

SCHOOLS; SCHOOL BOND ELECTION: Qualifications of voters thereat.

11-27
November 27, 1933



Professor J. F. Morrissy
Clifton Hill, Missouri

Dear Mr. Morrissy:

This Department acknowledges receipt of your letter dated November 17, 1933, as follows:

"We are having a special school election here to vote a bond issue of seven thousand dollars to build a school and community auditorium. The law says nothing but tax payers can vote. Our question is:

1. Just what constitutes a tax payer?
2. Is the wife of a tax payer eligible to vote?
3. Several of our women teachers say they do not pay a tax - are they eligible to vote? "

We take it that in holding the election you are proceeding under Section 9198 Revised Statutes Missouri 1929, which authorizes the board of directors of the respective school districts in the state to borrow money for the purpose of, among other things, erecting school houses. The section provides with reference to the holding of an election to authorize the board of directors to borrow money,

"**** The qualified voters at said election shall vote by ballot* * *.

In order to determine who are qualified voters at such an election we turn to Section 9287 Revised Statutes Missouri 1929, which in part provides:

"* * * * A qualified voter within the meaning of this Chapter shall be any person who, under the general laws of this state, would be allowed to vote in the county for state and county officers, and who shall have resided in the district thirty days next preceding the annual or special meeting at which he offers to vote".

Section 9287 and Section 9198 are both included in Chapter 57 of the Revised Statutes of Missouri 1929, so that the qualifications of voters as set out in Section 9287 would determine the qualifications of the voters at an election held under the provisions of Section 9198. Any person, male or female, who has reached the requisite age and who has lived within this state one year and the county where he or she offers to vote sixty days is entitled to vote for state and county officers at an election held for that purpose. There are no property qualifications required of voters at an election held for the election of state and county officers. Section 9287 further requires a person offering to vote at an election held under Section 9198 to have resided in the school district where such election is being held thirty days immediately preceding the holding of the election at which he or she offers to vote.

It is true that members of the board of directors of common school districts, as well as members of the boards of directors of city, town and consolidated school districts, must be resident taxpayers of the respective districts where elected. It is also true that where an increase of tax levy is voted on under Section 9225 Revised Statutes Missouri 1929, only those are entitled to vote thereon who are taxpayers of the school district wherein the election is held, but the latter section has no application to your situation.

We therefore are of the opinion that any person who has reached the required age and who has resided in the State of Missouri one year, in Randolph County sixty days and in the

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school district where the proposed election is to be held thirty days next preceding the date of the holding of the election at which he or she offers to vote, is a qualified voter within the meaning of Section 9198 Revised Statutes Missouri 1929.

This conclusion will answer your questions numbered two and three. If the wife or women teachers referred to are otherwise qualified to vote, the fact that they are not taxpayers is immaterial.

Very truly yours,

GILBERT LAMB
Assistant Attorney General,

APPROVED:

ROY McKITTRICK
Attorney General.

GL:LC