

Opinion request No. 97 answered
by letter (Denman)

April 3, 1963



Honorable William J. Cason
State Senator
Senate Post Office
Capitol Building
Jefferson City, Missouri

Dear Senator Cason:

This is in answer to your letter of February 8, 1963, requesting an opinion of this office as to whether the registration laws found in Chapter 114, RSMo, apply to township, city, school or other special elections, as well as primary and general elections.

Chapter 114 provides the method and procedure by which the county court of any county may adopt a law (or repeal it) requiring a registration of qualified voters within the county. Section 114.240, RSMo Cum. Supp., provides:

"Elections covered by law.--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."

By definition, the registration laws contained in Chapter 114 do not apply to municipal or city elections in cities of less than four hundred thousand inhabitants.

On March 26, 1953, in an opinion to the Hon. James J. Wheeler, Prosecuting Attorney of Chariton County, Keytesville, Missouri, this office held that absentee voting was

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not allowed at elections wherein only township officers are elected. Section 112.010, RSMo, provides for absentee ballots in "any special, general or primary election at which any presidential preference is indicated or any candidates are chosen or elected, for any congressional, state, district, county, town, city, village, precinct or judicial offices or at which questions of public policy are submitted, * * *." Under the doctrine of "expressio unius est exclusio alterius," which means that the express mention of one thing, person or place implies the exclusion of another, this office held Section 112.010 did not authorize the use of absentee ballots in township elections. A copy of this opinion is attached hereto.

However, any special election which requires statewide or countywide participation would be a state or county special election, and voters therein must be registered as required by Chapter 114.

For the same reason, it is our opinion that the coverage of Chapter 114 is limited by Section 114.240 to state and county elections, and does not include township or school elections.

Very truly yours,

THOMAS F. EAGLETON
Attorney General

JHD:sr

Enclosure