

SCHOOLS: Qualified voters must vote for County  
ELECTIONS: Superintendent in the district in which  
they reside.

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March 5, 1943

Mr. Glen Simpson  
Superintendent  
Sullivan County Public Schools  
Milan, Missouri



Dear Sir:

We are in receipt of your request for an opinion,  
dated March 1, 1943, which reads as follows:

"Since the election of delegates to  
the Constitutional Convention is to  
be held on the same date as that of  
County School Superintendent, there  
is a question that I would like to  
have answered.

"As I understand it, the delegates  
to the Convention are to be elected  
at the regular precincts, while the  
election for County Superintendent  
is to be held in every school district.  
May the persons serving as judges and  
clerks in the election of delegates,  
vote for County Superintendent where-  
ever they may be serving even though  
it may not be in the school district  
in which they reside?"

Section 10418 R. S. Missouri, 1939, reads as follows:

"The annual meeting of each school  
district shall be held on the first  
Tuesday in April of each year, at

the district schoolhouse, commencing at 2 o'clock p. m. If no schoolhouse is located within the district, the place of meeting shall be designated by notices, posted in five public places within the district fifteen days previous to such annual meeting, or by notice for same length of time in all the newspapers published in the district, giving the time, place and purposes of such meeting."

Under the above section the annual meeting of each school district shall be held on the first Tuesday in April of each year at the district schoolhouse. This annual meeting is a meeting of all of the qualified voters in each special school district.

Section 10419 R. S. Missouri, 1939, partially reads as follows:

"The qualified voters assembled at the annual meeting, when not otherwise provided, shall have power by a majority of the votes cast:

\* \* \* \* \*

"To designate their choice, by ballot, for a person to fill the office of county superintendent of public schools."

In reading the two sections, which are unambiguous, it will be noted that only the voters in the district are qualified voters in that district, and for that reason the regular judges and clerks serving in the Constitutional Convention election must vote in their own district for County Superintendent.

Mr. Glen Simpson

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March 5, 1943

CONCLUSION

It is, therefore, the opinion of this department that persons serving as judges and clerks in the election of delegates to the Constitutional Convention in a district other than their own school district must vote for the county superintendent at the annual meeting in their own district in which they reside.

Respectfully submitted

W. J. BURKE  
Assistant Attorney General

APPROVED BY:

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ROY McKITTRICK  
Attorney General of Missouri

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