

SCHOOLS: It is not legal to have challengers and watchers in the polls at school elections.

March 22, 1939

Hon. Forrest Mittendorf  
House of Representatives  
Jefferson City, Missouri



Dear Sir:

Some time ago you submitted the following to us for an opinion:

"Please give me your opinion as to the legality of outsiders having watchers in the polls at school elections."

You do not state in your letter whether you refer to school elections held in the rural sections or in the city of St. Louis. However, we do not think this omission will effect our ultimate conclusion.

Section 9284 R. S. Missouri, 1929, sets forth the powers of qualified voters of a school district in reference to school matters. Under said section the patrons of the district may vote a paper ballot or viva voce. There is no provision for printed ballots nor watchers or challengers; same is applicable to the election of county superintendent, which takes place at the same time of the annual school election, under section 9454 R. S. Missouri, 1929.

Section 9341 R. S. Missouri, 1929, amended in 1933, Laws of 1933, page 381, provides for the manner in which school elections shall be conducted in city, town and consolidated schools. It appears to be special in its nature and provides a different method from that of the state, county, primary and general election.

Section 10461 R. S. Missouri, 1929, relates to primary elections in cities of over 400,000, and provides for challengers and watchers.

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We are unable to locate any statute which in anywise can be construed to permit challengers or watchers in the polls at school elections. All the statutes are referable, in so far as challengers and watchers are concerned, to general and primary elections.

Respectfully submitted,

APPROVED:

J. E. TAYLOR  
(Acting) Attorney General

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