

ELECTIONS AND REGISTRATION:

Cities of between 10,000 and 30,000 population are required to have registrations, under the provisions of Laws of 1933, pages 239-249.

September 1, 1933.

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FILED

Mr. Walter G. Stillwell,  
Prosecuting Attorney of Marion County,  
Hannibal, Missouri.

Dear Sir:

We are acknowledging receipt of your letter in which you inquire as follows:

"I recently advised the County Court that the new law concerning permanent registration in cities of 10,000 to 30,000 inhabitants required that we have a complete new registration in Hannibal. I based this opinion on Section 2 of the New enactment being found on Page 240 of the Laws of Missouri, 1933. An opinion has been expressed to the County Court that a new registration is not necessary and my opinion came as a result of this information. I would appreciate knowing the attitude of your office concerning that opinion."

Section 2 of the Laws of 1933, page 240, provides as follows:

"There shall be a registration of all the qualified voters in the cities of this State, now or hereafter having a population of 10,000 and less than 30,000 inhabitants, except in cities in counties which now have or hereafter may have 150,000 inhabitants or more and in which registration is now provided for by law, whether organized under general law or special charter, which registration shall be had under the provisions hereafter set forth; and the population of cities within the State containing such population shall for the purposes of this article be ascertained from and determined by the last decennial census taken by the Federal government."

The above Section specifically provides that "there shall be a registration of all the qualified voters in the cities of this State, now or hereafter having a population of 10,000 and less than 30,000 inhabitants \* \* \* which registration shall be had under the provisions hereafter set forth \* \* \*."

It is apparent from the foregoing language that it was the intention of the Legislature that all cities with the population of between 10,000 and 30,000 inhabitants shall have a registration under the provisions of the Laws of 1933, page 240. If it were within the contemplation of the Legislature that prior registrations in such cities would be sufficient, then it would have been useless for the act to provide that "the registrations shall be had under the provisions hereafter set forth."

The Laws of 1933, page 239-249, repeal the old Sections regulating registrations in such cities. It provided a new scheme of registration according to the requirements of that act. We have carefully examined all of the Sections of this law and fail to find anything therein that would indicate that the old registration may be used. On the other hand, Section 2 specifically provides that there shall be a registration in such cities under the provisions set forth in the Laws of 1933. If any meaning be given to the provisions of that Section, it must be that there must be a new registration within the provisions of those Laws, and that prior registrations under the repealed Sections would not suffice.

It is therefore the opinion of this Department that there shall be a new registration in cities of population between 10,000 and 30,000, under the provisions of Laws of 1933, pages 239-249.

Very truly yours,

  
Assistant Attorney General.

FWH:S

APPROVED:

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Attorney General.