

ELECTIONS:

Under general election laws, county court must establish at least one voting place in each township.

August 12, 1960



Honorable Bernard W. Gorman
Prosecuting Attorney
Atchison County
Tarkio, Missouri

Dear Mr. Gorman:

This office is in receipt of your request for a legal opinion which reads as follows:

"May a County Court of a third class county combine two or more voting precincts which are located within the boundaries of two different townships?

"Atchison County does not have Township Government."

Your further letter with regard to this matter reads as follows:

"My question has to do with the elimination of all voting precincts in a given township and resulting in voters in that township being forced thereby to go into another township to vote.

"That is, it would be an effort on the part of the County Court to re-align precincts but would result in no voting place within certain townships."

We assume that the question asked in the opinion request has to do with the establishment of election precincts under the general election laws and has no reference to consolidation of precincts authorized for certain special elections.

Honorable Bernard W. Gorman

Section 111.220, RSMo 1949, provides for the establishment of election districts and precincts and reads as follows:

"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 111.060, RSMo 1949, sets out the qualifications of voters of this state in detail, among which is found the following requirement:

"* * * Each voter shall vote only in the township in which he resides, or if in a town or city, then in the election district therein in which he resides. * * *"

From the provisions of Section 111.060, supra, it is clear that under the general election laws of the state a person is authorized to vote only in the township in which he resides. Clearly, then, each township must contain at least one place at which votes may be cast in order that a voter may be enabled to vote in the township in which he resides. Therefore, it follows that the county court has no power to designate voting precincts so that there is no voting place in a township.

CONCLUSION

It is the opinion of this office that the county court, in designating election precincts under the general election laws of the state, must establish at least one place at which votes may be cast in each township.

The foregoing opinion, which I hereby approve, was prepared by my assistant, Paul N. Chitwood.

Very truly yours,

JOHN M. DALTON
Attorney General

PNC:mc