ELECTIONS: CITIES: When registrars are elected in cities of
                       10,000 to 30,000 population.

                                          10-14

                                          FILED
                                          16

                    October 10, 1936.

Hon. Richard Chamier,
Prosecuting Attorney,
Randolph County,
Moberly, Missouri.

Dear Mr. Chamier:

        We are in receipt of your inquiry of October 6,
1936, wherein you state as follows:

            "Several persons were elected Registrars
            in the general election of 1934. In the
            primary election of 1936 other persons
            ran for the office of Registrar in the
            same ward where the office was held by
            persons running for the same in 1934. The
            persons running in 1936 claim the inten-
            tion of the law was to create two Registrars
            in each ward, the same being elected in
            alternate even years.

            "We would appreciate your immediate advice
            regarding the number of Registrars and the
            right of persons nominated for that office
            in 1936 to have their name upon the ballot."

        Section 10543, R. S. Mo. 1929, is the only provision
we find prior to the 1933 Session Acts dealing with the elec-
tion of a registrar of elections, and it applies only to
"cities of this state which now contain or may hereafter con-
tain 25,000 inhabitants and less than 100,000 inhabitants."
We understand that Moberly has a population of between
10,000 and 25,000 inhabitants.

        In 1933 the Legislature repealed Article 16 of
Chapter 61, R. S. Mo. 1929, and enacted a new law in lieu
thereof - Laws of Missouri, 1933, p. 239.

Section 5 thereof, in part, states as follows:

> "In all cities of this state which now
> contain or may hereafter contain 10,000
> inhabitants and less than 30,000 inhabitants,
> at each general election for State officers,
> there shall be elected, in each election
> district or ward of such cities, by the
> qualified voters of such election district
> or ward, one registrar of election, * * *
> and who shall hold office for four years
> and until his successor is elected and
> qualified."

Section 30 thereof provides that in all cities and towns

> "now having a board of registration, in
> which the registration of voters has been
> had in accordance to law, the board of
> registrars duly elected at the election of
> November, 1932, shall constitute the board
> of registrars for said city under the
> provisions of this article as rewritten
> until the general election 1934."

It does not appear that there was authority for a board
of registration prior to the passage of this law as to cities
containing a population of less than 25,000 and more than 10,000,
and if so, Section 30, supra, has no application to the question
at hand.

The question here presented is, what is the meaning, as
used by the Legislature in the 1933 enactment, of the words "at
each general election for state officers."

It seems plain that Section 5 provides for the election
by the qualified voters of each election district or ward of one
registrar, and also that he shall hold office for four years and
until his successor is elected and qualified.

Section 1 of Article V of the Missouri Constitution states:

> "The executive department shall consist
> of a Governor, Lieutenant-Governor,
> Secretary of State, State Auditor, State
> Treasurer, Attorney-General and Superin-
> tendent of Public Schools, * * *."

Section 2 of Article V of the Missouri Constitution provides:

> "The term of office of the Governor,
> Lieutenant-Governor, Secretary of State,
> State Auditor, State Treasurer, Attorney-
> General and Superintendent of Public
> Schools shall be four years from the second
> Monday of January next after their elec-
> tion, * * *.   At the general election to
> be held in the year one thousand eight
> hundred and seventy-six, and every four
> years thereafter, all of such officers,
> except the Superintendent of Public Schools,
> shall be elected, and the Superintendent
> of Public Schools shall be elected at the
> general election in the year one thousand
> eight hundred and seventy-eight, and every
> four years thereafter."

Section 8 of Article VI of the Missouri Constitution provides that in filling the office of judges of the Supreme Court,

> "as their terms expire, one judge shall
> be elected at the general election in
> eighteen hundred and seventy-six, and one
> every two years thereafter."

Section 10166 of Article 1, Chapter 61, R. S. Mo. 1929, dealing with elections, of which chapter the registration laws are a part, states:

> "On the first Tuesday after the first Monday
> in November, in the year 1880, and every four
> years thereafter, there shall be an election
> held in each township in this state, and in
> each ward of the city of St. Louis, for the
> election of governor, lieutenant-governor,
> secretary of state, state auditor, state
> treasurer and attorney-general, who shall
> hold their offices for the term of four
> years after the second Monday in January next
> after their election, and until their successors
> are elected and qualified."

Thus it will be observed that in 1876, and every four years thereafter, the law provides for an election at which most of the

elective officers are chosen, but it also provides that the superintendent of public schools shall be elected in 1878 and every four years thereafter, and a judge of the Supreme Court is elected every two years.

The meaning of a particular part of a statute is often determined by the whole law, and construed in the light of the other provisions of the law, is different from what it would be if construed as an isolated statement. If the matter here considered were but an isolated statement, it would appear that the term "at each general election for state officers" would be every two years because state officers of one kind or another are elected every two years in Missouri. However, we incline to the belief that in arriving at the meaning of this term "at each general election for state officers", there should be considered not merely the bald definition of those words standing alone and disassociated from the context of the law, but they should be construed with reference to the whole enactment and to the law with reference to elections as it appeared at that time on the statute books.

So construing it, we find that Section 10166, supra, contemplates the general election to be once every four years for the election of the major portion of the officials of the state, and it provides that they shall hold their offices for the term of four years after the second Monday in January next after their election, and until their successors are elected and qualified, and that the election at which they are elected shall be held in November in the year 1880 and every four years thereafter.

Further, Section 5 of the 1933 Session Acts, p. 241, provides that "one registrar of election" shall be elected, and that he shall "hold office for four years and until his successor is elected and qualified." It next thereafter provides, "Said registrar shall," etc. It thereafter provides that all vacancies occurring in the office of "registrar" shall be filled in a certain way.

It will be noted that the singular instead of the plural is used in each of the above instances, but later in the section, speaking of the appointment for each of the election districts or wards of the cities, the law uses the plural "registrars." If the Legislature meant that there should be a registrar elected every two years, it is difficult for us to understand why they used the term in the singular with reference to the registrar as to all parts of the section except where speaking of all of the registrars of all of the districts or wards of the cities and used the plural there.

It appears to us that the fair and reasonable meaning of this provision, construed in the light of the context, is that there should be elected one registrar of election in such election district or ward of said cities at the general election in 1934, and that he shall hold his office until 1938, or four years thereafter, and until his successor is elected and qualified, and that absent a vacancy by resignation, death, etc., there is no occasion for the election of a registrar in the year 1936, and that no name should appear upon the ballot as such candidate.

Yours very truly,

DRAKE WATSON,
Assistant Attorney General.

APPROVED:

J. E. TAYLOR,
(Acting) Attorney General.

DW:HR