

March 30, 1967



Honorable William R. Royster
State Representative
House Post Office
Capitol Building
Jefferson City, Missouri

Dear Representative Royster:

On March 2, 1967, you submitted an opinion request as follows:

- "1. Can a person convicted of a felony vote in Missouri in general, and Jackson County specifically?
- "2. If a person has voted who has a felony conviction in his record, what is the penalty?
- "3. If a person has falsely stated, in his application to vote, that he has no felony conviction, what is the penalty?
- "4. Does a parole or a pardon have any effect on the above three questions?"

We are enclosing herewith opinions issued by this office, one dated January 25, 1951, to Honorable John W. Oliver, Chairman of the Board of Election Commissioners, Kansas City, Missouri; another opinion dated June 8, 1954, to Honorable Donald W. Bunker, Executive Secretary, Board of Probation and Parole; a letter dated September 30, 1963, to Mr. W. S. Morris, Chairman of the Board of Election Commissioners, Kansas City, Missouri, and an opinion dated December 6, 1966, to the Board of Election Commissioners, Kansas City, Missouri. We believe the answers to your questions numbered one and four may be found in these opinions.

Honorable William R. Royster

In answer to your second question as to the penalty for a person who votes with a felony conviction, Section 129.470, RSMo, provides in part that any person who shall vote at any election held in pursuance of the laws of this state, or of any city or municipality, knowing that he is not qualified to vote and not entitled to vote, shall be deemed guilty of a felony and upon conviction he shall be punished by imprisonment in the penitentiary not exceeding five years or in a county jail not exceeding one year or by a fine not less than fifty dollars or by both such fine and imprisonment.

In regard to the third question you submitted as to the penalty for a person falsely stating in his application to vote that he has no felony conviction, Section 117.560, RSMo, requires a voter to sign a "VOTERS IDENTIFICATION CERTIFICATE" in which he certifies that he is qualified to vote in that particular election, but this section does not require the voter to be sworn under oath. Section 117.570, RSMo, provides that if the voter is challenged, one of the judges of the election shall administer an oath or affirmation to the voter to answer questions as to his qualifications to vote. Section 117.860, RSMo, provides that any person convicted of feloniously, willfully and corruptly swearing or affirming in taking the oath or affirmation prescribed in such examination shall be guilty of perjury and punished according to the laws of this state for perjury. These statutes apply to the conduct of elections in Kansas City, Missouri. Section 557.020, RSMo, which deals with the punishment assessed for perjury provides in part that any person who shall be convicted of willful and corrupt perjury in any case wherein the punishment is not prescribed by law shall be punished by imprisonment in the penitentiary for a term not exceeding seven years.

We believe this answers the questions you have submitted.

Yours very truly,

NORMAN H. ANDERSON
Attorney General

Enclosures:

Opinion, 1-25-51, to John W. Oliver;
Opinion, 6-8-54, to Donald W. Bunker;
Opinion, 12-6-66, to Bd. of Election Commissioners;
Letter, 9-30-63, to W. S. Morris.