

COUNTY COURT: County court not authorized to submit
ELECTIONS: question of relocating polling places
POLLING PLACES: to voters at general election in 1956.

October 19, 1956



Honorable Forrest L. Hill
Prosecuting Attorney
Howard County
Fayette, Missouri

Dear Mr. Hill:

This is in response to your request for opinion dated October 16, 1956, which reads, in part, as follows:

"Is the County Court of a third class county authorized to submit the question of re-locating the place of voting in a certain election precinct to the voters residing in that precinct on November 6, 1956? This proposal would be submitted on a separate ballot."

In an opinion rendered to Honorable John R. Caslavka dated January 21, 1952, copy enclosed, this office construed Sections 111.220, 111.240 and 111.380, RSMo 1949, as follows:

"In reading the above-quoted sections we construe them to mean that the duty of designating the places of holding elections, or the polling places, is initially imposed on the county courts of the several counties."

A search of the statutes does not reveal any statutory authority for the submission of the question of the location of polling places to the voters. In the case of *State ex rel. Edwards v. Ellison*, 271 Mo. 123, 129, 196 SW 751, the Supreme Court of Missouri said:

" * * * It is the law of this State that 'no election can be held unless provided for by law' (*State ex rel. v. Jenkins*, 43 Mo. 1.c. 265) * * *."

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See also State ex inf. Rice ex rel. Allman v. Hawk, 360 Mo. 490, 228 SW2d 785, 787.

CONCLUSION

It is therefore the opinion of this office that the county court of a third class county is not authorized to submit the question of relocating the place of voting in an election precinct to the voters at the election to be held on November 6, 1956.

The foregoing opinion, which I hereby approve, was prepared by my Assistant, John W. English.

Yours very truly,

JOHN M. DALTON
Attorney General

JWI:ml
Enc.