

October 28, 1964

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Honorable Rolin T. Boulware
Prosecuting Attorney
Shelby County Courthouse
Shelbyville, Missouri

Dear Sir:

This is in answer to your inquiry of September 18, 1964, as to whether or not there must be a separate polling place in each of the six districts of the Clarence Nursing Home District.

We believe that the applicable statutory provisions are as follows:

Section 198.280, Paragraph 1, RSMo. Cum. Supp. 1963:

"1. After the nursing home district has been declared organized, the declaring county court shall divide the district into six election districts as equal in population as possible, and shall by lot number the districts from one to six inclusive. The county court shall cause an election to be held in the nursing home district within ninety days after the order establishing the nursing home district to elect nursing home district directors. The election shall be called, held and conducted and notice shall be given as provided in sections 198.240 to 198.270, and each voter shall vote for six

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directors, one from each district.
The director elected from district number one shall serve a term of one year, the director elected from district number two shall serve a term of two years, the director elected from district number three shall serve a term of three years, the director elected from district number four shall serve a term of four years, the director elected from district number five shall serve a term of five years, and the director elected from district number six shall serve a term of six years; thereafter, the terms of all directors shall be six years. All directors shall serve until their successors are elected and qualified."
(Emphasis added).

Section 198.250, RSMo. Cum. Supp. 1963:

"Notice of the election shall be given by publication on three separate days in one or more newspapers having general circulation within the territory, the first of which publications shall be not less than thirty days prior to the date of the election, and by posting notices in ten of the most public places in the territory, and in case no newspaper has a general circulation in the territory, the notices shall be so posted in fifteen of the most public places therein, not less than thirty days prior to the date of the election. Each notice shall state briefly the purpose of the election, setting forth the proposition to be voted upon, form of ballot to be used at the election, a description of the territory, set forth the election precincts, and designate the polling places therefor. The notice shall further state that any district upon its

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establishment shall have the powers, objects and purposes provided by sections 198.200 to 198.350, and shall have the power to levy a property tax not to exceed fifteen cents on the one hundred dollars valuation."
(Emphasis added)

We do not note any court cases construing these two statutory provisions. However, we assume that the county court has met the mandate of Section 198.280 by establishing six election districts as nearly equal in population as possible. From the above statutory language it should be noted that one election, not six elections, is contemplated and further, it appears that these provisions authorize the designation of "election precincts" and "polling places" on a discretionary basis.

Yours very truly,

THOMAS F. EAGLETON
Attorney General