

ELECTIONS:

SPECIAL ELECTIONS:

SCHOOL ELECTIONS:

1. The county clerk is not required by Section 111.111, Senate Bill No. 134 of the 75th General Assembly, V.A.M.S. (1969-70 Supp.) to designate

one polling place in each of the two wards in Crane, Missouri. The residents of the City of Crane who reside in the Crane School District will vote on all propositions on which they are entitled to vote on April 7, 1970, including school issues, at the polling place or places designated by the county clerk pursuant to Section 111.111. 2. Pursuant to paragraph 2 of Section 111.111, the county clerk designates the election judges and election clerks to conduct the election on April 7, 1970, at each polling place designated by the clerk pursuant to paragraph 1 of Section 111.111. The reference to the city clerk in Section 79.030, RSMo 1959, does not apply to the election to be held on April 7, 1970. Four election judges and two election clerks, or under certain circumstances, six judges and four clerks shall be appointed for each precinct pursuant to Sections 111.181 and 111.231, Senate Bill No. 134 of the 75th General Assembly, V.A.M.S. (1969-70 Supp). 3. There is no authority for the county clerk to furnish ballots for school elections or ballots for city elections in fourth class cities.

OPINION NO. 199

March 4, 1970

Honorable Kenneth R. Babbit  
Prosecuting Attorney, Stone County  
Post Office Box 185  
Galena, Missouri 65656



Dear Mr. Babbit:

This opinion is in response to your request for an official opinion reading as follows:

"I have run into a lot of questions concerning the effect of Revised Sec. 111.111, concerning the duties of the County Clerk when there are elections on the same date involving both state, county, city and school board people, and, also, in cases where special elections are held at the same time.

"In the past, all city elections of the two-fourth cities within Stone County have been conducted pursuant to Sec. 79.030 and Chapter 111 without Section 111.111 coming into operation.

"Could I please get an opinion from you on the following questions:

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"1. Under Section 111.111, does the County Clerk designate one polling place in each of the two wards in Crane, Missouri? If so, will other voters in the township residing outside the city limits vote at one of these polling places? If so, which one? Will all the residents of the townships who are in the Crane School District vote at one of these polling places? If so, which one? Or, will they vote at the schoolhouse?

"2. Under Section 111.111 (2) the County Clerk shall designate the 'election officials' in each polling place. Does this refer to the judges and clerks mentioned elsewhere in Chapter 111, e.g., 111.181 and 111.231? Does it refer to the city clerk mentioned in Section 79.030, allowing him to choose judges and clerks? How many judges and clerks are authorized in a combined state, city and school election?

"3. Is Section 111.371 interpreted to mean that the County Clerk prints ballots for the city election and the school election?"

Throughout this opinion we will assume that your inquiries concerning the application of Section 111.111, Senate Bill No. 134 of the 75th General Assembly, were made with reference to the elections scheduled for April 7, 1970. On this date a statewide special election and elections in various political subdivisions will be held.

#### I.

Section 111.111 requires that the county clerk or board of election commissioners ". . . shall designate one polling place for the several elections in each precinct or district in the political subdivision in which the elections are held." We interpret the word "district" to have reference to an election district created by the county court pursuant to Section 111.091 V.A.M.S. (1969-70 Supp.). Therefore, it is the opinion of this office that Section 111.111 requires that the county clerk designate one polling place in each precinct or voting district within the City of Crane, Missouri. Section 111.111 does not refer to wards and, therefore, the county clerk has no authority to determine the location of the polling places based on the boundaries of the wards in Crane, Missouri.

The residents of Crane, Missouri, who live in the Crane School District will vote on all propositions to which they are entitled

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to vote, on April 7, 1970, including school issues, at the polling place or places designated by the county clerk pursuant to Section 111.111. See Opinion No. 161 of this office, dated March 4, 1970, a copy of which is enclosed herewith.

## II.

Paragraph 2 of Section 111.111 states as follows:

"The county clerk, board of election commissioners or other proper official shall designate the election officials in each polling place who shall conduct the election for all subdivisions involved."

We believe that the language ". . . the election officials in each polling place who shall conduct the election. . ." refers to the election judges and election clerks. Section 79.030, RSMo 1959, applicable to fourth class cities provides that ". . . all duties specified in the state election laws to be performed by the county clerk shall be performed by the city clerk in the city election. . . ." (emphasis supplied). As we have pointed out above, in addition to any city election which may be held on April 7, 1970, there will be at least one other election being held--the statewide special election. Therefore, it is the opinion of this office that the second paragraph of Section 111.111 grants to the county clerk and only to the county clerk the power to designate the election officials in each polling place who shall conduct the election for all matters being submitted to the voters on April 7, 1970.

In a situation where there is a combined state, city and school election held jointly at one polling place, we find no authority in Chapter 111 for the appointment of more than four judges for each election district and precinct in the county (except two additional judges shall be appointed in any precinct where two hundred or more votes were cast in the next to last preceding general election) or for the appointment of more than two clerks in each precinct (except two additional clerks shall be appointed in any precinct where two hundred or more votes were cast in the next to last preceding general election). See Sections 111.181 and 111.231, V.A.M.S. (1969-70 Supp.).

## III.

You have asked whether Section 111.371, Senate Bill No. 134 of the 75th General Assembly, requires the county clerk to have ballots printed for school elections and for city elections in fourth class cities. Section 111.611, Senate Bill No. 134 of the 75th General Assembly provides as follows:

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"The provisions of sections 111.141, 111.151, 111.261, 111.271, 111.341 to 111.471 and sections 111.501 and 111.521 apply to all election precincts in this state except to townships or village elections, to school elections, to any city election in a city of the fourth class or to any election in any city of less than three thousand inhabitants existing under any special law."

It is clear that under the provisions of Section 111.611, the provisions of Section 111.371 are not applicable to school elections or to city elections in fourth class cities.

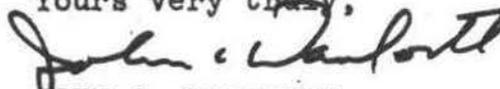
#### CONCLUSION

It is the opinion of this office that:

1. The county clerk is not required by Section 111.111, Senate Bill No. 134 of the 75th General Assembly, V.A.M.S. (1969-70 Supp.) to designate one polling place in each of the two wards in Crane, Missouri. The residents of the City of Crane who reside in the Crane School District will vote on all propositions on which they are entitled to vote on April 7, 1970, including school issues, at the polling place or places designated by the county clerk pursuant to Section 111.111.
2. Pursuant to paragraph 2 of Section 111.111, the county clerk designates the election judges and election clerks to conduct the election on April 7, 1970, at each polling place designated by the clerk pursuant to paragraph 1 of Section 111.111. The reference to the city clerk in Section 79.030, RSMo 1959, does not apply to the election to be held on April 7, 1970. Four election judges and two election clerks, or under certain circumstances, six judges and four clerks shall be appointed for each precinct pursuant to Sections 111.181 and 111.231, Senate Bill No. 134 of the 75th General Assembly, V.A.M.S. (1969-70 Supp.).
3. There is no authority for the county clerk to furnish ballots for school elections or ballots for city elections in fourth class cities.

The foregoing opinion, which I hereby approve, was prepared by my Assistant, D. Brook Bartlett.

Yours very truly,



JOHN C. DANFORTH  
Attorney General

Enclosures: Op. No. 161  
3-4-70, Lawson