

BALLOTS: Mercer County is not authorized to  
COUNTIES: conduct a nonbinding referendum on  
COUNTY ELECTIONS: whether the voters favor a  
ELECTION BALLOTS: hazardous waste ash landfill  
ELECTIONS: and/or incinerator locating in  
LANDFILLS: Mercer County.  
INITIATIVE PETITION:  
INITIATIVE:  
INITIATIVE AND REFERENDUM:

February 21, 1991

OPINION NO. 85-91

The Honorable Steve Danner  
Senator, District 28  
State Capitol Building, Room 329  
Jefferson City, Missouri 65101

Dear Senator Danner:

This opinion is in response to your question asking:

Can the County Commission and/or an  
initiative petition place a nonbinding  
referendum before the voters of Mercer  
County which states: "Do you favor a  
hazardous waste ash landfill and/or  
incinerator locating in Mercer County,  
Missouri?"

Enclosed herein is a copy of Missouri Attorney General  
Opinion No. 478, Weier, 1969; a copy of Missouri Attorney  
General Opinion Letter No. 111, Harper, 1978; and a copy of  
Missouri Attorney General Opinion No. 204-87. As discussed in  
these opinions, the county commission can only place a  
proposition on the ballot when so authorized by law. A review  
of the applicable statutes does not reveal any law authorizing  
the Mercer County Commission to call a nonbinding referendum on  
whether the voters of Mercer County favor a hazardous waste ash  
landfill and/or incinerator locating in Mercer County, Missouri.

With respect to whether an initiative petition can place a  
nonbinding referendum before the voters of Mercer County, there  
is no authority for a county to conduct a referendum on such an  
issue if requested by initiative petition. As stated in the  
enclosed opinions, Article III, Sections 49 and 52(a) of the

The Honorable Steve Danner

Missouri Constitution pertain only to referendum on acts of the General Assembly.

CONCLUSION

It is the opinion of this office that Mercer County is not authorized to conduct a nonbinding referendum on whether the voters favor a hazardous waste ash landfill and/or incinerator locating in Mercer County.

Very truly yours,



WILLIAM L. WEBSTER  
Attorney General

Enclosures:

- Opinion No. 478, Weier, 1969
- Opinion Letter No. 111, Harper, 1978
- Opinion No. 204-87