Burns’ 29-3215, supra, the authority for compensation of precinct election board members was found in two statutes, one for primary elections and one for general elections. Acts 1915, Ch. 105, Sec. 20, provided as follows:

“Each inspector, judge, clerk and sheriff of any primary election shall be allowed and paid three dollars ($3.00) for each day’s service while attending to such election and performing the duties of his office.” (Our emphasis)

The provisions for the pay of election board members at a general election were found in Acts 1920 (Spec. Sess.), Ch. 11, Sec. 10, as amended by the Acts 1933, Ch. 38, Sec. 1, and which reads as follows:
"Each judge, each clerk and each assistant clerk in any general election shall be allowed and paid the sum of five dollars; and each sheriff of any such election shall be allowed and paid the sum of three dollars, and each inspector of such election shall be allowed and paid the sum of eight dollars for the performance of all the duties of his office imposed on him by law, whether the same is rendered before, on the day of or after such election."

As can be seen from the above two acts, the pay of the members of the election board at a primary election was a per diem while the pay for members of the election board at a general election was in full for all of the duties performed at said election whether or not members were required to perform services on a day other than election day.

It is apparent that when the Legislature enacted Burns' 29-3215, supra, it adopted the language which had been used for the election board members at a general election and omitted any reference to a per diem. In further support of this conclusion, it should be noted that in Burns' 29-3215, supra, a provision is made for the inspector who may receive additional compensation for certain services performed, while no reference to additional pay is made for judges, clerks, assistant clerks or sheriffs. Also, the Legislature must have contemplated the possibility of the members of the election board working into the next day in order to count the votes inasmuch as they provided in Acts 1945, Ch. 208, Sec. 38, as found in Burns' (1949 Repl.), Section 29-3214, the election board may not adjourn until the polls have been closed and all the votes have been counted and the inspector is ready to deliver the ballot boxes and other documents to the clerk of the circuit court.

In further support of my position that members of a precinct election board may receive only the amount set out in Burns' 29-3215, supra, our Supreme Court has held in Finerty, Auditor v. Bryant et al. (1938), 214 Ind. 570, 16 N. E. (2d) 882, that members of precinct election boards are public officers of the state. It is well settled in this state that public officers are entitled to only such compensation as is provided by law.
I must conclude that the compensation for members of a precinct election board set out in Burns' 29-3215, supra, is in full for all their services and is not to be considered as per diem. Since Burns' 28-2473, supra, adopted the provisions in the general election law providing for compensation of the precinct election board members for a school election, said compensation is in full for all the services performed by the members of the precinct election board at the school election including the services performed in returning the following day to count the votes. The compensation payable to the members of the precinct election board for the school election is, of course, subject to the determination of the county commissioners as it is provided in Burns' 29-3215, supra, that in school elections the county commissioners may fix the compensation of the precinct election officers at an amount not to exceed the maximum pay schedule first provided in the section.