

Elections:

Supplemental opinion to St. Louis Board  
of Election Commissioners.

June 25, 1938



Board of Election Commissioners  
for the City of St. Louis  
208 South 12th Boulevard  
St. Louis, Missouri

Gentlemen:

Under date of June 15, 1938, you advised this department that two propositions would be submitted to qualified voters of the City of St. Louis at the primary election to be held in said city on Tuesday, August 2, 1938, for the incurring of indebtedness and issuance of bonds. You requested our opinion as to whether you should follow your ordinance or Sec. 34 of the Laws of Missouri, 1937, page 258 relating to notice of time and place of registration and election in cities of six hundred thousand (600,000) inhabitants. The provision for notice in the ordinance being inconsistent with the statutory provision, we held that you must follow the latter.

You now state that the propositions are to be submitted in accordance with Sec. 7218, R. S. Mo. 1929, and call our attention to the fact that the ordinance is based on said Statute and in harmony therewith.

Sec. 7218, R.S. Mo. 1929 provides as follows:

"For the purpose of testing the sense of the voters of any incorporated city, town, or village upon a proposition to incur debt as authorized in the preceding section, the council, board of aldermen or trustees, as the case may

be, shall order an election to be held of which they shall give notice signed by the city clerk. Such notice shall be advertised by publication once a week for three consecutive weeks in a newspaper published in the city or village, as the case may be. If there be no newspaper published in the city, town or village, then in a newspaper published in the county wherein is situate such city, town or village. If there are one or more daily newspapers published in such city, town or village which shall have been published continuously for fifty-two weeks next before publication of the notice is required to begin and shall have a bona fide circulation or sale therein of at least one thousand copies, such notice shall be published in at least one of such newspapers. The first publication of the notice shall be made at least twenty-one days before, and the last shall be within two weeks of the date of the election. Such election shall be held and judges thereof appointed as in case of other elections in such municipalities, except that the board of election commissioners of said city (if there be such a board) or other proper authorities having charge of such election shall provide at least one voting place in each ward of the municipality conducting such election (if there be more than one ward) and for that purpose they may combine as many election precincts in each ward as in their judgment may be proper. The judges and clerks of the precinct in which a voting place is located shall act as the judges and clerks of such election for such combined precinct. Except as herein provided, such election shall be conducted in the same manner and by the same election commissioners (if there be such election commissioners) judges and clerks and other officers and employes as other elections are conducted."

Board of Election Commissioners -3- June 25, 1938

Section 34 supra provides in part that: "It shall be the duty of such Board to give ten days' notice, by one publication only, unless otherwise provided by law \* \* \*."

The Legislature having specified the manner of giving notice for the submission of propositions to incur debt in a manner other than Sec. 34 supra, we are of the opinion that the Board of Election Commissioners for the City of St. Louis must follow the provisions for notice of election as contained in Sec. 7218 R. S. Mo. 1929.

Respectfully submitted

MAX WASSERMAN  
Assistant Attorney General

APPROVED:

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J. E. TAYLOR  
(Acting) Attorney General

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