

ELECTIONS: County court not required to furnish permanent voting places within county  
COUNTIES: for conducting elections.



January 21, 1952

3-10-52

Honorable John R. Caslavka  
Prosecuting Attorney  
Dade County  
Greenfield, Missouri

Dear Sir:

Your letter at hand requesting to be advised whether or not the county court in a county under township organization is compelled by law to furnish a voting place for the various townships. Thus your letter reads as follows:

"Will you please advise me whether the County Court, in a county under township organization, is compelled by law to furnish a voting place for the various townships.

"Dade County school districts have recently been reorganized and the various districts are now taking steps to dispose of the country schools which leaves the various townships without places to vote and hold community meetings."

In reading your letter it appears that heretofore when elections were held within your county the schoolhouses located within the various school districts have been used as polling places. Inasmuch as under the circumstances which now prevail steps are being taken to dispose of the various country schools which have been used as polling places during elections, we interpret your request to inquire whether or not the county court is compelled by law to furnish other permanent polling places within the various townships.

In connection with the conducting of elections within the various counties of the state, Section 111.220, RSMo 1949, provides as follows:

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"The county courts of the several counties in this state shall have power to divide any township in their respective counties into two or more election districts, or to establish two or more election precincts in any township, and to alter such election districts and precincts, from time to time, as the convenience of the inhabitants may require."

Section 111.240, RSMo 1949, relating to the place of holding elections, provides:

"The place of holding the elections shall be designated, and the judges and clerks of election appointed in such districts or for such election precincts, and the elections therein shall be conducted, in all respects, in the same manner as is herein provided by law for the townships."

Section 111.380, RSMo 1949, further provides:

"If the court fail to designate the place of holding the election or to appoint judges, or the judges appointed fail to act, it shall be the duty of the sheriff to fix the place, and the voters, when assembled, may appoint the judges."

In reading the above-quoted sections we construe them to mean that the duty of designating the places of holding elections, or the polling places, is initially imposed on the county courts of the several counties.

Further provision is made for designating the places of holding elections where the county court fails to act.

While the statutes may require the county court in the various counties to designate the places of holding elections, we do not believe that they authorize county courts to erect or maintain permanent polling places within the county.

In the case of State ex rel. Mercer County v. Gordon, 242 Mo. 615, 147 S.W. 795, the court said the following at Mo. l.c. 623:

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"There is no law under which either counties or cities may erect or maintain permanent polling places. Neither are such municipalities provided with funds to purchase property in which to conduct public elections; therefore, the election machinery must be exercised at such places as their officers are able to rent or otherwise acquire the use of. \* \* \*"

It would therefore seem that the county court is not compelled by law to acquire or furnish permanent voting places for the holding of elections within the county.

Needless to say, if the school buildings wherein the polling places have heretofore been held are disposed of, other polling places would have to be designated by the county court for the holding of future elections.

CONCLUSION

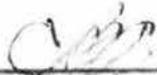
It is therefore the opinion of this department that the county court is not required by law to furnish permanent voting places for the various townships within the county for the purpose of conducting elections.

Respectfully submitted,

RICHARD F. THOMPSON  
Assistant Attorney General

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APPROVED:

  
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J. E. TAYLOR  
Attorney General