

ABSENTEE BALLOTS: An absentee ballot may be cast in a school reorganization election. It is the duty of the County Board of Education to supply ballots in a school reorganization election.

January 31, 1951

1-31-51

Honorable William L. Hungate  
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Troy, Missouri



Dear Sir:

Your recent request for an official opinion has been assigned to me to answer.

In your request you asked two questions: First, can absentee ballots be cast in a school reorganization election? Second, if absentee ballots can be cast in a school reorganization election, what official should issue said absentee ballots?

In answer to your first question I would direct your attention to Section 112.010, R.S. Mo. 1949, which section states:

"Any person being a duly qualified elector of the state of Missouri, other than a person in military or naval service, who expects to be absent from the county in which he is a qualified elector on the day of holding any special, general or primary election at which any presidential preference is indicated or any candidates are chosen or elected, for any congressional, state, district, county, town, city, village, precinct or judicial offices or at which questions of public policy are submitted, or any person who through illness or physical disability expects to be prevented from personally going to the polls to vote on election day, may vote at such election as herein provided."

From the above section you will note that absentee ballots may be cast by a person who expects to be absent from the county in which he is a qualified elector on the day of the holding of a special election, "at which questions of public policy are submitted." Inasmuch as a school reorganization election is a special election and inasmuch as it is one at which questions of public policy are submitted, it is our opinion that absentee ballots may be cast at a school reorganization election.

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In reference to your second question I would direct your attention to Section 112.020, R.S. Mo. 1949. This section deals with the application for an absentee ballot and states, in part, that the voter expecting to be absent from his county on election day shall apply for an absentee ballot to "the County Clerk or, where existing, to the Board of Election Commissioners, or other officer or officers charged with the duty of furnishing ballots....."

Section 112.030, R.S. Mo. 1949, in connection with this particular point has the same provision as the preceding section.

I would now direct your attention to Section 165.680, R.S. Mo. 1949. That portion of the above section which is pertinent in this instance reads:

".... The county board of education shall select and designate the voting place or places in each proposed enlarged school district and shall, also, select and appoint three judges and two clerks of such elections for each polling place, all such persons to be residents of the proposed enlarged school district. The judges and clerks shall be sworn and the election otherwise shall be conducted in the same manner as elections for state and county officers. Each judge and each clerk shall receive compensation of five dollars per day. The county board of education shall supply ballots, polling books and all other materials required in the election. The cost of election supplies and the compensation of election officials shall be charged to each component district embraced in the proposed enlarged district in proportion to the total assessed valuation and shall be paid from the incidental fund. All qualified voters resident in the proposed enlarged school district shall have the right to cast their ballots for or against the proposal. The ballot shall be in the following form:

- For the proposed enlarged district
- Against the proposed enlarged district  
Check with cross mark (X) in the square desired.

The judges and clerks of the election shall certify to the secretary of the county board of education the total votes for and the total votes against the proposed enlarged district. A majority affirmative vote of the total votes cast shall be required for adoption of the proposed enlarged district. (L. 1947 V II p. 370 Sec. 8)."

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From the above it would appear that the absentee ballots in the school reorganization election should be supplied by the county board of education.

CONCLUSION

An absentee ballot may be cast in a school reorganization election.

It is the duty of the county board of education to supply ballots in a school reorganization election.

Respectfully submitted,

HUGH P. WILLIAMSON  
Assistant Attorney General

APPROVED:

  
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