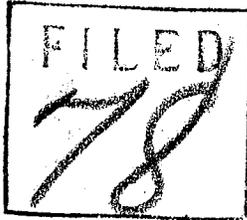


ELECTIONS: Registration lists or cards in counties having more than
COUNTIES: 200,000 inhabitants and less than 450,000 inhabitants are
public records and subject to inspection by the public.



March 15, 1956

Board of Election Commissioners
St. Louis County
Clayton 5, Missouri

Gentlemen:

This will acknowledge receipt of your request for an opinion which, for the sake of brevity, we are restating.

You inquire if the Board of Election Commissioners of St. Louis County is, under law, required to show any person upon demand the registration card of another registered voter. The particular information desired by such persons is to find out if the said registered voter actually voted at the particular election and not as to how he voted. This is indicated by a check mark upon the register list or card.

Elections in St. Louis County are governed to a large extent by the provisions of Chapter 113, MoRS 1949, and Cum. Supp. 1955, applicable to counties having more than 200,000 inhabitants and less than 450,000 inhabitants. However, the conduct of elections in said county, for most purposes, is governed by the provisions of Chapter 111, MoRS 1949, and Cum. Supp. 1955.

Section 111.010, MoRS 1949, specifically makes the provisions of Chapter 111, supra, applicable to such counties. Section 111.550, MoRS 1949, requires that the voter's name at an election shall be immediately checked on the register list when he appears to cast his ballot.

Said register list contains no information whatsoever as to the particular manner in which anyone voted in said election.

Volume 45, Am. Jur., Section 20, page 429, laid down the general principle that registration lists are public records and reads, in part:

"* * *Pollbooks and registration lists are public records which may be examined by those persons who have the requisite interest. The record

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of the proceedings of an electoral board, required by law to be kept by its secretary and custodian, is a public record, and open to inspection by the public, except in so far as secrecy is enjoined by law, but where the disclosure of its contents would be injurious to the public interest, an inspection will not be granted.* * * *"

In State ex rel. Kavanaugh vs. Henderson, 350 Mo. 968, l.c. 973, 169 S.W. 2d. 389, the court held that in all instances where, by law, a document is required to be filed in a public office, that it is a public record and subject to inspection by the public. In so holding, the court said:

"(2) In all instances where, by law or regulation, a document is required to be filed in a public office, it is a public record, and the public has a right to inspect it. 53 Corpus Juris, Section 1, pages 604 and 605; Clement v. Graham, 63 Atl. 146, 78 Vt. 290; Robinson vs. Fishback, Ann. Cas. 1913 B, 1271, 93 N.E. 666, 175 Ind. 132; State ex rel. Eggers vs. Brown, 134 S.W.(2d) 28, 345 Mo. 430.

"Section 4889, supra, also gives authority to the Supervisor 'to make such other rules and regulations as are necessary and feasible for carrying out the provisions of this act as are not inconsistent with this act.' Under this authority, the appellant's predecessor did promulgate Regulation Number 16, which did require liquor dealers to send the Supervisor a copy invoice of liquor sales. As long as that Regulation was in effect, of course, they were public records and respondent was entitled to inspect them. This is not now disputed by the appellant."

Section 113.230, MoRS 1949, provides the type and manner of keeping registration records of such counties. Said provision further requires that such registration records shall be safely kept by the Board of Election Commissioners and subject to public inspection and reads, in part, as follows:

"* * * *The registration records shall be safely kept by the board of election commissioners, subject to public inspection."

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Section 113.320, MoRS 1949, further requires the election commissioners of said county to deliver not later than the day prior to the election the registration book of the particular precinct to the judges of election.

In view of the foregoing we conclude that such registration records are required by law to be kept by the Board of Election Commissioners, and they are public records. Since such records do not impart any secret information that might disclose how anyone voted at said election they are open to public inspection. We appreciate the fact this might entail some additional work and expense on the part of your Board and personnel. However, in the absence of some statute specifically exempting from public inspection such records, they are subject to inspection by the public.

CONCLUSION

Therefore, it is the opinion of this department that registration lists or cards in counties having more than 200,000 inhabitants and less than 450,000 inhabitants are public records and subject to inspection by the public.

The foregoing opinion, which I hereby approve, was prepared by my assistant, Mr. Aubrey R. Hammett.

Yours very truly,

ARH:mw

John M. Dalton
Attorney General