



OFFICES OF THE
ATTORNEY GENERAL OF MISSOURI
JEFFERSON CITY

JOHN C. DANFORTH
ATTORNEY GENERAL

September 24, 1975

OPINION LETTER NO. 199

Mr. C. E. Hamilton, Jr.
Prosecuting Attorney
Callaway County, Court House
Fulton, Missouri 65251

Dear Mr. Hamilton:

This letter is in response to your question asking:

"The question of law upon which we are requesting an Attorney General's opinion involves an interpretation of Chapter 114 RSMo 1969 concerning voter registration. When a registered voter resides in an area of the county which is annexed by a city subsequent to his registration, who has the responsibility to change his voting precinct on the voter registration book? Does this responsibility fall to the County Clerk, the City, or to the individual voter himself?"

You also state that:

"A voter resides in one of the rural precincts of Callaway County, Missouri. He properly registers to vote in Callaway County as a voter in that rural precinct. Subsequent to his registration, the City of Fulton annexes the area in which he lives. He continues to live in the same house but is now inside the City of Fulton and is in a Fulton city ward, rather than the rural precinct. The voter does not contact the County Clerk's office

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and on the registration books he is shown as a resident of a rural precinct. This voter then desires to vote in a City election. He is turned down at the polls because he is listed on the registration books as a resident of a rural district. When an area is annexed by a City, who has the responsibility for the change to be made on the registration books? Does the City have the responsibility to notify the County Clerk, does the County Clerk have the responsibility to change each person in an annexed area, or does the individual voter have the responsibility for notifying the County Clerk's office?"

Under § 114.021, RSMo Supp. 1973, the county clerk is the ex officio registration officer of the county. Under § 114.016, RSMo Supp. 1973, the voter, having once registered, is not required to register again. Under § 114.116, RSMo Supp. 1973, election precincts for that part of the county within any city, town or village, are set by the governing body of the city.

While we find no statutory provisions which directly answer your question, it is our view that the legislature intended that it is the duty of the city clerk to notify the county clerk of the new ward and precinct lines. It is also our view that it is the duty of the city clerk to ascertain which voters are to be included in the new ward or precinct lines when there is a change of boundaries because of annexation and to provide the county clerk with the names of such voters.

Very truly yours,



JOHN C. DANFORTH
Attorney General