

Quinn

TOWNSHIPS: If proper petition is presented to county court
ELECTIONS: requesting submission of the proposition of
adoption of township organization at general
election, subsequent to election at which town-
ship organization was voted out, question of
adoption must be submitted to voters at next
general election.

July 20, 1948

FILED

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Honorable H. B. Worley
Presiding Judge
Davless County Court
Gallatin, Missouri

Dear Sir:

This is in reply to your letter of recent date requesting
an official opinion of this department, and reading as follows:

"This county voted out Township organiza-
tion in the fall of 1946. I understand
that there are several petitions being
circulated requesting the County Court
to have it brought to a vote again this
fall in order to try and vote the county
back to Township organization.

"I would like to have your opinion as to
whether or not the County Court is re-
quired to submit this question to a vote
so soon after the other election, pro-
viding the petitions are filed."

Section 13931, Laws of Missouri, 1945, page 1972, provides,
in part, as follows:

"Upon petition of at least one hundred
qualified electors of any county of the
third or fourth classes praying there-
for, which said petition shall be filed
in the office of the clerk of the county
court, the county court of such county
shall, by order of record, submit the
proposition of the adoption of township
organization form of county government
to a vote of the electorate of the
county at a general election. If such
petition shall be filed sixty days or

more prior to a general election, the proposition shall be submitted at said general election; if filed less than sixty days before such election, then the proposition shall be submitted at the general election next succeeding said general election. * *"

From the plain, clear and unambiguous language of the section above quoted it is evident that if a proper petition asking for the submission of the proposition of the adoption of township organization in Daviess County is filed in the office of the clerk of the county court sixty days or more prior to the general election to be held in November of this year, such proposition must be submitted to the voters of Daviess County at the general election to be held next November. There is no provision in any law preventing the question of adoption of township organization in the county at any general election when a proper petition requesting such submission is filed in the office of the county clerk.

Conclusion.

It is the opinion of this department that if a proper petition asking for the submission of the proposition of adoption of township organization is filed in the office of the county clerk of Daviess County more than sixty days prior to the November election, such proposition must be submitted to the voters at such election.

Respectfully submitted,

C. B. BURNS, JR.
Assistant Attorney General

APPROVED:

J. E. TAYLOR 
Attorney General

CBB:ml