

ELECTIONS:
PRIMARIES:
POLLING PLACES:
DAYLIGHT SAVING TIME:
STANDARD TIME:

Rules for Opening and Closing
Polls for August 2, 1966
Primary Election

July 1, 1966



OPINION NO. 345

Honorable James C. Kirkpatrick
Secretary of State
Capitol Building
Jefferson City, Missouri

Dear Mr. Kirkpatrick:

This opinion is in response to your request relating to the proper time for opening and closing of polling places at the August 1966 Primary Election. The problem arises because of the adoption of daylight saving time in many towns and cities and the observance of daylight saving time in adjacent rural areas. Essentially this presents three problems:

1. During what hours should the polls be open in those counties where all of the towns and cities observe daylight saving time.
2. During what hours should the polls be open where some of the towns and cities in the county observe daylight saving time, and others observe standard time.
3. During what hours should the polls be open in voting districts where part of the voting district observes daylight time and part of such voting district observes standard time. This situation arises in instances where a voting district overlaps city or town limits when the town observes daylight time and the surrounding county observes standard time.

Honorable James C. Kirkpatrick

Section 111.370, RSMo Cum. Supp. 1965 provides:

"The judges of each election hereafter to be held, general or municipal, shall open the polls at six o'clock in the morning and continue them open until seven o'clock in the evening, unless the sun shall set after seven o'clock, when the polls shall be kept open until sunset, except in first class counties having a charter form of government and in counties of the second class containing all or part of a city over four hundred thousand and in cities in the state of twenty-five thousand inhabitants or upward, when the polls shall be opened at six o'clock in the morning and be kept open until seven in the evening."

The only First Class County having a charter form of government is St. Louis County. The only Second Class County containing all or part of a city over 400,000 is Clay County.

It is apparent that the Legislature in the enactment of the foregoing statute did not take into account the possible observance in some parts of Missouri of daylight saving time. It is also important that the polls remain open during all the time necessary within the meaning of the statute to permit qualified voters to vote, so that no qualified voter will be denied his right to vote. *Davenport vs. Teeters*, Mo. App. 273 S.W. 2d 506.

During World War II by Federal Statute, daylight saving time was adopted. A problem similar to the one here presented was ruled on by this office in an Opinion dated March 17, 1942, to Dwight H. Brown. This office then concluded:

"It is therefore the opinion of this department that in all elections the closing of the polls is governed by Day-light Savings Time, commonly referred to as 'War Time', and that in those elections within the purview of sec. 11487 R.S. Mo., 1939, the polls should be kept open until seven (7) o'clock in the evening (Daylight Savings Time) unless the sun shall set thereafter, then until sunset."

Honorable James C. Kirkpatrick

In many counties in Missouri many towns and cities have either formally or informally adopted daylight saving time with the result that practically everyone in the county observes daylight saving time. In this situation we believe that the prevailing time observed in the county is daylight saving time and should govern the problem of opening and closing of the polls.

In a few counties in Missouri the situation exists where some of the towns and cities have adopted daylight saving time while others continue to observe standard time. It appears to us that the logical rule applicable here would be to determine the prevailing time observed at the place where the polls are located which should govern. In other words if the place where the polls are located observes daylight saving time then the rules concerning daylight saving time should be applied. If the place where the polls are located observes standard time then the rules respecting the application of standard time should be observed. This leads then to the application of Section 111.370 respecting the opening and closing of the polls.

CONCLUSION

This office concludes that the following recommendations should be made so that maximum opportunity of voters to vote in the August 1966 Primary Election will be afforded:

1. In those counties and cities falling within the exception provision of Section 111.370, RSMo Supp. 1965, to wit: St. Louis County, Clay County and cities of 25,000 inhabitants or more, the polls should be open at Six o'clock in the morning and remain open until Seven O'Clock PM prevailing time in the county or city as the case may be.
2. In counties, not governed by the above exception, where daylight saving time is the prevailing time the polls should be opened at Six o'clock (daylight saving time) in the morning and close at sunset.
3. In counties, not governed by the above exception, where daylight saving time prevails in one town and standard time prevails in another town, then the prevailing time

Honorable James C. Kirkpatrick

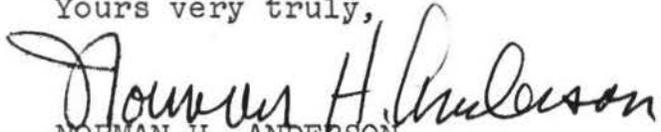
should be observed for opening the polls but the polls should close at sunset.

4. In counties, not governed by the above exception, where standard time is observed the polls should open at Six o'clock standard time and close at sunset.

5. In counties, not governed by the above exception, where part of the precinct is in an area which observes standard time and part of the precinct is in an area which observes daylight saving time, then the polls should be open at Six o'clock AM daylight saving time and close at sunset.

The foregoing opinion, which I hereby approve, was prepared by my Assistant J. Gordon Siddens.

Yours very truly,


NORMAN H. ANDERSON
Attorney General