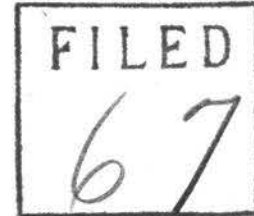


ELECTIONS: Persons must be registered to vote in annual school election in City of St. Charles, Missouri.

April 7, 1943.

4-21



Hon. Robert V. Niedner  
Prosecuting Attorney  
St. Charles County  
St. Charles, Missouri

Dear Mr. Niedner:

The Attorney-General wishes to acknowledge receipt of your letter of April 6, 1943, in which you request an opinion of this office. Due to the length of the letter we will not set out your request in full but will merely state the question which you have asked in such request. The matter to be considered is,

Whether or not persons living within the city limits of the city of St. Charles, Missouri, shall be permitted to vote if they have not registered in such city.

The population of the city of St. Charles at the last Census was 10,803 persons, and it therefore will come under the provisions of Article 19, Chapter 76, R. S. Mo. 1939, entitled "Registration and Election in Cities of 10,000 and less than 30,000 Inhabitants." In such article Section 11937 provides as to what persons shall be eligible to be registered, in cities such as St. Charles, for the purpose of voting, and further provides that a voter shall not vote elsewhere than in the election precinct where his name is registered. The provisions of this section would imply that unless a person is registered he shall not be allowed to vote in any election " \* \* for all officers, state or municipal, made elective by the people, or at any other election or primary held in pursuance of the laws of the State; \* \*"

It is also provided in the aforesaid article, in Section 11956, that "All elections in such cities shall be conducted in all respects as provided in this article and subject to all the provisions of Chapter 76, Revised Statutes of the state of Missouri, 1939, entitled, 'elections,' so far as the same do not conflict with this article."

Section 10483, which is found in Chapter 72, R. S. Mo. 1939, relating to "Schools," provides for an election in any town, city or consolidated school district, and provides in part as follows:

"\* \* said judges and clerks shall be sworn and the election otherwise conducted in the same manner as the elections for state and county officers \* \*"

As can be seen from the provision above, in those school districts located in cities and towns, and also in consolidated districts, as set out in Article 5, Chapter 72 of the Revised Statutes of Missouri for 1939, the school elections held annually shall be conducted in the same manner as the elections for state and county officers.

In view of the fact that in elections for state and county officers and all other elections to be held in the city of St. Charles, it becomes necessary by the statutes of the state that any person desiring to vote shall be registered in the manner provided for by the provisions cited above, and then may only vote in that district in which he is registered, it necessarily follows that in the annual school elections which are held in the city of St. Charles that in order for a person to vote it becomes necessary that he be registered, since the annual school elections in such city shall be conducted in the same manner as elections for county and state officers.

#### Conclusion

Therefore, it is the opinion of this Department that in order for a person to cast his ballot in the annual school election in St. Charles, Missouri, that it is necessary that

Hon. Robert V. Niedner

-3-

April 7, 1943

he be registered as provided by the registration laws relating to cities having a population of not less than 10,000 people nor more than 30,000 people.

Respectfully submitted,

JOHN S. PHILLIPS  
Assistant Attorney-General

APPROVED:

---

ROY MCKITTRICK  
Attorney-General

JSP:EG