

COUNTY SCHOOL SUPERINTENDENT: County voter registration under
VOTER REGISTRATION: Chapter 114, RSMo, does not apply
SCHOOL DISTRICTS: to voters living outside Springfield
voting for county superintendent
of schools or the school election.

February 21, 1967

OPINION NO. 139

Honorable Jack Yocom
Prosecuting Attorney
Greene County
Springfield, Missouri 65802



Dear Mr. Yocom:

On January 19, 1967, you submitted an opinion request as follows:

"On April 4, 1967, the annual school election is to be held for the County Superintendent of Schools in Greene County in accordance with Chapter 179 of RSMo. At the same time the County Superintendent of Schools is elected, we also ballot at the annual school election for directors and levy.

"In September, 1963, county-wide registration was adopted in accordance with Chapter 114 of RSMo.

"I would appreciate the opinion of your office as to whether or not our county-wide registration applies to people outside the city limits of Springfield, Missouri, as a necessary qualification for voting in the up-coming school election for superintendent and regular school election, especially in view of Chapter 179.020 RSMo, Sub-Section (3), and in view of Chapter 162.361, RSMo, Sub-Section (4)."

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In substance your question is whether Chapter 114, RSMo, applies to voters living outside the city limits of Springfield in the annual school election and in the election held on the same date for county superintendent of schools of Greene County. Chapter 114, RSMo, applies only to areas in Greene County outside the corporate limits of Springfield.

In your letter you call attention to Section 162.361, RSMo Cum. Supp. 1965. This section states that voter registration laws applicable to general elections in cities and counties having certain populations applies to elections in six-director school district elections. Greene County does not come within the classification of counties mentioned therein so this section has no application to this question.

If Chapter 114, RSMo, is to be applied to a district school election or to the election of the county superintendent of schools in Greene County, it would be under the provisions of said chapter.

Section 114.240, RSMo Cum. Supp., provides:

"This chapter shall not be construed to include elections other than state and county general, special and primary elections and municipal elections of all kinds in cities having more than four hundred thousand inhabitants."

It is apparent that this section applies only to state and county general, special and primary elections and municipal elections in cities having more than 400,000 inhabitants. It does not apply to a school district election because such an election is not a state or county election. Such an election is simply a school election, regardless of the size of the area or territory in the school district. A district school election or an election for county superintendent of schools is not a primary election to nominate candidates for office so they do not come within this provision of the statute. The question then arises whether the election of county superintendent of schools is a "county general" or "special" election under the above statute. The election of county superintendent of schools is not a special election because it is to be held on a date set by statute. The question remaining is whether the election of a county superintendent of schools comes within the term "county general" election as that term is used in the statute.

The primary rule of constructions of statute is to ascertain and give effect to the intent of the legislature. *Casten v. Guth*, 375 S.W.2d 110.

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Section 1.020, RSMo, provides that as used in the statutes unless otherwise specifically provided or unless plainly repugnant to the intent of the legislature "general election" means the election required to be held on the Tuesday succeeding the first Monday of November, biennially.

It is our opinion that the provisions of Chapter 114, RSMo, concerning voter registrations do not apply to the district school elections or to the election of the county superintendent of schools for Greene County. These elections do not come within the provision of Section 114.240, supra, unless they can be classified as a "county general" election. Certainly the school district election does not come within this term because it is not a county election. The election of a county superintendent of schools is a county-wide election. However, it is our opinion that the legislature by using the term "county general" election intended Chapter 114, RSMo, to apply only to the November election when county officials are elected and at which time other issues may be submitted to all the voters of the county. Undoubtedly, the legislature by using the term county "general" election meant to limit the election to the regular November election and that it should not include an election held for county superintendent of schools which under statute must be held in April.

CONCLUSION

It is the opinion of this office that voter registration under Chapter 114, RSMo, does not apply to voters living outside the city limits of Springfield voting in the regular six-director school elections or to the election for county superintendent of schools in Greene County.

The foregoing opinion, which I hereby approve, was prepared by my Assistant, **Moody Mansur**.

Very truly yours


NORMAN H. ANDERSON
Attorney General