



STATE OF ARKANSAS
OFFICE OF THE ATTORNEY GENERAL
JUSTICE BUILDING, LITTLE ROCK 72201

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STEVE CLARK
ATTORNEY GENERAL

OPINION NO. 85-59

February 21, 1985

Mr. Devane Baldridge
Superintendent of Schools
P.O. Box N
Monette, AR 72447

Dear Superintendent Baldridge:

This is in response to your letter of November 15, 1985,
requesting an opinion on the following questions:

"Who is eligible to vote in a school district election?"

"Are polling sites for general elections the same as
those for school district elections?"

"Are the ballots cast by the Caraway residents invalid?"

Arkansas law provides that persons who are qualified to vote
in a general election are also eligible to vote in the
school district in which they reside, Ark. Stat. Ann. §80-
305. The law further provides that for the purposes of
school elections only, the school district may be designated
as a political township, Ark. Stat. Ann. §80-304.

It is the duty of the County Board of Election Commissioners,
however, to designate polling places for each school district,
Ark. Stat. Ann. §80-318. The voting precincts used in
general elections would not necessarily be the same voting
precincts used in the school election.

If the Board of Election Commissioners failed to designate
polling places for the Caraway residents, it cannot be said
that they voted in the wrong precinct, so their votes are
still valid.

In Christenson, et al v. Felton, et al, 226 Ark. 985, 295
S.W. 2d 361 (1956), the Arkansas Supreme Court held that

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voting requirements which are mandatory before the election becomes directory after the elections, so that voters otherwise qualified will not be disfranchised by the failure of the Election Commissioners to perform certain duties. Christenson has been reaffirmed in two more recent cases as well: Adams, et al v. Dixie School District No. 7, et al, 264 Ark. 178, 570 S.W.2d 603 (1978) and Goodall, et al v. T. O. Adams, et al, 277 Ark. 261, 640 S.W.2d 803 (1982).

The foregoing opinion, which I hereby approve, was prepared by Assistant Attorney General, Rick D. Hogan.

Sincerely,



STEVE CLARK
Attorney General

jsc:RH:dc