

ELECTIONS: City of St. Louis  
"Qualified electors" under Weeks Bill defined.  
Who eligible to vote.

July 22, 1933. 7-22



Hon. James A. Waechter, Chairman,  
Board of Election Commissioners  
for the City of St. Louis,  
208 South Twelfth Boulevard,  
St. Louis, Missouri

Dear Mr. Waechter:

This is to acknowledge your letter of July 18th,  
1933, which is as follows:

"Under Section 14 of House Bill 514 (the  
Weeks Bill) it is provided:

'No person shall be eligible to  
membership in any convention held  
under authority of this act, who  
is not a qualified elector of this  
State \*\*'.

The question has arisen here as to what  
constitutes a 'qualified elector'. Does  
this mean that only such persons who are  
duly registered voters, in accordance  
with the election laws of the State and  
the City of St. Louis, shall be eligible  
to membership in any convention?

This Board would also like to have your  
opinion as to whether or not a person  
must be a registered voter in accordance  
with the laws of the State of Missouri  
and this City before he or she is per-  
mitted to vote in the coming special  
election.

Kindly let us have your answer to these  
questions as promptly as possible and there-  
by greatly oblige,"

Section 14, Laws of Missouri, 1933, page 237, provides in part as follows:

"No person shall be eligible to membership in any convention held under authority of this act, who is not a qualified elector of this State, etc. "

Section 4, Laws of Missouri, 1933, page 235, provides in part as follows:

"\* \* \* Said mass conventions shall meet at places in such precinct or voting districts as shall be designated by the county court or board of election commissioners of such counties or cities, and elect 4 delegates, qualified electors of such precinct or voting district, etc."

As you well know, meetings are held in precincts and then in Senatorial districts and the membership of the delegates chosen in these meetings must be made up of qualified electors.

Words & Phrases, Vol. 6, third series, page 469, reads as follows:

"A 'qualified elector' is a citizen of the state, male or female, 21 years of age or more, possessing qualifications required by Constitution, duly registered, and not under disability; while a 'qualified voter' is a person who is not only a qualified registered elector, but who has met the additional requirement, imposed by Constitution and statute law, of payment of all taxes assessed against him and collectible during the previous year. *Watson v. Spartanburg County Board of Education*, 139 S. E. 775, 776, 141 S. C. 347."

It is our opinion that the words "qualified elector" mean such persons that are duly registered voters and possessing other qualifications required by the statutes and the Constitution.

Section 2, Laws of Missouri, 1933, page 234, provides in part the following:

"In all other respects, such special election in each precinct in this state shall be conducted under the provisions of the election laws of this state, in-so far as such laws will apply and etc."

Section 10582, R. S. 1929, which is found in Article XVII, Chapter 61, which article and chapter pertains to registration and conducting elections in cities of this State now having, or which may hereafter have, 100,000 inhabitants or over, provides in part the following:

"Every citizen of the United States and \* \* \*, who is over the age of twenty-one years, who has resided in the state one year next preceding the election at which he offers to vote, and during the last sixty days of the time shall have resided in the city where such election is held, \* \* \*, shall be entitled to vote at such election, for all officers, state or municipal, made elective by the people, or at other elections held in pursuance of the laws of the state, but shall not vote elsewhere than in the precinct where his name is registered, and whereof he is registered as a resident."

We are not going to go into the matter of the judges of election, their powers and duties, other than to remind you that the judges of election are in complete power and control over matters coming up during an election and it is up to them to determine whether one is entitled to vote. However, so that no fraud may be perpetrated, and in order to be on the safe side, we are of the opinion that a person in order to vote should be a registered voter and vote where registered. If only those persons who are registered are permitted to vote, then, only registered voters will decide the issue and no question may ever be raised that persons not entitled to vote

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had a hand or a part in something that it was the duty of the voters to decide. In other words, the result will reflect the will of the registered voters.

Yours very truly,

James L. HornBostel  
Assistant Attorney-General.

APPROVED:

ROY McKITTRICK  
Attorney-General.

JLH:EG