

Answer by letter-Romines

August 7, 1970

OPINION LETTER NO. 409



Honorable Arthur T. Stephenson
Prosecuting Attorney
Pemiscot County Court House
Caruthersville, Missouri 63830

Dear Mr. Stephenson:

This letter is in response to your request for an opinion of this office concerning the registration of eighteen, nineteen and twenty year old individuals to vote under the Voting Rights Act of 1970. In your question you asked whether the county clerk is ". . . now to allow eighteen, nineteen, and twenty year olds to register, and are they now qualified to vote in all elections."

Apparently, the county clerk of Pemiscot County is concerned as to whether the passage of the Civil Rights Act of 1970 dictates that he register, and allow to vote in all elections in 1970 those individuals eighteen but not yet twenty-one.

The substantive provisions of Title III of the Voting Rights Act Amendments of 1970 are as follows:

"'Sec. 301.(a) The Congress finds and declares that the imposition and application of the requirement that a citizen be twenty-one years of age as a precondition to voting in any primary or in any elections--

"'(1) denies and abridges the inherent constitutional rights of citizens eighteen years of age but not yet twenty-one years of age to vote--a particularly unfair treatment of such citizens in view of the national defense responsibilities imposed upon such citizens;

Honorable Arthur T. Stephenson

"(2) has the effect of denying to citizens of eighteen years of age but not yet twenty-one years of age the due process and equal protection of the laws that are guaranteed to them under the fourteenth amendment of the Constitution; and

"(3) does not bear a reasonable relationship to any compelling State interest.

"(b) In order to secure the constitutional rights set forth in subsection (a), the Congress declares that it is necessary to prohibit the denial of the right to vote to citizens of the United States eighteen years of age or over.

"Prohibition

"Sec. 302. Except as required by the Constitution, no citizen of the United States who is otherwise qualified to vote in any state or political subdivision in any primary or in any election shall be denied the right to vote in any such primary or election on account of age if such citizen is eighteen years of age or older. . . ."

As is obvious from the foregoing, the intent of the Congress is to allow all those individuals who are otherwise qualified and are over eighteen to be allowed to vote. This Act, however, does not in fact become effective until the 1st of January, 1971, as per Section 305 which states:

"Sec. 305. The provisions of title III shall take effect with respect to any primary or election held on or after January 1, 1971."

Thus, it is a conclusion of this office from the foregoing, that those persons eighteen but not yet twenty-one have not been given the right to vote in any primary or other election of the State of Missouri in the year 1970, and as such the county clerk of Pemiscot County does not have to register those persons eighteen but not yet twenty-one to vote in any elections for 1970.

Yours very truly,

JOHN C. DANFORTH
Attorney General