

ELECTIONS:
REGISTRATION:

1. When Henry County, by a vote of the people, adopted the provisions of Chapter 114, RSMo for voter registration, voter registration applied to the City of Clinton in all state and county primary, special and general elections. 2. The City of Clinton, Henry County, Missouri may adopt voter registration for all municipal elections in the manner as provided for in Section 114.047, RSMo, and it would be the duty of the county clerk to furnish the proper registration records to the city election officials.

OPINION NO. 408

December 8, 1970

Honorable Gus Salley
State Representative
One Hundred Sixteenth District
P. O. Box 247
Warsaw, Missouri 65359



Dear Representative Salley:

This is in response to your request for an opinion from this office as follows:

"A few years ago Henry County voted registration of all voting citizens. It was the feeling of the citizens of Clinton that the city would be included at this time. However, the powers of the city said that the city of Clinton was not included in this, and would have to be voted, or the council would have to so declare that voter registration be accepted for the citizens of Clinton.

"I would like the following questions answered:

"1. Can the city through petition of the people hold an election to vote voter registration in a third class city with an inhabitation of 7500 people?

"2. Is it within the power of said council of the city to require voter registration?

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"3. If the city were to secure voter registration could the city ask the county to furnish them with the registered voters of the city?"

Clinton is located in Henry County, Missouri, a third class county. According to the 1960 Decennial Census, Clinton had a population of 6,925. We have been informed, and assume it to be a fact that Henry County voted to adopt voter registration in 1962.

Chapter 114, RSMo 1969, provides for local option county voter registration and was first enacted in 1959.

Section 114.040, RSMo 1969 provides:

"1. There shall be a registration of all qualified voters in all counties adopting this chapter beginning on the fifteenth day of September next following the date upon which this chapter is adopted, and the registration of voters shall be governed by the provisions of this chapter, except this chapter does not apply where:

"(1) A city in the county has ten thousand or more inhabitants and already has a system of registration under chapter 116 or 118, RSMo, but applies only to the parts of the county as lie outside the corporate limits of the city; nor

"(2) A county has more than two hundred thousand inhabitants and already has a system of registration under chapter 113, RSMo; nor

"(3) A county contains a city or part of a city of more than four hundred thousand inhabitants and already has a system of registration under chapter 119, RSMo.

"2. The general registration of electors qualified to vote in any county shall be held as provided in this chapter, and after so registering a qualified voter in the county is not required to register again, unless obliged to do so by the terms of

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this chapter. The registration of the elector may be changed, canceled or transferred only as provided in this chapter."

Under this statute, Henry County had authority to adopt voter registration in 1962. When it voted to adopt voter registration, the registration of voters applied to all voters in the county except in cities of 10,000 or more inhabitants, which already had voter registration. Since Clinton did not have 10,000 or more inhabitants in 1962, when Henry County adopted voter registration, voter registration applied to the City of Clinton in all state and county primary, special and general elections as stated in Section 114.240, RSMo.

It is our view that under the facts submitted, the City of Clinton was included when voter registration was adopted in Henry County in 1962 in state and county primary, special, and general elections.

We believe the answer to your questions whether the city council of the City of Clinton has authority to require voter registration is found in Section 114.047, RSMo 1969, which provides as follows:

"1. Any incorporated city, town or village wholly within any county which has adopted this chapter may, by ordinance duly passed by its legislative body, adopt this chapter and make the provisions thereof applicable to municipal elections held within the city, town or village. No ordinance adopting this chapter shall become effective until after the expiration of thirty days from the time of its final passage. If during the thirty-day period a petition signed by a number of qualified voters of the city, town or village at least equal to five percent of the population of the city, town or village, as determined by the last preceding federal decennial census or by a subsequent official census conducted pursuant to the laws of this state, protesting the passage of the ordinance is presented to the legislative body, that body shall submit the ordinance to a vote of the qualified voters of the city, town or village either at the next general election or at a special election to be called for the purpose and the ordinance shall not become effective unless a majority of the

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qualified voters voting on the proposition vote in favor thereof. At least ten days' notice of the special election shall be given in the manner that the legislative body of the city, town or village directs. While the ordinance is in effect no person shall be permitted to vote in any municipal election held within the city, town or village unless he is registered in the manner provided in this chapter.

"2. No election precinct established in the city, town or village under the provisions of this chapter shall embrace territory outside of the corporate limits of the city, town or village. The officials who now conduct elections in the city, town or village shall continue to do so after the adoption of this chapter until otherwise provided by law, and the county clerk on the day before any municipal election is to be held in the city, town or village shall deliver the proper registration records to the appropriate election officials.

"3. An ordinance adopting this chapter may be repealed in the manner provided in this section for its enactment.

"4. All laws relating to the conduct of elections in the cities, towns and villages which adopt this chapter shall remain in full force and effect insofar as they do not conflict with the provisions of this chapter."

It is our opinion that the City of Clinton, Henry County, Missouri may adopt voter registration for all municipal elections in the manner and as provided in the above section and the county clerk would be required to furnish the proper registration records to the city election officials.

CONCLUSION

It is the opinion of this office that:

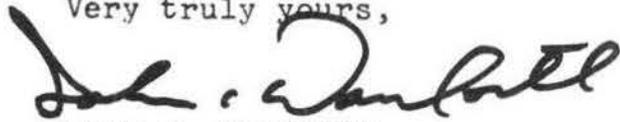
1. When Henry County, by a vote of the people, adopted the provisions of Chapter 114, RSMo for voter registration, voter registration applied to the City of Clinton in all state and county primary, special and general elections.

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2. The City of Clinton, Henry County, Missouri may adopt voter registration for all municipal elections in the manner as provided for in Section 114.047, RSMo and it would be the duty of the county clerk to furnish the proper registration records to the city election officials.

The foregoing opinion, which I hereby approve, was prepared by my Assistant, Moody Mansur.

Very truly yours,

A handwritten signature in black ink, appearing to read "John C. Danforth". The signature is written in a cursive style with a large initial "J" and a long, sweeping underline.

JOHN C. DANFORTH
Attorney General