

(Opinion request No. 375 answered by this letter.)

December 8, 1961



Honorable Roderic R. Ashby
Prosecuting Attorney
Mississippi County
Charleston, Missouri

Dear Mr. Ashby:

This is in response to your letter dated October 11, 1961, requesting an official opinion of this office. In your letter you state that Mississippi County has recently adopted Chapter 114, RSMo., as amended, requiring the registration of qualified voters for the county. You stated that the County Clerk of Mississippi County wanted to know if the county registration law applies to the special gas tax election set for March 6, 1962.

In a recent telephone conversation you had with this office, you stated that Mississippi County had adopted the county registration law prior to September 15, 1961. Therefore, there is no question as to whether the registration law is presently in effect in your county.

The only question is whether this law applies to the specific election to be held on March 6, 1962. The answer to this latter question, I believe, is to be found in Section 114.240, RSMo. Cum. Sup. 1961. In the 1959 revised statutes, the above section appears as follows:

"Nothing contained in this chapter
is construed so as to include elections

Honorable Roderic R. Ashby

-2-

other than primary and general elections."

The 71st General Assembly re-enacted this section (H. B. 649) to read as follows:

"This chapter shall not be construed to include elections other than state and county general, special and primary elections and municipal elections of all kinds in cities having more than four hundred thousand inhabitants." (Emphasis added.)

In light of the specific provision declaring Chapter 114 to apply to special elections the answer to your question is in the affirmative.

Yours truly,

THOMAS F. EAGLETON
Attorney General

EGB:usc