

ELECTIONS: Judges of election in Jackson County can change address of registered voters on election day when such voter moves to another address in same precinct.

November 3, 1938



Jackson County Board of
Election Commissioners
Court House
Independence, Missouri

Gentlemen:

We have received your letter of October 3, 1938, requesting an opinion from this Department, which letter reads as follows:

"Please give us your opinion as to whether judges of Election on Election day, should erase the former address of a voter and insert the new on the registration, where the voter has changed his residence within the same precinct (See third Subdivision of Sec. 10504 R. S. 1929).

"Some workers here are insisting that under the latter part of Section 10517 all changes of registration shall be made in the presence of the Board of Election Commissioners. We think 'Such changes of registration' mentioned in this Section do not include change of address within the same precinct."

The population of Jackson County as shown by the last decennial census is 470,454. Therefore, registrations and elections in said county are governed by the provisions of Article XV, Chapter 61, R. S. Missouri 1929.

Section 10504 contained in said article, provides in part as follows:

"Third: Each voter shall vote only in the precinct in which he or she resides and is registered, but if a change of residence is made in the same precinct such voter, at the time of voting shall designate such change and be allowed to vote, if said judges are satisfied that such voter has not moved out of the precinct and shall request the judges and clerks at the time he or she offers to vote to erase the former address and insert the new, and, if required by said judges, shall make oath that such change of residence has been made in good faith:"

This section is applicable when the voter moves to another address in the same precinct in which such voter is properly registered. The judges of election are by this statute specifically authorized to change the address on the registration books when such voter presents himself for the purpose of voting on election day.

Section 10517 which you mention in your letter, and which is also contained in Article XV, is not in conflict with Section 10504. Section 10517 reads as follows:

"If, on any one of the days of registration, any registered voter who has moved in the same precinct appears to have his residence number or postoffice address corrected, the judges shall make the correction by drawing a line through the old address and writing the new address in the space provided for that purpose. If any voter who has registered in one precinct shall remove to another at any time before Wednesday next preceding the election at which he or she desires to vote or if such voter shall appear before the board of election commissioners or the clerk thereof at any time before said Wednesday and declare his or her intention to move and be

domiciled in another precinct on election day and shall request a change of registration and a certificate thereof, it shall be the duty of the board of election commissioners to allow such change of registration to be made by having the voter enter his or her name on the registry of the precinct to which such change is made or is to be made and to erase the name from the registry in the precinct from which such voter removes by drawing a red line through the name and noting in some appropriate way that the change has been granted and certificate issued. The board of election commissioners shall thereupon issue to such voter a certificate in appropriate terms allowing such change giving the number of precinct from which the voter removes and the number of the precinct to which removal is made and when such voter offers to vote in the precinct to which he or she shall remove he or she shall present such certificate of removal to the judges if by them required before being allowed to vote. All such changes of registration so made after the close of the regular registration shall be made in the presence of the board of election commissioners or a majority of them and attested at the end thereof by such board of election commissioners before the registration books are delivered to the election judges in same manner as attestation is required of the judges by section 10516. After such change is made such voter shall cease to be a registered voter of the precinct in which he or she shall have first registered and shall become a registered voter entitled to vote in the precinct to which removal is made."

The first sentence of the above statute deals with the change of address of any registered voter within the same precinct. It says that if a registered voter appears on any one of the days of registration to have his residence number or postoffice address corrected, the judges shall make the correction "by drawing a line through the old address and writing the new address in the space provided for that purpose." In other words, the registered voter may follow this procedure in changing his address in the same precinct, if he so desires, and in that event the judges are required to make the changes. This part of the section applies in such a situation "if, on any one of the days of registration" such registered voter shall present himself for that purpose.

Section 10517 then proceeds to outline the procedure in the event such registered voter moves from the precinct in which he is registered to an entirely different precinct. The statute then provides that all "such changes" of registration so made after the close of the regular registrations shall be made in the presence of the Board of Election Commissioners, or a majority of them, and attested by the Board before the registration books are delivered to the election judges. The next and last sentence in the statute then provides that after "such change" is made such voter shall cease to be a registered voter of the precinct in which he or she shall have first registered and shall become a registered voter entitled to vote in the precinct to which removal is made. The way the legislature used the terms "such changes" and "such change" it is quite apparent that it was referring only to changes of address from one precinct to another. If this is not the proper construction why should the last sentence of the statute recite that after "such change" the voter would be a registered voter only in the precinct "to which removal is made".

The voter who merely moves to another address in the same precinct does not cease to be a registered voter in the precinct in which he first registered and he does not thereby become a registered voter in another precinct. The term "such change" as used and intended in the statute does not in our opinion refer to a change of address in the same precinct.

The effect then of Section 10517 is that if a registered voter shall move into a new and different precinct after the close of the regular registration only the Board of Election Commissioners, or a majority of them, can effect such change. This for the reason that the election judges on election day cannot add new names to the registration lists. The election judges are specifically authorized by Section 10504 to "erase the former address and insert the new" in the same precinct on election day. The judges are not, however, thereby adding a new name to the registration list in the precinct or changing said list in any way, except the address of the particular voter, since such voter is already properly registered as a voter in the precinct and his name is on the list given the judges by the election commissioners.

CONCLUSION

The judges of election in any precinct in counties containing 150,000 or more inhabitants and governed by Article XV of Chapter 61, R.S. Missouri 1929, are authorized to permit any registered voter who has changed his residence to another residence in the same precinct to vote, and such judges are also authorized to erase the former address and insert the new. Section 10504 R.S. Missouri 1929, provides for this procedure if the judges are satisfied that such voter has not moved out of the precinct. It is not necessary for a registered voter to appear before the Board of Election Commissioners in order to accomplish a change in address in the same precinct.

Respectfully submitted,

APPROVED:

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