

November 10, 1961



Honorable T. D. McNeal
State Senator
2906A Union Blvd.
St. Louis 15, Missouri

Dear Senator McNeal:

In your letter of November 3, 1961, you ask the opinion of this office with reference to the following question:

"Does Section 4 contemplate or require that petitions signed by voters in the School Districts involved be submitted to the Boards of Election Commissioners for clearance or approval before the sponsors of such a project take the matter up with the State Department of Education?"

Section 4 of Senate Committee Substitute for Senate Bill No. 7 (Section 165.800 RSMo, Laws 1961, p. _____) provides in part that "the election shall be conducted in the manner provided under school law". We can find no provisions in the school laws governing cities of over 700,000 inhabitants or in other school laws which require petitions to be submitted to the board of election commissioners. We can find no such requirement in the junior college district act. The junior college district act requires these petitions to be presented to the State Board of Education.

For these reasons it is our opinion that the petitions for the formation of a junior college district do not have to be submitted to the boards of election commissioners for clearance or approval. Rather these petitions should be presented to the State Board of Education.

Very truly yours,

THOMAS F. EAGLETON
Attorney General