

ELECTIONS:

1. A county clerk, pursuant to Section 111.111, Senate Bill No. 134, 75th General Assembly, need not designate a polling place in each ward of a 4th class city but must designate a polling place in each precinct or election district in a 4th class city. 2. If a precinct or election district includes part of a school district lying within a city and part outside of the city, a county clerk may designate one polling place in the city within the precinct or election district. 3. The location of a polling place within a precinct or election district is within the discretion of the county clerk. 4. A county clerk pursuant to Section 111.111 is not required to establish a polling place in Ward 1 or Ward 2 of Forsyth but is required to designate a polling place in each precinct or election district in Forsyth. Whether it is necessary to establish another polling place for people living outside of Forsyth but in the Forsyth school district depends on whether these people live in the same precincts and election districts located in Forsyth.

OPINION NO. 192

April 3, 1970

Honorable Peter H. Rea
Prosecuting Attorney
Taney County Court House
Forsyth, Missouri



Dear Mr. Rea:

This letter is in response to your request for the official opinion of this office on a number of questions pertaining to recently enacted election laws. Specifically, your questions were as follows:

"1. Must the County Clerk designate a polling place in each ward of a 4th class city?

"2. Must the County Clerk designate a different place for those people living in the school district outside of the municipal boundaries of the cities in my county where they may vote on the school matters and the referendum?

"3. What discretion does the County Clerk have in designating the polling places?

"4. Is the County Clerk required to establish polling places as follows:

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- A. A polling place for the voters in Ward 1 in Forsyth?
- B. A polling place for voters in Ward 2 of Forsyth?
- C. A polling place, separate from the two above, for the voters who live in the school district and township of Forsyth School, and who live outside the municipal boundaries of Forsyth, so that a third designated polling place would exist for those interested only in school and referendum, and not interested in municipal business?"

In Opinion No. 161 dated March 4, 1970, to the Honorable Floyd E. Lawson, we determined that Section 111.111, V.A.M.S. (1969-70 Cum. Supp.) was specifically applicable to the elections of April 7, 1970. We are enclosing a copy of Opinion No. 161.

1. We have previously determined in Opinion No. 199, dated March 4, 1970, to the Honorable Kenneth R. Babbit (a copy of which is enclosed), that the county clerk pursuant to the requirements of Section 111.111 need not designate a polling place in each ward of a city but is required to designate a polling place in each precinct or election district within the city.

2. Whether the county clerk must designate a different voting location for those people living in a school district outside of the city boundaries depends on the configuration of the precincts or election districts in your county. If a precinct or election district includes part of a school district lying within a city and part outside of the city, a county clerk could designate one polling place in the city for this precinct or election district.

3. Section 111.111 requires that the county clerk designate ". . . one polling place for the several elections in each precinct or district in the political subdivision in which the elections are held." The location of the polling places is left to the discretion of the county clerk.

4. We have already determined, in response to Question 1, above that the county clerk need not establish a polling place for the voters in each ward of a city but is required by Section 111.111 to designate one polling place for each precinct or election district in Forsyth. Question 4 C is answered by our response to Question 2, above.

CONCLUSION

Therefore, it is the opinion of this office that:

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1. A county clerk, pursuant to Section 111.111, Senate Bill No. 134, 75th General Assembly, need not designate a polling place in each ward of a 4th class city but must designate a polling place in each precinct or election district in a 4th class city.

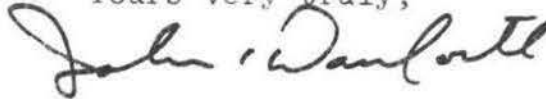
2. If a precinct or election district includes part of a school district lying within a city and part outside of the city, a county clerk may designate one polling place in the city within the precinct or election district.

3. The location of a polling place within a precinct or election district is within the discretion of the county clerk.

4. A county clerk pursuant to Section 111.111 is not required to establish a polling place in Ward 1 or Ward 2 of Forsyth but is required to designate a polling place in each precinct or election district in Forsyth. Whether it is necessary to establish another polling place for people living outside of Forsyth but in the Forsyth school district depends on whether these people live in the same precincts and election districts located in Forsyth.

The foregoing opinion, which I hereby approve, was prepared by my Assistant, D. Brook Bartlett.

Yours very truly,



JOHN C. DANFORTH
Attorney General

Enclosure: Op. No. 161
3-4-70, Lawson

Op. No. 199
3-4-70, Babbit