

ELECTIONS:
VOTER REGISTRATION:
RECORDS:
COUNTY CLERKS:

Voter registration records consisting of pink, blue and white copies of registration sheets required to be kept by the county clerk pursuant to Sections 114.130 and 114.140, RSMo, shall be available for public inspection.

February 16, 1966

OPINION NO. 144

Honorable Norbert J. Jasper
State Representative
Franklin County
Washington, Missouri



Dear Representative Jasper:

This opinion is in answer to your request for an opinion of this office on the question whether the county clerk is permitted to allow the interested public to examine the pink and blue copies of registration sheets mentioned in Sections 114.130 and 114.140 RSMo. Chapter 114 RSMo provides for registration of voters in counties voting to adopt the provisions of such chapter relating to voter registration.

Section 114.130 provides that each person who registers to vote shall sign three sheets or cards, one tinted pink, one blue and one white, containing certain information. Section 114.140 RSMo reads:

"Within twenty days after the last day of the first general registration provided for in this chapter, the county clerk shall arrange alphabetically the pink and blue affidavits of registration into permanent binders, one binder with pink sheets and one binder with blue sheets for each precinct. The white sheets shall be arranged alphabetically in a separate binder, without regard to precinct. The sheets shall be enclosed in a loose-leaf system, with a substantial, strong binding, and each book shall have a lock on the binder so that the sheets cannot be removed without unlocking the binder. The county clerk shall be the custodian of the registration records, and no sheets or records shall be removed or transferred from the binders except under his direction and supervision. The registration records with pink sheets shall be securely kept by the county clerk in his vault, except when given to the appointed election judges for use at elections. The registration books with blue sheets

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shall be securely kept by the clerk in his vault and never permitted to leave his custody, except where given to an election judge to be used at the polls in the event that the pink records are lost or are not available for use at the polls on any election day. The record with white sheets, which shall be known as the 'master record', shall be kept by the county clerk in his vault at all times and shall be open to inspection of the public. All three records shall be continuously revised and kept up to date. The county clerk, on the day before any primary or general election for which registration is made, shall deliver to the judges of election, appointed under and by virtue of the general laws of election, proper registration records for their respective precincts and shall take a receipt from the judge to whom the same may be delivered and keep the receipt on file until the records are returned. All affidavits required by this chapter shall be preserved by the county clerk until canceled as a part of the registration records to which they relate."

Section 109.180, RSMo, Cum. Supp. 1965, states:

"Except as otherwise provided by law, all state, county and municipal records kept pursuant to statute or ordinance shall at all reasonable times be open for a personal inspection by any citizen of Missouri, and those in charge of the records shall not refuse the privilege to any citizen. Any official who violates the provisions of this section shall be subject to removal or impeachment and in addition shall be deemed guilty of a misdemeanor and upon conviction shall be punished by a fine not exceeding one hundred dollars, or by confinement in the county jail not exceeding ninety days, or by both the fine and the confinement."

Section 109.190, RSMo, Cum. Supp. 1965, provides:

"In all cases where the public or any person interested has a right to inspect or take extracts or make copies from any public records, instruments or documents, any person has the right of access to the records, documents or instruments for the purpose of making photographs of them while in the possession, custody and control of the lawful custodian thereof or his authorized deputy. The work shall be done under the supervision of the lawful custodian of the

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records who may adopt and enforce reasonable rules governing the work. The work shall, where possible, be done in the room where the records, documents or instruments are by law kept, but if that is impossible or impracticable, the work shall be done in another room or place as nearly adjacent to the place of custody as possible to be determined by the custodian of the records. While the work authorized herein is in progress, the lawful custodian of the records may charge the person desiring to make the photographs a reasonable rate for his services or for the services of a deputy to supervise the work and for the use of the room or place where the work is done."

Pursuant to Sections 109.180 and 109.190 supra, the records herein involved would be open for public inspection and copying unless it is "otherwise provided by law". This means that unless public inspection is prohibited as to the registration records made and kept pursuant to Sections 114.130 and 114.140 supra, that such records are required to be available to public inspection.

The provisions in Section 114.140 regarding the storage and use of these records cannot be construed to prohibit public inspection thereof. The section provides that all three records, that is, the books containing pink, blue and white sheets respectively shall be kept in the county clerk's vault. Exception is made for pink and blue sheets when they are given to election judges for use at elections. With respect to the white sheets, the section provides that they "shall be kept by the county clerk in his vault at all times and shall be open to inspection of the public." Thus, the requirement that the records be kept in the county clerk's vault is not inconsistent with making them available for public inspection.

The only language in Section 114.130 supra, which could be interpreted as in any way restricting the right of the public to inspect the registration records is precisely the above mentioned language concerning the requirement of keeping the records in the county clerk's vault. Since this language does not affect the right of the public to inspect records generally, conferred by Sections 109.180 and 109.190 supra, and since there is no other language in connection with these registration records which could be construed as limiting or destroying that right, it is concluded that such records must be made available for public inspection.

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CONCLUSION

It is therefore the opinion of this office that voter registration records consisting of pink, blue and white copies of registration sheets required to be kept by the county clerk pursuant to Sections 114.130 and 114.140, RSMo, shall be available for public inspection and copying.

The foregoing opinion, which I hereby approve, was prepared by my Assistant, Mr. Donald L. Randolph.

Very truly yours,


NORMAN H. ANDERSON
Attorney General