

- COOLS: (1) County superintendent does not have to be a taxpayer;
(2) Poll books not required in elections for county superintendent.

April 10, 1943



Mr. Raymond H. Patterson
County Superintendent of Schools
Galena, Missouri

Dear Sir:

We have your letter of the 7th, which reads as follows:

"Please give your opinion on the following at once if possible.

"1. Can a person qualify for Co. Supt. of Schools if he has not paid any tax in the county?

"2. Is it legal in a Co. Supt. election where there was no poll books sent out to the district to list the names in, and the clerks just return ballots for the votes to be checked by? Also tally sheets were sent but no book."

We will answer your questions in the order asked in your letter.

I.

The qualifications for a county school superintendent are set forth in Section 10609, R. S. Missouri, in the following language:

" * * * said county school superintendent shall be at least twenty-four years old, a citizen of the county, shall have taught or supervised schools as his chief work during at least two years of the eight years next preceding his election or appointment; or shall have spent the two years next preceding his election or appointment as a regular student in a state teachers' college or university, and shall at the time of his election hold a diploma from one of the state teachers colleges or state university, or shall hold a state certificate, authorizing him to teach in the public schools of Missouri, or shall hold a first grade county certificate authorizing him to teach in the county of which he is superintendent; * * * * "

It will be seen from the above that there is no provision that a person must be a taxpayer before he can be county superintendent.

CONCLUSION

It is, therefore, the opinion of this office that a person can qualify for county superintendent of schools without being a taxpayer.

II.

The provisions of the law for making reports of votes cast for county superintendent are found in Section 10610, R. S. Missouri, 1939, in the following language:

"At least ten days before the annual school meeting in any year when a county superintendent of public schools is to be elected, the clerk of the county court shall mail by registered letter to the president or clerk of the board of school directors of the various districts of the county a tally sheet of sufficient size to contain the names of all the qualified voters of such districts, which tally sheets shall, so far as practical, conform to the form of poll books set out in section 11490, article 2, chapter 76, R. S. 1939, relating to general elections, and in making the returns of such election, the tally sheets shall be certified by the chairman and secretary of such annual school meeting and attested by the members of the board of directors of the district, who may be present. * * * * *"

The above provision requires the county clerk to send out to the districts tally sheets for the use of such districts in making returns of the voting for county superintendent. No provision is made for furnishing poll books. We are not entirely clear from your letter as to what was done in the way of making returns of the voting, but we take it that tally sheets were used to make returns of the voting. If this was done, then the law was complied with. Your letter states that tally sheets were sent but that no poll books were sent out, and this would be in compliance with the statute.

CONCLUSION

It is, therefore, the opinion of this office that poll books are not required to be furnished to school districts for elections of county superintendents of schools,

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but that tally sheets are provided for use in making returns of the voting in such elections.

Respectfully submitted

HARRY H. KAY
Assistant Attorney General

APPROVED:

ROY McKITTRICK
Attorney General

HHK:HR