

ELECTIONS: County registration under Chapter
REGISTRATION: 114, RSMo, does apply to and should
be used in a statewide special elec-
tion even though other political subdivisions are holding elections
at the same time thereby making the provisions of Section 111.111,
Senate Bill No. 134, 75th General Assembly, applicable. However,
Section 162.361, Senate Bill No. 136, 75th General Assembly, deter-
mines the extent to which county registration is applicable to school
elections held in a third class county when the school elections are
conducted jointly with a statewide special election pursuant to Sec-
tion 111.111.

OPINION NO. 198

June 11, 1970

Honorable James H. Counts
Prosecuting Attorney
Reynolds County
P. O. Box 52
Centerville, Missouri 63633



Dear Mr. Counts:

This letter is in response to your request for an official
opinion of this office on the following questions:

"[1] Reynolds County is a third class county
with voter registration. Voter registration
is to be employed in all precinct elections,
but is not employed in school district elec-
tions. Since the Income Tax Referendum issue
is a precinct election whereas the school dis-
trict elections are not precinct elections,
must or can voter registration be used in the
upcoming election? [2] Also, does the County
Clerk or the County Court pick the election
Judges or Clerks? [3] Finally, who provides
and pays for the election supplies?"

I.

If a third class county has adopted county registration pur-
suant to Chapter 114, RSMo 1959, as amended, registration applies
to and should be used in a statewide special election. Section
114.240, RSMo 1967 Supp.

However, the application of registration laws to school dis-
trict elections is limited. Section 162.361, Senate Bill No. 136,
75th General Assembly, requires that voter registration be used in

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school elections in certain school districts. Subsection 1 of Section 162.361, provides that the registration laws applicable to general elections shall apply to all elections in six director school districts located in a city of more than 75,000 inhabitants; or in counties which have more than 700,000 inhabitants or counties of the second class which contain a city or part of a city with more than 500,000 inhabitants. Subsection 2 requires that when a school district has within it a city of not less than 10,000 nor more than 50,000 inhabitants, all school elections shall be conducted in accordance with the laws regulating the registration of voters within the city, ". . . and that qualified voters outside the corporate limits of the city, not required to register for general elections, shall sign an affidavit as to their residence within the school district. . . ."

In all other school districts in a third class county registration would not be applicable to the school elections conducted at the same time as a statewide special election. Every person qualified to vote in the school district election pursuant to Section 160.011(16), RSMo 1967 Supp., should be permitted to vote in the school election regardless of whether he is registered to vote pursuant to the requirements of Chapter 114, RSMo 1959, as amended.

II.

Pursuant to the requirements of Section 111.111, V.A.M.S., 1969-70 Supp., the county clerk or other official having authority over general elections shall designate the election judges and clerks. See Opinion No. 161 dated March 4, 1970, to the Honorable Floyd E. Lawson, a copy of which is enclosed.

III.

We are enclosing herewith a copy of Opinion No. 181 dated May 18, 1970, which we believe fully answers this question.

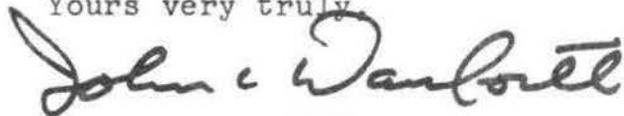
CONCLUSION

Therefore, it is the opinion of this office that county registration under Chapter 114, RSMo, does apply to and should be used in a statewide special election even though other political subdivisions are holding elections at the same time thereby making the provisions of Section 111.111, Senate Bill No. 134, 75th General Assembly, applicable. However, Section 162.361, Senate Bill No. 136, 75th General Assembly, determines the extent to which county registration is applicable to school elections held in a third class county when the school elections are conducted jointly with a statewide special election pursuant to Section 111.111.

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

Yours very truly,

A handwritten signature in cursive script, reading "John C. Danforth". The signature is written in dark ink and is positioned above the typed name.

JOHN C. DANFORTH
Attorney General

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

Op. No. 181
5-18-70, Bauer