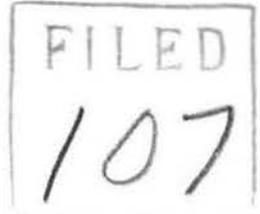


February 25, 1964



Mr. Austin Hill  
Deputy Secretary of State  
Jefferson City, Missouri

Dear Mr. Hill:

This is in answer to your letter of recent date in which you pose two questions regarding County Library District Elections. The first question is when a petition is presented under Section 182.010, RSMo, for the formation of a County Library District and the county in which such petition is presented has one or more cities in such county which at the time provide free public and tax-supported libraries can the residents of such cities vote in the election for establishment of the County Library District.

Section 182.010 provides that whenever electors equal to five per cent of the total vote cast for Governor at the last election in a county outside of cities maintaining free public and tax-supported libraries present a petition to the county court asking that a County Library District of the county outside the limits of such cities be established, the county court is to call an election on such question and shall order that the question "be submitted to the voters of the proposed County Library District."

Such section provides further that in case the boundary limits of a city maintaining a free tax-supported library are not the same as the boundary limits of the school district of such city that the voters residing in the school district, but outside the limits of the city or town and within the limits

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of the proposed County Library District shall be eligible to vote. It is clear that under the provisions of Section 182.010 only the persons living outside the limits of cities maintaining free tax-supported libraries are eligible to vote for the establishment of a County Library District in a county containing such cities. We are not, of course, ruling on the situation that exists where a city wishes to vote under provisions of Section 182.030, RSMo, on the establishment of a County Library District, including such city.

Your second question is whether the voters in such county outside of such cities must be registered in order to vote at the election for the establishment of the County Library District, if such county has adopted local option registration under provisions of Chapter 114, RSMo, as amended. Section 114.240, RSMo. Cum. Supp. 1963, provides that Chapter 114 shall not be construed to include elections other than state and county, general, special and primary elections, and city elections in cities of over 400,000. Obviously, when a county library district is to be established in those parts of the county outside the limits of cities with tax-supported libraries, there is no county election. The election is one for the establishment of a County Library District and is in no way a county election. This would be true even if there were no cities or towns in such county maintaining tax-supported libraries since the election is one in the territory comprising a County Library District and is not a county election.

Yours very truly,

THOMAS F. EAGLETON  
Attorney General