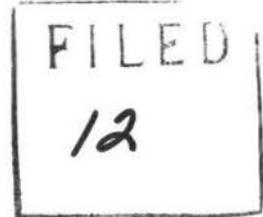


SCHOOLS:
ELECTIONS:

Residents on land which is part of a federal flood control project are entitled to vote in local school district elections.

OPINION NO. 12

April 8, 1974



Honorable Al Nilges
Representative, District 126
Room 413, Capitol Building
Jefferson City, Missouri 65101

Dear Representative Nilges:

This official opinion is in response to your request for a ruling on whether persons are eligible to vote in school elections if they live on land acquired by the federal government as part of a flood control project. As we understand it, your concern is directed toward lands currently being acquired by the federal government as part of the Meramec Dam project.

Although the rule was once otherwise, the law is now clear that a person does not lose his right to vote merely because he lives on federal property. Evans v. Cornman, 398 U.S. 419, 90 S.Ct. 1752, 26 L.Ed.2d 370 (1970); Carrington v. Rash, 380 U.S. 89, 85 S.Ct. 775, 13 L.Ed.2d 675 (1965); Opinion No. 185, Price, November 27, 1963. Thus, if these people reside in a school district, they are entitled to vote in that school district's elections.

It is our view that the residents of flood control land do live in school districts. This conclusion follows from Sections 12.080 through 12.100, RSMo 1969, allocating to school districts certain moneys paid by the federal government. Section 12.100 reads as follows:

"The county court of each county receiving any such moneys shall use the funds to aid in maintaining the schools and roads and for defraying any of the expenses of the county in accordance with the provisions set forth in sections 12.070 and 12.080. The county court shall allow to the school districts and for roads an amount based upon their respective levies equal to that which would ordinarily be allowed to them out of taxes from property owned by the United States if

Honorable Al Nilges

the property were privately owned before using any of the moneys for defraying other expenses of the county."

This allocation formula clearly contemplates that the federal property is located within a school district. Further, we find nothing in the statutes which indicate that this land ceased being part of a school district simply because it was transferred to federal ownership.

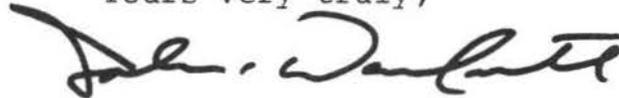
Since the residents of federally-owned flood control land live in a school district, they are entitled to vote in school district elections on the same basis as all other voters in the district.

CONCLUSION

It is, therefore, the opinion of this office that residents on land which is part of a federal flood control project are entitled to vote in local school district elections.

The foregoing opinion, which I hereby approve, was prepared by my assistant, Richard E. Vodra.

Yours very truly,



JOHN C. DANFORTH
Attorney General

Enclosure: Op. No. 185
11-27-63, Price