

ELECTIONS: Laws should be construed to give effect to legislative intent as expressed in the whole legislative Act.

August 16, 1937.

8/16



Honorable H. D. Allison
County Clerk
Buchanan County
St. Joseph, Missouri

Dear Sir:

I acknowledge your request for an opinion dated August 16, 1937, which reads:

"Please give me an official opinion in the following matter:

"House Bill 301, passed by the 1937 General Assembly, provides for permanent registration for the City of St. Joseph. In this tentative legislative scheme of Section 3, as set out on page 4, lines 24 and 25, is provided the phrase "registration number", in suggesting the form of the printed registration sheet. The phrase "registration number" appears at no other place in the Act, but the phrase "voter's number" does appear in the Act in other places. For the election officers to supply a fictitious registration number for a voter, said number to appear on the registration sheet serves no practical purpose in the scheme of permanent registration for St. Joseph, Missouri.

"It is reasonable to believe that it was the intention of the Legislature to require election officials to show on the registration sheet, at the time of the elector's voting, an appropriate voting number in the order in which he voted, in order that his particular ballot can be checked against the statutory registration sheet in the event of a contested election, or in the event that a statutory election

officer is called upon to determine whether or not at a particular election the registered elector did or did not exercise his statutory voting prerogative.

"The time for printing the statutory registration sheets is so limited that it requires an immediate opinion on this following question:

"Would it be legal and in compliance with House Bill 301 if the phrase "registration number" be interpreted to read "voter's number" when printing the form of registration sheets to be used by the officer of election? The phrase "voter's number" appears in Section 5, page 6 at line 12, and for all practical purposes the phrase "registration number" should be interpreted to mean "voter's number".

"It is to be noted that Section 13, lines 19 and 20 authorize the County Clerk to use any practicable method in setting up a workable system of permanent registration in St. Joseph, Missouri.

59 C. J. p. 943, Section 563, citing Missouri cases, has this to say about statutory construction:

"The purpose of all rules or maxims as to the construction or interpretation of statutes is to discover the true intention of the law, they are useful only in cases of doubt they are never to be used to create doubt but only to remove it, and cannot be invoked to defeat or destroy natural justice or substantial equities. Although it has been said that the rules of construction of statutes are sub-

stantially the same as for the construction of contracts or other written instruments, a statute is to be construed according to the rules for the construction of statutes and not according to those for the construction of contracts. Generally a statute will not be construed unless its proper construction is involved in the case. For the purpose of construction resort may be had not only to the language and arrangement of the statute, but also to the intention of the legislature, the object to be secured, and to such extrinsic matters as the circumstances attending its passage, the sense in which it was understood by contemporaries, and its relation to other laws. An intricate and complicated statute should be construed with caution, and nothing decided beyond what is necessary to a determination of the particular case. A rational, rather than an arbitrary, construction is to be accorded all statutes. The court must consider the rule of public policy that all laws shall be certain in their terms and application."

CONCLUSION.

In House Bill 301 you have the Legislature using the phrase "registration number" and the phrase "voter's number" in the same sense in the same legislative Act.

The object to be obtained in House Bill 301 is a workable scheme of permanent registration, and the legislative intent was to provide a practicable scheme through the exercise of reasonable discretion by the County Clerk.

Hon. H. D. Allison

-4-

August 17, 1937.

This department is of the opinion that the phrase "registration number" as used in the Act should be construed to mean "voter's number" and may be printed "voter's number", by the County Clerk when printing the forms to be used as registration sheets.

Respectfully submitted

WM. ORR SAWYERS
Assistant Attorney General.

APPROVED:

J. E. TAYLOR
(Acting) Attorney General.

WOS:H