

ELECTIONS:
SPECIAL ELECTIONS:
CHARTERS:
BOARD OF ELECTION COMMISSIONERS:

Special election for annexation to
City of Independence may be conducted
on same day as Jackson County charter
election.

September 29, 1958



Mr. John W. Mitchell
Secretary, Jackson County
Board of Election Commissioners
Courthouse
Independence, Missouri

Dear Mr. Mitchell:

This is in response to your request for an opinion dated
September 24, 1958, wherein you have submitted the following
questions:

"Is it legal and proper to conduct the
City Annexation Election on the same
date and using the same polling places
as the Charter Election?"

"If your opinion is that both elections
can be held at the same time and using
the same polling places can the Charter
election proposition and the Annexation
election appear in the same column on the
voting machine?"

We have conducted all the research that time permits in order
to ascertain whether there is any statute or judicial decision
which would prohibit the conduct of two special elections on the
same day. We have found no such statute or decision.

As we pointed out in our opinion to Floyd L. Snyder, Sr.,
dated July 29, 1958, the charter election must be held at a special
election which could not be on the same day as the general election
in November. The mere fact that you might conduct a special election
for annexation to the City of Independence on the same day that the
special election is being held for the adoption of a county charter,
would not change the character of the charter election. It would
still be a special election and we know of no reason why the two

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special elections could not be held on the same day.

If the two elections are held they would be governed by Section 111.255 RSMo Cum. Supp. 1957, in the appointment of judges, clerks, polling places, etc.

On this general problem we are enclosing for your assistance a copy of an opinion which this office rendered to Edward Garnholz, dated March 10, 1958.

We are unable to give you a definite answer to your second question because we do not have sufficient familiarity with voting machines in Jackson County. These are, of course, separate elections and the propositions must be submitted separately. Conceivably, there might be voters in Independence who would be qualified to vote on the charter election who would not have sufficient residence in Independence to vote on the annexation election. Therefore, the propositions would have to be placed on the voting machine so as to conform with Section 121.060(7). If this can be done by placing them in the same column we see no objection to doing so.

Conclusion

It is the opinion of this office that a special election on the question of annexation to the City of Independence may be conducted on the same day as the Jackson County charter election.

The foregoing opinion, which I hereby approve, was prepared by my assistant, Mr. John W. English.

Yours very truly,

John M. Dalton
Attorney General

JWI:mw
Enclosures(2)