

SCHOOLS: Time for opening and closing polls in bond elections should be considered from the standpoint of convenience of the voters and opportunity for all the voters to vote.

September 24, 1941

Mr. James P. Hull
Assistant Prosecuting Attorney
Buchanan County
St. Joseph, Missouri



Dear Sir:

This department is in receipt of your letter of September 16, 1941, wherein you make the following inquiry and desire an opinion on the question propounded.

"Is it necessary when calling a special election for the purpose of voting bonds to build and repair a school building to specify a closing hour? We are familiar with Sec. 10418 R. S. 1939 with respect to the hour of beginning, but the question has arisen in the minds of some who think perhaps there should be a time to close all special elections. This is a common school district with control vested in three directors.

"And further, what is your opinion as to the validity of any of the proceedings at a special election of this kind if no hour is specified when to close."

We assume that you propose to hold an election for the purpose of voting bonds under Section 10328, R. S. Missouri, 1939. The section requires notices of election fifteen days before the same shall be held, but does not specify the hours during which the voting shall take place. In General Elections the hours are usually from sunup to sundown, or from 7:00 o'clock in the morning until 7:00 o'clock in the evening.

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The annual school meeting, by Section 10418, R. S. Missouri, 1939, is required to commence at 2:00 o'clock in the afternoon, it being generally understood that the meeting is to continue until all of the questions under Section 10419, R. S. Missouri, 1939, are finally determined or voted upon. In cities, towns and consolidated schools, school election hours are fixed under Section 10483, R. S. Missouri, 1939, at 7:00 o'clock in the morning and closing at 6:00 o'clock in the evening. However, the above sections have been held specifically not to apply to other elections which are held under a specific statute.

We think that the rule with reference to the time of opening and closing the election should be for the board to prescribe such reasonable time for the opening and closing of the polls as might best suit the convenience of the voters of the district.

A further test as to the time should be as to whether or not all voters of the district have an opportunity to express their sentiment regarding the question of bonds at the polls. It was held in the decision of *Akerman v. Haenck*, 147 Ill. 514, that the Board of Education might, in its discretion, fix the time for the opening of the polls at 1:00 P. M., and close the same at 7:00 P. M.

We are therefore of the opinion that the board can fix any reasonable hour for the opening and closing of the polls which is best suited for the convenience and opportunity of the voters to cast their votes.

Respectfully submitted,

APPROVED:

OLLIVER W. NOLEN
Assistant Attorney General

VANE C. THURLO
(Acting) Attorney General

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