STATE BOARD OF ELECTION COMMISSIONERS: Deputy Clerks may be appointed Deputy Registration Officers. If appointed, are entitled to receive fees for executing blanks in addition to salary as Deputy Clerk.

March 10, 1944.

Opinion No. 25

Indiana State Board of
Election Commissioners,
Indianapolis, Indiana.

Gentlemen:

This will acknowledge receipt of your letter dated March 8th, 1944, submitting the following question:

“We would like to have your opinion on whether or not here in Marion County it—would be permissible under the registration law as amended in 1943, being chapter 33, page 67 of the Acts of 1943 and especially section 1 thereof, to employ registration deputies appointed under this section as such, as deputy clerks for the purpose of paying them a different salary as compensation for registration and clerical duties than the five cent maximum fee per registration allowed under the Act. In other words, would it be legal to pay them as deputy clerks from the clerk’s appropriation for clerical assistance in the Registration Department and pay nothing to them in their capacity as deputy registration officers.”

Answering your question, I call your attention to the following language which is contained in Section 1 of Chapter 33, Acts of 1933, (Burns 1943 Pocket Supplement, Section 29-306), which reads in part as follows:

“(a) The clerk of the circuit court of each county shall be ex-officio the registration officer of such county and shall have full charge and control of the registration of voters within such county and the clerk of the circuit court shall appoint as many deputy registration officers for the county as may be necessary, who, before entering upon the discharge of their duties, shall take an oath to be administered by the clerk of the
circuit court that they will faithfully and honestly discharge the duties imposed upon them, by law. The deputy registration officers so appointed shall be selected, in equal numbers, from the two (2) political parties which cast the highest and second highest vote for secretary of state in such county at the general election last preceding, and the persons so appointed shall be appointed on recommendation in writing of the respective county chairman of such political parties, filed in the office of the clerk of the circuit court, not less than ten (10) days before the beginning of the registration period. Vacancies shall be filled in like manner, from time to time, as such vacancies may occur. Deputy clerks of the clerks of the circuit courts shall not by reason of their office be deputy registration officers or have authority to register voters and may only become such deputy registration officers upon appointment under the same recommendations and conditions as now required by law for the appointment of deputy registration officers. * * * Each and every deputy registration officer appointed by the clerk of the circuit court shall be entitled to receive for their services the sum of not to exceed five cents (5c) for each and every registration blank or transfer of registration which any such registration officer delivers, properly filled out and executed, to the clerk of the circuit court of the county. * * *.”

The above language is clear, definite and unambiguous and expressly provides that a duly appointed deputy clerk may serve as a deputy registration officer when appointed as such by the clerk upon the recommendation of the county chairman of the two political parties casting the highest vote for Secretary of State in the county at the last preceding general election. Such deputy clerks so appointed as deputy registration officers shall be selected in equal numbers from the two political parties.

Burns R. S. 1933, Section 49-501, reads in part as follows:

“* * *, and every clerk of the circuit court, * * * may appoint deputies, when necessary or when required, if provision shall have been made for paying such deputies for their services from the funds of the
state or of the county or from fees received for their services. * * *.

After a careful consideration of the language found in Section 1 of Chapter 33, Acts 1941, it is my opinion that the deputy registration officers may be regularly appointed deputy clerks provided their appointment as a deputy registration officer is made in accordance with the provisions of the above quoted Act, and provided, further, that the necessary funds have been duly appropriated and are available to pay their salaries as deputy clerks. Furthermore, such deputy clerks acting as deputy registration officers are entitled to receive, in addition to their salary as deputy clerk, a sum of not to exceed five cents for each and every registration blank or transfer of registration which such registration officer delivers, properly filled out and executed, to the clerk.

STATE ATHLETIC COMMISSION: Promoter of wrestling and boxing matches required to give statutory bond covering payment of taxes. Other person’s bond covering exhibitions in another city cannot suffice for this promoter’s bond.

March 11, 1944.

Opinion No. 26

Hon. Sam Murbarger, Secretary
State Athletic Commission of Indiana,
225 State House,
Indianapolis, Indiana.

Dear Sir:

Your letter of March 9, 1944, received requesting an opinion as to whether or not the bond of Mr. Malcolm A. Eastes, a matchmaker of Hammond, Indiana, which bond covers liabilities for losses on boxing and wrestling exhibitions held in Hammond, Indiana, is sufficient to cover any losses that may occur on exhibitions held in Gary, Indiana, under a promoter’s license to be hereafter issued to Mr. Dorrance Funk, for which promoter’s license application is now being made.

A personal investigation of the bond of Mr. Eastes as filed in the Treasurer of State’s office reveals that such bond is