

STATE BOARD OF HEALTH:

Oath of office for Local Registrar of Vital Statistics.

6-21

June 21, 1935



State Board of Health
Jefferson City, Missouri

Attention of Doctor Herman S. Gove.

Gentlemen:

We acknowledge receipt of your request for an opinion of this office reading as follows:

"Apparently there has been some controversy throughout the state regarding the registration and appointment of Local Registrars of Vital Statistics. It has been the practice of this Department in the past to use a routine printed form in making these appointments, but the Supreme Court will not accept this method of appointment of Local Registrars as being legal, and will not stand in the Court without a sworn affidavit of said appointment.

I am herewith enclosing the forms for your verification and revision."

I have examined your "Form V. S. No. 3," "Form V. S. No. 4," and "Form V. S. No. 5", and find that the same are satisfactory in form except that they do not contain the oath of office which is required to be taken by all officers under the authority of this State. Section 6 of Article XIV of the Constitution of Missouri provides:

"All officers, both civil and military, under the authority of this State, shall, before entering on the duties of their respective offices, take and subscribe an oath, or affirmation, to support the Constitution of the United States and of this State, and to demean themselves faithfully in office."

This section was held applicable to local registrars of vital statistics in the case of State ex rel. McKittrick vs. Langston, not yet officially reported.

We suggest that there be printed on the back of forms "V.S. No. 3" and "V.S. No. 4" the following oath:

"State of Missouri)
(SS
County of _____)

I, _____, being duly sworn upon my oath, say that I will support the Constitution of the United States and the Constitution of the State of Missouri, and that I will faithfully demean myself in the office of Local Registrar of Vital Statistics for the _____ registration district, comprising the primary registration districts of _____, in the county of _____, State of Missouri.

Subscribed and sworn to before me this
____ day of _____, 19____.

Notary Public.

My commission expires
the _____ day of _____,
19____."

On the back of form "V. S. No. 5" there should be printed the following affidavit:

"State of Missouri)
County of _____) (SS

I, _____, being duly sworn upon my oath, say that I will support the Constitution of the United States and the Constitution of the State of Missouri, and that I will faithfully demean myself in the office of Deputy Local Registrar of Vital Statistics for the _____ registration district, comprising the primary registration districts of _____, in the county of _____, State of Missouri.

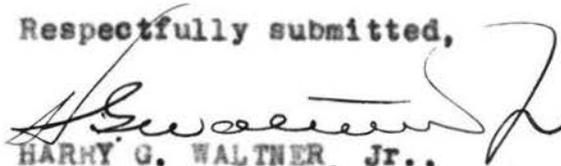
Subscribed and sworn to before me this _____ day of _____, 19____.

Notary Public.

My Commission expires the _____ day of _____, 19____."

You should of course require that when your forms "V. S. No. 4" and "V. S. No. 5" are returned to you that this affidavit be made by the appointee.

Respectfully submitted,


HARRY G. WALTNER, Jr.,
Assistant Attorney General

APPROVED:

JOHN W. HOFFMAN, Jr.,
Acting Attorney General