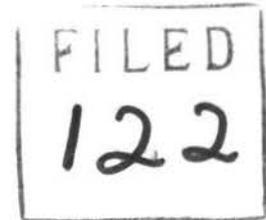


June 13, 1969

OPINION LETTER NO. 122
Answer by letter-Nowotny

Honorable James E. Godfrey
Speaker, House of Representatives
Room 308, State Capitol Building
Jefferson City, Missouri 65101



Dear Mr. Speaker:

This is in reply to your request for an official opinion of this office in which you ask the meaning of "qualified voters" as used in Section 120.180, RSMo 1959.

Section 120.180 provides for nominating petitions for independent candidates and reads as follows:

"Nominations of independent candidates (not candidates of any political party) for any office to be filled by the voters of the state at large may also be made by nomination petitions signed in the aggregate for each candidate by a number of qualified voters in each of the several congressional districts which shall equal one percent of the total number of votes cast in such district for governor at the next preceding gubernatorial election, or by a number of qualified voters in each of one-half of the several congressional districts which shall equal two percent of the total number of votes cast in such district for governor at the next preceding gubernatorial election. Nominations for independent candidates for public office within any district or political subdivision less than the state,

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may be made by nomination petitions signed in the aggregate, for each candidate by qualified voters of the district or political subdivision, equaling not less than two percent of the number of persons who voted at the next preceding general election in such district or political subdivision in which the district or political subdivision voted as a unit for the election of officers to serve its respective territorial area. Each voter signing a nominating petition shall add to his signature his place of residence, and each voter may subscribe to one nomination for any office to be filled, and no more."

Although Section 120.180 does not define "qualified voters," the section does refer to the elections for which the "qualified voters" cast their ballots. The general requirements enacted by the legislature for voting in general elections is Section 111.060, RSMo 1959, which section implements the constitutional qualifications of voters found in Section 2, Article VIII, Constitution of Missouri. Section 111.060 reads as follows:

"All citizens of the United States, including residents of soldiers' and sailors' homes, over the age of twenty-one years who have resided in this state one year, and the county, city or town sixty days immediately preceding the election at which they offer to vote, and no other person shall be entitled to vote at all elections by the people. Each voter shall vote only in the township in which he resides, or if in a town or city, then in the election district therein in which he resides. No idiot, insane person and no person while kept in any poorhouse at public expense or while confined in any public prison shall be entitled to vote at any election under the laws of this state; nor shall any person convicted of a felony, or of a misdemeanor connected with the exercise of the right of suffrage, be permitted to vote at any election unless he shall have been granted a full pardon; and after a second conviction of felony or of a misdemeanor connected with the exercise of the right of suffrage, he shall be forever excluded from voting."

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In addition to the general statutory requirements, the Missouri Supreme Court has held that where registration is required a person must be registered to be a qualified voter. State ex rel. Woodson v. Brassfield, 67 Mo. 331, 336. Therefore, "qualified voters" as meant by Section 120.180 are those persons who are registered where registration is required and meet the general statutory requirements of voters.

Yours very truly,

JOHN C. DANFORTH
Attorney General