

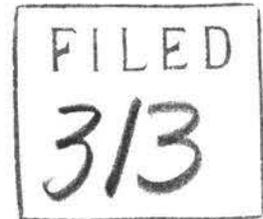
COUNTY BOARDS OF EDUCATION:  
SCHOOLS:

There is no statutory method for breaking a deadlock in the election of president of the county board of education. Until the deadlock is resolved, the current president will continue in office pursuant to Section 105.010, RSMo 1959.

OPINION NO. 313

July 5, 1966

Honorable Richard M. Webster  
State Senator, 32nd District  
204 South Garrison  
Carthage, Missouri



Dear Senator Webster:

This opinion is rendered in response to your request for an official ruling.

Your letter makes the following inquiry:

"What can be legally done when a county board of education is unable to break a tie vote in electing the president of the county board of education for the ensuing year?"

Section 162.121, RSMo Supp. 1965, provides for the election of a president of a county board of education as follows:

"The county board of education, within four days after its election, shall meet in the office of the county superintendent of schools and organize by electing one of its members president. The county superintendent of schools is the secretary of the board. \* \* \* "

To our knowledge there is no provision in the statutes relevant to county boards of education which provides for the resolution of a deadlock in the election of the president of the county board of education. We note that the legislature has made such provision for resolving tie votes on a question before a six director school district, to wit: Section 162.301(3), RSMo Supp. 1965. This provision is, however, not applicable to county boards of education.

Honorable Richard M. Webster

Therefore, when there is a tie vote in the election of president of the county board of education the only method of breaking the deadlock is reconsideration by the county board members until a majority can agree on a president.

Until the deadlock is resolved the current president will continue in office pursuant to Section 105.010, RSMo 1959.

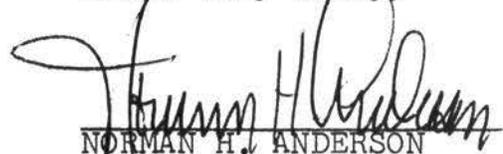
"All officers elected or appointed by the authority of the laws of this state shall hold their offices until their successors are elected or appointed, commissioned and qualified."

The president of a county board of education is an officer elected by the authority of the laws of this State, to wit: Section 162.121. Therefore, he shall hold his office until his successor is elected and qualified.

It is our understanding that the member of the county board who was president last year is still a member of the board. Therefore, he would hold over until the new president is elected.

The foregoing opinion, which I hereby approve, was prepared by my assistant Louis C. DeFeo, Jr.

Yours very truly,

  
NORMAN H. ANDERSON  
Attorney General

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