

ELECTIONS:
COUNTY CLERK:

Section 111.111, RSMo 1969, applies only to situations where a general, primary or special election of the state or a county and an election by a political subdivision are held on the same day.

OPINION NO. 115

March 13, 1974

Honorable James C. Kirkpatrick
Secretary of State
Room 209, Capitol Building
Jefferson City, Missouri 65101



Dear Mr. Kirkpatrick:

This official opinion is issued in response to your request for a ruling on the following question:

"Does Section 111.111 apply in any situation where there is more than one election held in a county on a given day?"

Paragraph 1 of Section 111.111, RSMo 1969, reads as follows:

"Notwithstanding any other provisions of law, whenever any general, primary or special election and elections held by a school, fire or sewer district, municipality or other political subdivision are held on the same day, the county clerk, board of election commissioners or other official having authority over general elections shall designate one polling place for the several elections in each precinct or district in the political subdivision in which the elections are held."
(Emphasis added).

Your question asks, in effect, whether Section 111.111 automatically applies any time there is more than one election held in a county on a particular day, regardless of the type of elections so held. This question, we believe, is answered by Opinion No. 181 dated May 18, 1970, and issued to the Honorable M. C. Bauer. That opinion held that Section 111.111 is specifically applicable only when a political subdivision of the state submits a question to the electorate on the same day a state or county

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general, primary or special election is held. This conclusion was reaffirmed in Opinion No. 210 dated June 2, 1970, and issued to Thomas R. Gilmore.

We have carefully examined the language of Missouri's new voter registration act, SSHCSHB No. 20, 77th General Assembly (Sections 114.011-114.146, RSMo Supp. 1973), and have found nothing within its provisions that would compel us to reach a conclusion different from that of our previous opinions.

CONCLUSION

It remains, therefore, the opinion of this office that Section 111.111, RSMo 1969, applies only to situations where a general, primary or special election of the state or a county and an election by a political subdivision are held on the same day.

The foregoing opinion, which I hereby approve, was prepared by my assistant, Philip M. Koppe.

Yours very truly,



JOHN C. DANFORTH
Attorney General

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

Op. No. 210
6-2-70, Gilmore