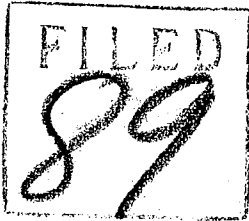


SPECIAL ELECTION:  
ELECTIONS:  
SENATE JOINT RESOLUTION  
No. 9, 68th GENERAL ASSEMBLY:

In the legal notices published prior to the January 24, 1956 election called by the Governor, it must be designated a "special election."

November 29, 1955



Honorable William E. Tipton  
Board of Election Commissioners  
County Court House  
Kansas City 6, Missouri

Dear Sir:

This will acknowledge receipt of your recent request for an opinion of this office, which request is as follows:

"For the purpose of writing up our legal notices and publications for the subject election, we would appreciate receiving from your office an opinion on the legal title of said election. Is it a 'special election'? a 'special bond election'? a 'special referendum election'? or otherwise?"

"We would appreciate receiving your reply at your earliest convenience, as our various notices must be prepared soon."

Senate Joint Resolution No. 9, 68th General Assembly, provides for the submission to the voters of an amendment to Article III of the Missouri Constitution. The resolution states that this election shall be held at the next general election, in November, 1956, "or at a special election to be called by the governor in his discretion prior to such general election."

On November 9, 1955, Governor Phil M. Donnelly, in a proclamation, called "a special election to be held in this state on the \_\_\_\_\_ day of \_\_\_\_\_, 1955, to be conducted in the manner provided by law; at which special election there shall be submitted to the electors, by its official ballot title, the foregoing proposed amendment to the Constitution; the same to appear on a separate ballot as required by Section 2(a) of Article XII of the Constitution."

Honorable William E. Tipton

It is our view that this election, called a "special election" by both the Senate Joint Resolution and the Governor's proclamation, should be designated a "special election" in the legal notices required to be published prior to the balloting.

CONCLUSION

It is, therefore, the opinion of this office that, in the legal notices published prior to the January 24, 1956 election called by the Governor, it must be designated a "special election."

The foregoing opinion, which I hereby approve, was prepared by my assistant, Mr. Walker La Brunerie, Jr.

Yours very truly,

John M. Dalton  
Attorney General

WLaB:am:hw