

ELECTION: Relating to permanent registration in Sedalia

September 30, 1936. 10-1

Honorable Frank W. Hayes, Chairman,  
Pettis Co. Democratic Central Committee,  
Sedalia, Missouri.



Dear Mr. Hayes:

This department is in receipt of your letter of September 25, inquiring as follows:

"Sedalia comes within the class of cities between ten thousand and thirty thousand, as provided for under the registration laws passed in 1933. There seems to be some question as to whether there shall be a general registration held before the Presidential election, at which time all voters shall be required to register, or whether only those voters who have become of age or changed their address shall register. I am of the opinion that the persons who have previously registered need not again, unless they have moved from one precinct to another. We will have a registration here in a short time and in order to avoid any misunderstanding and confusion, I wish you would have Mr. McKittrick issue an opinion on the matter. \* \* \* \*"

Your letter refers to registration in cities of from 10,000 to 30,000 inhabitants, which is often referred to as the permanent registration law of cities of certain population. The title of this Act, Laws of Mo. 1933, p. 239, contains the following provision:

" \* \* \* relating to the same subject matter for towns of 10,000 to 30,000 inhabitants, providing for a system of permanent registration in said class of cities \* \* \* \*"

Section 5, Laws of Mo. 1933, p. 241, contains this provision:

"In all cities of this state which now contain or may hereafter contain 10,000 inhabitants and less than 30,000 inhabitants, at each general election for State officers, there shall be elected, in each election district or ward of such cities, by the qualified voters of such election district or ward, one registrar of election, who shall have the qualifications of an elector in his election district or ward and be the owner of real estate in this State, and who shall hold office for four years and until his successor is elected and qualified \* \* \* \* "

Section 6a, p. 242 provides:

"Said registrars shall meet and hold sessions for the purpose of registration of voters at all the times necessary as provided in this act; which said board shall also meet ten days prior to any general, special or primary election, or any general, special or primary city election, for a period of not to exceed two days and at least five days before said election for the purpose of making up an alphabetically arranged list of the voters in a book for each of the precincts of each of the wards or districts of their respective cities."

Section 9 of the Act, P. 243 is as follows:

"The board of registrars of each city containing 10,000 and less than 30,000 inhabitants, shall meet at the city hall, and shall appoint days of registration, not to exceed

three in each election district of said cities, which shall be within 40 days next preceding the tenth day prior to every biennial election; the said board shall also appoint, at least 10 days before any special or municipal election or primary, state, county or city, held in their said city, days of registration, not exceeding two, in each election district of said cities for the purposes of such special or municipal elections, or state, county or municipal primary, at which time those who have become entitled to register since the last general registration, or who have for any cause failed or neglected to do so, may register upon compliance with the provisions of this article. All registration of voters under this article shall be held at the city hall, or the place designated for the meeting of the common council of any such city or place or places designated by said board of registrars; and the board of registrars shall give notice of such registration and the place or places where the same is to be held, by publication thereof in a daily newspaper published in said city for five days next preceding such registration."

It is our opinion, however, that Section 10 of the Act is decisive of the question. Section 10 provides:

"Whenever any person who is qualified to vote has registered in any election district, ward, or precinct, and so long as he is a qualified voter of said city, his name shall be carried on the registration books by the board of registrars and all persons who now are qualified to vote in any city under the provisions of this article shall not be again required to register until they have changed their domicile from the election district, ward or precinct in which they are legally registered."

CONCLUSION

If the City of Sedalia has complied with the provisions of Sections 1 to 30 inclusive of the permanent registration law (Laws of Mo. 1933, pp. 239-249), heretofore, or in 1934, it is the opinion of this department that it is not necessary for any further registration, except as provided in the various sections of the Act, especially Section 9, and that the same constitutes a permanent registration.

You use the term "Presidential election". This, we think, is synonymous with the state election.

Respectfully submitted,

OLLIVER W. NOLEN,  
Assistant Attorney General.

APPROVED:

---

JOHN W. HOFFMAN, Jr.,  
(Acting) Attorney General.

OWN:AH