

UNITS:  
ELECTION:  
COSTS:

held on the same day as township elections; notice of the health unit election would be necessary as set forth in the statute, Section 205.010, RSMo Cum. Supp. 1955; county would bear the expense of the election; county and townships in the county would not share this election expense.

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February 7, 1957

Honorable Don Chapman, Jr.  
Prosecuting Attorney  
Livingston County  
Chillicothe, Missouri

Dear Sir:

Your recent request for an official opinion reads as follows:

"A county wide election to vote on a County Health Unit, under 205.010 Missouri Revised Statutes, is contemplated in March here in Livingston County.

"The County Court wishes to have this election on the same day that all township elections in Livingston County are scheduled. This raises these questions:

"(a) Would the Health Unit Election be valid if held on the same day with the township elections?

"(b) Would notice of the Health Unit Election be necessary as stated under the statute?

"(c) Who would have to bear the expense of this election?

"(d) Could the county and the townships share this election expense?

"Please send me your opinion on these matters."

In reference to your first and second (a), (be) questions, we direct attention to Section 205.010, RSMo Cumulative Supplement 1955, which reads:

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"Any county, subject to the provisions of the constitution of the state of Missouri, may establish, maintain, manage and operate a public health center in the following manner: Whenever the county court shall be presented with a petition signed by at least ten per cent or more of the qualified voters of the county, as determined by the number of votes cast for governor at the preceding general election, asking that an annual tax not in excess of ten cents on each one hundred dollars of the assessed valuation of property in the county, be levied for the establishment, maintenance, management and operation of a county health center and the maintenance of the personnel required for operation of the health center, the county court shall submit the question to the qualified voters of the county at the next general election to be held in the county or at a special election called for the purpose, the county clerk giving notice, published once each week for two consecutive weeks prior to such election date, in one or more newspapers published in the county, if any such be published, and if not so published, by posting written or printed notices in each township of the county, fourteen days prior to the election date, which notices shall include the text of the petition and state the rate of tax to be levied annually thereafter upon the assessed property of the county."

It will be noted that this section states that "the county court shall submit the question (of whether there shall be a county health center) to the qualified voters of the county at the next general election to be held in the county or at a special election called for the pur-

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pose . . ." In view of the above, it is made perfectly clear that the vote upon a county health center may be held at the same time as another election, to wit, a general election. It therefore follows that the county court could call for a special election upon the county health center, which election should be held at the same time as the township elections, the point being that it is not repugnant to the law for the special health center election to be held at the same time as another election. This being true, it follows that the answer to your first (a) question is in the affirmative.

The statute (205.010, supra,) provides the manner in which notice shall be given of the county health center election. We do not believe that the fact that it is held upon the day of another election would have any effect upon the notice provided in the above section, and it therefore follows that the answer to your second (b) question is likewise in the affirmative.

In regard to your third (c) and fourth (d) questions, we direct your attention to an opinion, a copy of which is enclosed, rendered by this department on April 25, 1953, to Harry C. Watkins, Clerk of the County Court of Scott County, Missouri. You will note that this opinion holds that the county is liable for the expenses of holding an election at which county health center trustees are elected. Since this is a county election and not a township election we believe that the same plan would apply, and that the county is liable for the expense of holding the election which is provided for under Section 205.010, supra. The answer to your third (c) question, therefore, is the county in which the election is held.

Since there is no statute authorizing the townships to share the election expense with the county in elections to vote on the establishment of a public health center, we are of the opinion that the answer to your question (d) is in the negative.

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CONCLUSION

It is the opinion of this department that a county health unit election would be valid if held on the same day as township elections; that notice of the health unit election would be necessary as set forth in the statute, Section 205.010, RSMo Cumulative Supplement 1955; that the county would bear the expenses of the election; that the county and the townships in the county would not share this election expense.

The foregoing opinion, which I hereby approve, was prepared by my assistant, Hugh P. Williamson.

Very truly yours,

John M. Dalton  
Attorney General

HPW:lc

1 enclosure