

OPINION 41

OFFICIAL OPINION NO. 41

December 27, 1971

Hon. Doris Dorbecker
Indiana State Representative
409 Mellowood Drive
Indianapolis, Indiana 46224

Dear Representative Dorbecker:

This is in response to your request for my Official Opinion on the following question:

“What is the total number of deputy registration officers that may be appointed per county?”

ANALYSIS

The Acts of 1945, Ch. 208, Sec. 50, as found in IC 1971, 3-1-7-6, and Burns' (1971 Supp.), Section 29-3406, provide for the appointments of four deputy registration officers per party per precinct which include the two *ex officio* registration officers. The party reference is to each of the two political parties casting the highest vote for Secretary of State at the last election. The precinct committeeman and the precinct vice-committeeman of each party in each precinct are the *ex officio* deputy registration officers.

The same statute (Burns' 29-3406, *supra*) then provides for additional deputy registration officers as follows:

“In addition to the *ex officio* deputy registration officers and the required additional deputy registration officers requested by such county chairmen in each precinct, the clerk or registration board *may appoint such other deputy registration officers and establish such substation registration boards as may be necessary* to insure adequate opportunity for voters to register to vote.” (My emphasis)

The above-quoted language is clear and unambiguous, and not subject to interpretation. See Sutherland on Statutory Construction, “The Rule of Literalness,” Vol. 2 §4702, p. 336. It clearly provides for additional deputy registration officers as may be necessary.

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CONCLUSION

It is, therefore, my official opinion that there is presently no statutory limitation on the total number of deputy registration officers that may be appointed per county as long as such deputies are deemed "necessary" by the clerk (in counties under 80,000 population) or registration board (in counties of 80,000 or more population). If this should be abused, it would be up to the Legislature to correct.