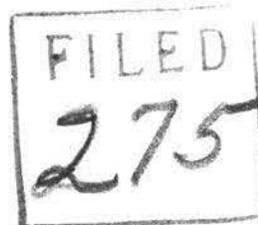


ELECTIONS:
VOTING:
ABSENTEE VOTERS:
VOTER REGISTRATION:

In counties governed by Chapter 114, local option registration law, county clerk should furnish registration forms to persons who cannot register in person because of illness, disability or absence from county only upon written application of such person, stating the facts relative to illness, disability or absence.

OPINION NO. 275

August 25, 1964



Honorable Merrill E. Montgomery
Prosecuting Attorney
Sullivan County
Milan, Missouri

Dear Mr. Montgomery:

In your letter of July 21, 1964, you state that Sullivan County has adopted voter registration by local option. The local option voter registration law is found in Chapter 114, RSMo, and encompasses Sections 114.010 to 114.250, RSMo 1959, inclusive, as amended.

Your question concerns the registration of absentee persons. The statute to which you refer, Section 114.060, RSMo, is as follows:

"114.060. Absentee or disability registration, procedure.--Any person, who through illness, expects to be prevented from appearing at the place of registry or at the county clerk's office within the time for registration prior to a primary or general election shall on application, stating the facts as to his illness, disability, or absence from the county be provided with a form by the county clerk, to be filled in by the applicant, showing all data necessary for the registration records. The completed form shall be sworn to by the applicant before an officer authorized to administer oaths and shall be returned by mail or otherwise to the county clerk at least thirty days before any primary

Honorable Merrill E. Montgomery

or general election. Upon filing the completed form as herein required, if in proper form, the applicant shall be deemed duly registered."

This statute provides that "any person, * * * shall on application, * * * be provided with a form by the county clerk * * * showing all data necessary for the registration records. * * *" The purpose of this section is to permit a person who desires to register but who is ill, disabled, or absent from the county and thereby is prevented from registering at the county clerk's office to do so within the time for registration prior to a Primary or General Election. The statute provides that the applicant shall state the facts respecting his illness, disability or absence from the county.

This written application could be on forms provided by the county clerk, if he desires to provide them or the application could be in any other written form that contains the information required by the statute.

This statute requires that registration forms will be furnished to the applicant only upon written application, and he must set out the reasons why he cannot appear in person.

The courts of this state have held generally that, "Election laws must be liberally construed in aid of the right of suffrage." Nance v. Kearbey, 158 S.W. 629, 1.c. 631. This statement was quoted with approval by the Supreme Court en Banc in the case of Application of Lawrence, 185 S.W. 2d 818, 1.c. 820, and again in State v. Coleman, 349 S.W. 2d 945, 1.c. 947. The case of State ex rel. Hay v. Flynn, 147 S.W. 2d 210, 1.c. 211, states:

"* * * The primary purpose of registration laws is to prevent fraudulent abuse of the franchise, by providing in advance of elections an authentic list of the qualified voters. * * *"

In the case of State v. Brown, 33 S.W. 2d 104, the Supreme Court en Banc, in passing on a statute concerning an absentee registration, said at 1.c. 107:

Honorable Merrill E. Montgomery

"* * * Now every person having the qualifications prescribed by the Constitution has the right to vote, and the sole objective of the statute is to determine the individuals who possess those qualifications and make a public record thereof. * * *"

A registration blank cannot be sent out where the request is made by telephone, nor can registration blanks be given out to party workers or others.

The person desiring to register must personally make a written request for the blanks from the county clerk.

We see no objection to a deputy clerk taking the registration forms to the applicant, in person, providing the proper application is made in writing containing the information and requirements as set forth herein.

CONCLUSION

It is the opinion of this office that the county clerk should furnish registration forms, upon written application therefor to the county clerk, to any person who because of illness, disability or expected absence from the county, is unable to appear personally at the clerk's office to register.

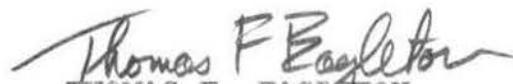
The written application should state the facts relative to the illness, disability or absence.

Application for registration blanks cannot be made by telephone. Registration blanks cannot be given out to party workers or others.

The request for the registration blanks must come from the person desiring to register and must be in writing.

The foregoing opinion, which I hereby approve, was prepared by my Assistant, O. Hampton Stevens.

Very truly yours,


THOMAS F. EAGLETON
Attorney General