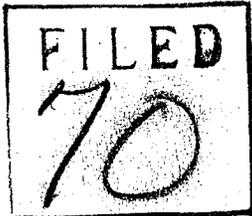


ELECTIONS: ELECTION PRECINCTS: (1) County court has exclusive jurisdiction to establish boundaries of election precincts for general, primary and special elections. (2) Elector may vote at any established precinct within the township of his residence, if such elector reside outside corporate limits of municipality.



April 26, 1954

Honorable Hugh Phillips  
Prosecuting Attorney  
Camden County  
Camdenton, Missouri

Dear Sir:

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

"I wish to make a request for an opinion to be given by your office. To facilitate matters, I will give a brief background of the situation leading up to the question:

"Camdenton is a city of the fourth class with three established wards for city elections. It is located in the municipal township of Osage, and at present there are four election precincts for primary and general elections in Osage Township. Ordinarily, twenty-five to thirty percent of the total vote cast in Camden County at either the primary or general election is cast at the Osage Township precinct located in Camdenton at the Court House. My questions are as follows:

"1. Is the County Court of Camden County required to establish one voting precinct for primary and general elections in each ward of Camdenton, Missouri?

Honorable Hugh Phillips

"2. If the establishment of such precincts is required, at what precinct do those voters living outside the city limits cast their votes?"

With respect to your first question we direct your attention to Section 111.220, RSMo 1949, reading as follows:

"The county courts of the several counties in this state shall have power to divide any township in their respective counties into two or more election districts, or to establish two or more election precincts in any township, and to alter such election districts and precincts, from time to time, as the convenience of the inhabitants may require."

You will observe that under the provisions of this statute the county court is authorized to divide any township into two or more election districts within their discretion. The establishment of particular districts, of course, is to be governed by necessity and convenience of the electorate. We do not find any statute requiring such districts to be located specifically with respect to the boundaries of a municipality or part of a municipality included within the boundaries of such election district. Therefore, as the power conferred upon the county court is discretionary, we believe that it is not required that such body establish any election district with reference to the boundaries of any municipality or part of municipality included therein.

Having answered your first question in the negative it is perhaps unnecessary to give further consideration to the second question. However, in the event that the county court of Camden County should establish an election district or districts including a portion or all of the City of Camden and designate a polling place or polling places therein, we deem it advisable to extend this opinion to answer your second question. In this regard we direct your attention to a portion of Section 111.060, RSMo 1949, detailing the qualifications of voters and including the following provisions:

Honorable Hugh Phillips

" \* \* \* Each voter shall vote only in the township in which he resides, or if in a town or city, then in the election district therein in which he resides.  
\* \* \*" (Emphasis ours.)

From the quoted provisions it is clear that a person residing outside the city limits may vote at any polling place established in the township wherein he resides.

#### CONCLUSION

In the premises we are of the opinion:

(1) That the county court of each county has the discretion to divide each township of such county into two or more election districts or election precincts under the provisions of Section 111.220; and that without regard to the geographical boundaries of any municipality or part of municipality located in such township; and,

(2) That persons residing outside the corporate limits of a municipality may vote at any polling place established for the conduct of elections within such township.

The foregoing opinion, which I hereby approve, was prepared by my assistant, Will F. Berry, Jr.

Very truly yours,

JOHN M. DALTON  
Attorney General

WFB:vlw