

VOTING:
VOTERS:
VOTER REGISTRATION:
REGISTRATION:
COUNTY COURT:
ELECTIONS:

A proposition for the adoption of county registration of voters under Chapter 114 V.A.M.S. is to be submitted to the voters for a vote on such proposition at the next general election occurring more than 30 days after the petition is presented to the county court.

May 25, 1960



Honorable Robert P. C. Wilson, III
Prosecuting Attorney
Platte County
Platte City, Missouri

Dear Mr. Wilson:

This is in response to your request of May 5, 1960, for an opinion, which request reads as follows:

"I request the opinion of your office in regard to interpretation of Section 1. 1., House Bill No. 127, as enacted by the 70th General Assembly. Section 1. 1. of that reads as follows

"Section 1. 1. 'Upon the filing of a petition signed by fifteen per cent or more of the qualified voters of any county and presented to the county court at any regular or special session thereof more than thirty days before any general election to be held in the county, the county court shall order the question, as to whether or not there should be adopted the law requiring a registration of the qualified voters of the county, submitted to the qualified voters, to be voted upon at the next election.'

"Under the above Act, a Petition was filed in the County Court of Platte County, Missouri on January 21, 1960, the Petition bearing the signatures of more than fifteen per cent of the qualified voters of the county. The question which I raise is whether the proposition should be submitted at the forthcoming Primary election, or whether it should be submitted at the forthcoming General Election."

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House Bill No. 127, 70th General Assembly, which became effective August 29, 1959, may be found in Sections 114.010 to 114.240, inclusive, VAMS. That portion of House Bill No. 127, which you set out in your request, has been designated Section 114.010(1) and the answer to your inquiry depends upon the construction placed upon the use of the words "general election" and "next election" as found in said section.

Section 1.020, RSMo Cum. Supp., 1957, reads, in part, as follows:

"As used in the statutory laws of this state, unless otherwise specially provided or unless plainly repugnant to the intent of the legislature or to the context thereof:"

"(3) 'General election' means the election required to be held on the Tuesday succeeding the first Monday of November, biennially;"

In view of the definition contained in Section 1.020, supra, it can only be concluded that the words "general election," as used in Section 114.010(1), supra, refer to the election held every two years on the first Tuesday after the first Monday in November.

We have noted that the statute does not specify that the proposition shall be submitted at the next general election but, instead, it only requires that it be submitted at the next election. However, we believe that as the general election has been used as a basis for determining the cut-off date for presenting the petition to the county court, it becomes necessary to read the word "general" into the last part of paragraph 1 between the words "next" and "election." The general rule of statutory construction is that in the absence of express restriction, it may be assumed that a term is used throughout a statute in the same sense in which it is first defined. 50 Am. Jur. 255.

In view of the foregoing, it is our opinion that a proposition of county registration of voters under Chapter 114, VAMS, is to be submitted to the voters for a vote on such proposition at the next general election held more than thirty days after the petition is presented to the county court which, under the set of facts outlined in your request, would be the general election to be held in November, 1960. To hold that the Legislature actually meant for the proposition to be submitted at the next election, in time, held following the submission of the petition instead of at the next general election could conceivably lead

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to problems of major proportions. For example, it would be possible for a petition to be submitted to the county court one day before the primary election, which would be more than thirty days before the general election, and if it were held that the words "next election" means the next election in time, the court would be required to submit the proposition at the election held the day following presentation of the petition.

CONCLUSION

Therefore, it is the opinion of this department that a proposition for the adoption of county registration of voters under Chapter 114, V.A.M.S., is to be submitted to the voters for a vote on such proposition at the next general election occurring more than thirty days after the petition is presented to the county court.

The foregoing opinion, which I hereby approve, was prepared by my assistant, Calvin K. Hamilton.

Yours very truly,

John M. Dalton
Attorney General

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