

July 24, 1972

OPINION LETTER NO. 206
Answer by letter-Klaaffenbach



Mr. John T. Wiley, Chairman
Board of Election Commissioners
City of St. Louis
208 South 12th Boulevard
St. Louis, Missouri 63102

Dear Mr. Wiley:

This letter is in response to your opinion request in which you ask:

"Is there any way in which the St. Louis Board of Election Commissioners may register to vote persons confined in a State Hospital, not located in the city of St. Louis, who claim residency in the city of St. Louis."

Although we do not intend to go into the question as to the eligibility to vote of all patients in state mental hospitals, we note that the Constitution of Missouri, in pertinent part, Article VIII, Section 2, bars idiots and persons who have a guardian of his or her estate or person from voting. Clearly, however, not all such patients are "idiots" or persons under legal guardianship, and subsection 3 of Section 202.847, RSMo 1969, subject to certain restrictions, retains the right of such a patient to vote "unless he has been adjudicated incompetent and has not been restored to legal capacity."

In our Opinions No. 112, dated March 22, 1972, to Frappier and No. 206, dated May 29, 1967, to Almond, copies enclosed, dealing respectively with St. Louis County registration and Jefferson County registration, we held that, because of the language in the statutes involved expressly limiting registration to such county limits, registration could not be conducted outside such counties.

Mr. John T. Wiley

In this instance, Section 118.240, RSMo Supp. 1971, respecting the registration of voters in the City of St. Louis contains no such express restriction. However, we have reviewed the opinion of the City Counselor of the City of St. Louis dated April 24, 1972, to Baumann and agree with the conclusion that, as there is no express authority to conduct registration outside such city, the St. Louis Board of Election Commissioners does not have authority to conduct registration of voters at places situated outside the city.

Yours very truly,

JOHN C. DANFORTH
Attorney General

Enclosures: Op. No. 112
3-22-72, Frappier

Op. No. 206
5-29-67, Almond