

TOWNSHIP COUNTIES) (1) Resident of special road district may serve
) as member of township board, and (2) residents of
) special road district may vote in township elections.



1-31-53
January 31, 1953

Honorable James Q. Donaldson
Representative - Stoddard County
House Post Office, Capitol Building
Jefferson City, Missouri

Dear Sir:

Reference is made to your request for an official opinion of this department reading as follows:

"It is requested that you furnish me with an opinion as to the power, right and authority of citizens of a Special Road District to vote and hold office in the Township organizations of the Township wherein such Special Road District is located. More specifically it is requested that you furnish answers to the following questions:

"1. May a resident of a Special Road District qualify and serve as a member of the Township Board or as the Trustee of the Township in which the Special Road District is contained?

"2. May the residents of a Special Road District vote for members of the Township Board and for the Township Trustee of the Township in which such Special Road District is located?

"Your attention is specifically invited to the possibility that the number of

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voters in a Special Road District could out-number the remaining voters in the Township. Thus the voters within the Special Road District could control the Township organization without any interest in the activities other than those of the Assessor and Collector.

"There are several such Special Road Districts in this county and of course we do have Township organization."

With respect to the first question which you have proposed we direct your attention to Section 65.150, RSMo 1949, relating to the eligibility of township officers in counties under township organization. This section reads as follows:

"Eligibility to office.--No person shall be eligible to any township office unless he shall be a qualified voter and a resident of such township."

You will note that one of the qualifications of such township officials is that the officer is a "qualified voter." Your attention is, therefore, further directed to Section 65.090, RSMo 1949, relating to the qualification of voters in township elections. It reads as follows:

"Qualification of voters.--No person shall be a voter at any township election unless he be a qualified voter at general elections, and has been an actual resident of the township in which he offers to vote for sixty days next preceding such election."

No further qualifications appear pertaining to township officers, and, therefore, it is our opinion that the qualifications set forth are the exclusive criteria by which eligibility is to be determined.

What we have said heretofore also answers the second question which you have proposed with the following addenda:

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Section 65.060, RSMo 1949, bears directly upon the conduct of township elections and reads as follows:

"The citizens of the several townships in all counties having adopted the township organization law of this state, who are qualified by the constitution and laws of this state to vote at general elections, shall assemble biennially on the last Tuesday in March at their usual place of voting, or at such place in their respective townships as they may have previously agreed upon, for the purpose of electing township officers and such other officers and transacting such other business as may be necessary."

We have also examined all statutes relating to counties under township organization including particularly Sections 233.320 - 233.470, inclusive, relating to special road districts in counties under township organization and do not find anything indicative of a legislative intent to disqualify residents within special road districts from voting at township elections if otherwise qualified under the constitution and other state laws relating to the qualification of voters.

CONCLUSION

In the premises we are of the opinion that:

- (1) A resident of a special road district within a county under township organization is eligible to serve as an officer of such township provided that he is a qualified voter, therein; and
- (2) That the residents of a special road district in a county under township organization are eligible to vote at all township elections if otherwise qualified under the provisions of Section 65.090, RSMo 1949.

The foregoing opinion, which I hereby approve, was prepared

Honorable James Q. Donaldson

by my assistant, Mr. Will F. Berry, Jr.

Yours very truly,

JOHN M. DALTON
Attorney General

WFB/fh