

SPECIAL REGISTRATION: Under provisions of Section 118.240 RSMo 1949,
CITIES OF 600,000: St. Louis Board of Election Commissioners, in
NOTICE REQUIRED: its discretion may hold special registrations
WHO MAY REGISTER: at times and places other than board's office,
for voters prevented by illness, physical dis-
ability, or other valid reasons from registering at board's office. Sec-
tion requires previous notice of registrations and any notice, which in
board's judgment, clearly advises prospective registrants of time and
place or places, reasonable time in advance of registration is suffi-
cient. Notice to be given to registrants only residing at place of
registration. In holding registration at place or places, board shall
register prospective registrants residing there and is not required to
open place or places to public, or to register any other persons who
present themselves.



November 26, 1956

Board of Election Commissioners
City of St. Louis
208 South Twelfth Boulevard
St. Louis 2, Missouri

Attention: Mr. Michael J. Doherty, Chairman

Gentlemen:

This is to acknowledge receipt of your recent request for our legal opinion which reads as follows:

"The Board of Election Commissioners request an opinion concerning registration in the City of St. Louis. 'Section 118.240 of the Revised Statutes of Missouri, 1949, provides for TIME AND PLACE OF REGISTRATION which, in substance, says that same shall be conducted at the office of the Board throughout the entire year open usual business days at regular office hours, and at additional hours in the discretion of the Board. The Board may also provide for and give notice of other places of registration, as in its judgment the best interest of the service require at places which shall be open for registration at such times as the Board may direct.'

"Now, therefore, we had a special registration in certain precincts in all of the 28 wards on September 18, 1956, which we gave regular notice of the time and place where same was to be held. In St. Louis we have a number of homes where aged citizens reside, some suffering from disabilities and other valid reasons which prevent their registering at the office of the Board or at other designated places such as precinct ward registrations.

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Now as to such persons as above stated many requests are made upon the Board to send office staff deputies to such home or homes to register said persons, and, in fact, the custom has been for some years in the past to send office deputies to register such persons. We now have some requests to register persons residing in homes such as I above described.

"In view of the Statute which says that the Board may also provide for and give notice of other places of registration, the Board requests an opinion as to whether or not it can send its office staff deputies to such home or homes to register the ones living therein only without giving any notice as has been the custom in the past. If not, what notice should be given, and would it be obligatory upon the Board to have the particular home or homes open to the public generally for registration aside from the ones living therein, or could the Board confine the registration to the ones in said home or homes?

"The Board would greatly appreciate an early reply on this for the reason that the close of the registration in St. Louis is October 13."

Section 118.030 RSMo 1949, gives the qualifications of voters and reads as follows:

"Every citizen of the United States, including occupants of soldiers' and sailors' homes, who is over the age of twenty-one years, who has resided in the state one year immediately preceding the election at which he offers to vote, and during the last sixty days of that time shall have resided in the city where such election is held, shall be entitled to vote at all elections by the people, if properly registered, unless he comes within the following exceptions:

"(1) If he is an idiot or insane person;

"(2) If he has been convicted of a felony, or of a crime connected with the exercise of the right of suffrage, and has not been granted a full pardon therefor;

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"(3) If he is confined to any public prison;

"(4) If he is kept at any poorhouse at public expense;

"(5) If he has been convicted a second time of a felony, or of a crime connected with the exercise of the right of suffrage."

Section 118.240 RSMo 1949 is referred to in the opinion request and provides for the time and place of registration of voters in cities having over 600,000 inhabitants and reads as follows:

"Registration shall be conducted at the office of the Board throughout the entire year, except as herein provided, upon the usual business days and at the regular office hours and at additional hours in the discretion of the board. The board may also provide for and give notice of other places of registration, as in its judgment the best interests of the service require, which places shall be open for registration at such times as the board may direct. Registration for any election shall be closed at five o'clock p.m. on the twenty-fourth day preceding the election, except municipal elections when it shall be closed at five o'clock p.m. on the forty-fifth day prior to April election, and no voter shall thereafter be registered prior to said election, except by order of the circuit court on appeal as provided in section 118.410. No voter who is duly registered in compliance with the provisions of this chapter shall be required to register again so long as he continues to reside at the address from which he is registered, unless his registration be canceled as provided for in this chapter."

Section 118.240, supra, provides that the Board of Election Commissioners shall conduct registrations at the office of the Board throughout the entire year upon usual business days and at regular office hours and at additional hours in the discretion of the Board. The Board may also provide for and give notice of other places of registration, as in its judgment, the best interests of the service require, which additional places for registration shall be open at such times as the Board may direct.

This section does not impose a mandatory duty upon the Board to hold special registration, as the provisions of said section are directory. It has been left to the discretion of the Board as to whether it

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will or will not hold special registrations. In the event it elects to hold the registrations, then the statute does require the board to provide for and give notice of the time and place or places of registration.

While the statutes do require the giving of notice, the method of notice has not been specified in the statute, and it appears to be the legislative intent that this matter also be left to the discretion of the Board.

From the facts given in the opinion request, it appears that in the past it has been the practice of the Board of Election Commissioners to hold special registrations of qualified voters at homes or other places where citizens reside, who, because of illness, physical disabilities, or other reasons are prevented from appearing at the Board's office and registering in the usual manner. It further appears that office staff duties of the Board have been specifically registering such citizens at their places of abode without giving any notice, and also without registering any other persons at such times and places.

In view of these facts and the provisions of Section 118.240, supra, it is believed that any kind of notice given to the prospective registrants which in the judgment of the Board would inform such registrants of the time and place of registration will be sufficient notice within the meaning of the statute.

In contemplation of the statute a special registration is to be held for the convenience of prospective registrants residing at a certain place or places only and is not for the convenience of all legal voters residing in that particular locality of the city who might desire to register at that time.

Therefore, in answer to the inquiry of the opinion request, it is our thought that in holding special registration of qualified voters, in accordance with the provisions of Section 118.240, supra, at a place or places other than the Board's office, for the benefit of prospective registrants residing at such place or places, the Board is required to provide for and give notice by that method, which, in the Board's judgment, will clearly inform the registrants of the time and place or places, a reasonable length of time in advance of the registration. The Board is not required, in giving such notice, to notify the public generally, or to open said place or places to the public generally, or to register any persons other than the residents of the place or places of registration.

CONCLUSION

It is, therefore, the opinion of this department that under the provisions of Section 118.240 RSMo 1949, the St. Louis Board of Election Commissioners may, within its discretion, hold special registra-

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tions of voters, at a place or places other than the office of the Board, and those voters, who, because of illness, physical disabilities or other valid reasons, are prevented from registering at the office of the Board in the usual manner. Said section requires previous notice of the registrations, but no method of notice is specified, consequently, any kind of notice which, in the Board's discretion, will clearly advise the prospective registrants a reasonable length of time in advance of the time and place or places of registration, is sufficient, and is required to be given only to the prospective registrants residing at the place or places of registration. In holding said registrations, the Board shall register only such prospective registrants, and is not required to open said place or places to the public generally, and to register any other persons who may present themselves at such time and place or places.

The foregoing opinion, which I hereby approve, was prepared by my assistant, Paul N. Chitwood.

Very truly yours,

John M. Dalton
Attorney General

PNC/ld