

March 10, 1972

OPINION LETTER NO. 102  
Answer by Letter - Klaffenbach

Honorable Lloyd J. Baker  
State Representative, District 97  
Room 409 Capitol Building  
Jefferson City, Missouri 65101



Dear Representative Baker:

This letter is in response to your opinion request in which you ask:

"Under Section 160.011, subsection (16) RS. MO., 1969, can patrons of a common school district who voted March 4, 1972, to annex to a six director district vote in the six director district school election the first Tuesday in April if the six director district accepts the common school district in March instead of July 1."

You also state that:

"Sugar Creek district #37 of Randolph County in an election called according to Section 162.441, RSMO., 1969, to comply with Section 162.096, RSMO., 1969, voted March 4 to annex to the Moberly School District by a vote of 44 to 27. There is no need to hold a special meeting at Sugar Creek School in April so the people of the district will not get to vote in any school election."

Section 160.011 (16), RSMo 1969 to which you refer in your question states:

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"'Voter' means any individual who is eligible to vote in the county for state and county officers and who has resided in the school district sixty days next preceding the annual or special meeting or election at which he offers to vote."

Section 162.096, RSMo 1969 to which you refer in your statement of facts deals only with the assignment of school districts to other districts by the state board of education and is not applicable when, as we understand here, the district votes to annex to another district under Section 162.441, RSMo 1969.

We believe that your question is answered by our enclosed Opinions No. 96, dated March 22, 1956 to Wheeler and No. 89, dated February 19, 1965 to Foley.

Since annexation takes effect upon acceptance, if we assume that the annexation is accepted by the majority of the board of directors of the six director school district to which annexation is proposed under subsection 3 of Section 162.441 prior to the time set for the six director school district election, it is our view that the voters of the common school district which has been annexed are entitled to vote in such election.

The general provisions of Section 160.011 (16) respecting the qualification of voters, in our view, requires only that persons must meet such qualifications for either of the districts involved at the time such persons offer to vote.

Very truly yours,

JOHN C. DANFORTH  
Attorney General

Enclosures: Op. No. 89  
2/19/65, Foley  
  
Op. No. 96  
3/22/56, Wheeler