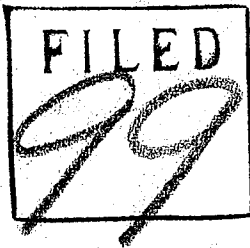


VOTER REGISTRATION: Persons who are registered prior to July 1, 1955, in cities covered by Senate Bill No. 297 are not obliged to reregister by Section 116.040, RSMo 1949.



August 3, 1955

Honorable Scott O. Wright
Prosecuting Attorney
Boone County
Columbia, Missouri

Dear Sir:

Your request for an opinion reads as follows:

"This office would be very grateful to you if you would render us an opinion on the following question:

"Under Senate Bill No. 297, do persons who were registered prior to July 1, 1955, in cities covered by this Bill have to re-register in accordance with Section 116.040, R.S. Mo. 1949, if they were registered prior to July 1, 1955, under Section 115.070, R.S. Mo. 1949, which section has been repealed by Senate Bill No. 297?"

Senate Bill No. 297, which was passed by both Houses of the General Assembly and signed by the Governor on June 29, 1955, will go into effect on the 29th of August, 1955. The provisions of this bill are as follows:

"Section 1. Sections 114.010 to 114.270, being all of chapter 114, sections 115.010 to 115.180, being all of chapter 115, and section 116.010, RSMo 1949, are repealed and one new section enacted in lieu thereof, to be known as section 116.010, to read as follows:

"116.010. There shall be a registration of qualified voters under the provisions of this chapter in every city containing at least ten thousand inhabitants located in any county not having a provision for registration of voters. The registration shall

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be held at the office of the county clerk except in cities in which the county clerk has no office where the registration shall be held in the office of the city clerk who shall be furnished with the necessary supplies. The registration shall be held within the hours of eight-thirty a.m. and five p.m. After so registering, a qualified voter shall not be required to register again unless obliged to do so by the terms of this chapter. The registration of any voter may be changed, canceled or transferred only as provided in this chapter. No voter who has registered in any city prior to July 1, 1955, shall be required to register under this section unless obliged to do so by other sections."

The first sentence of this bill would seem to provide that in every city of over ten thousand, not having provision for registration of voters, there would have to be a registration of qualified voters according to other sections of Chapter 116, RSMo 1949, Cum. Supp. 1953, whether such persons had registered before or not; but the last sentence of this bill clearly refutes this idea and states that no voter who has registered in any city prior to July 1, 1955, shall be required to register under this section, unless obliged to do so by other sections of this Chapter (being Chapter 116).

Your question is whether Section 116.040, RSMo 1949, comes within the phrase "unless obliged to do so by other sections of this chapter."

Section 116.040 reads as follows:

"1. Each person who shall offer to register under this chapter shall appear at the office of the county clerk within the time and hours herein stated. Such persons shall answer truthfully all questions as to identity, residence and qualifications called for by the registration records required by this chapter. There shall be provided by the county clerk three sheets or cards for the registration of each voter. Said cards or sheets shall be adapted for use in loose leaf or card registration binders. One of said sheets or cards

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provided for each voter shall be tinted pink, one blue and another white. Said cards or sheets shall contain the following information:

"Name
Address
Street and No.
Location of Resident's place of
birth
Color Sex Age
Occupation
Term of Residence
. State County
. Precinct
Naturalized - Court in which Naturalized -
Sworn (Yes or No)
Remarks;

Voter's Signature

.

"On each registration sheet, and below the elector's signature, shall be the following form, which shall be kept by the judges of election:

Election Date	Registration Number	Voted	Rejected	Remarks
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"At the time of registration, and after supplying the information called for on said registration records, each person shall write his full name on each of the three registration records and shall, at the same time, take the

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following oath, which shall be inscribed above his or her signature on each sheet, as follows:

AFFIDAVIT OF REGISTRATION

"The undersigned affiant, being duly sworn, says:

'I hereby swear (or affirm) that the statements made herein are true and that on or before the next ensuing primary or election I will be at least twenty-one years of age, and that I am or will be, on said date, a qualified elector in the city of _____.'

"2. If any applicant is unable to sign his name, the application for registration shall be written for him and the affidavit of registration shall include, under 'Remarks,' the date of birth, the height in feet and inches, color of eyes and any distinguishing marks. He shall then sign the application for registration and affidavit by making his mark in the usual manner."

Section 116.040, RSMo 1949, has to do only with method of registration of those required to register under Chapter 116. It does not obligate anywhere therein any person to register or reregister. Therefore, it is the opinion of this office that those persons living in cities covered by Senate Bill No. 297 and registered prior to July 1, 1955, under Section 115.070, RSMo 1949, which section was repealed by Senate Bill No. 297, are not obliged to reregister by Section 116.040, RSMo 1949.

Section 116.070, RSMo 1949, provides for the reregistering of persons if they change their name or address within the city, and Section 116.080, RSMo 1949, provides for the reinstatement of registration by voter who has not voted in the last two general elections. Those persons coming within these two sections are the persons meant to come within the phrase "unless obliged to do so by other sections of this chapter" contained in Senate Bill No. 297.

CONCLUSION

It is the opinion of this office that persons who are registered prior to July 1, 1955, in cities covered by Senate

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Bill No. 297 are not required to reregister by Section 116.040,
RSMo 1949.

The foregoing opinion, which I hereby approve, was prepared
by my Assistant, Harold L. Volkmer.

Yours very truly,

JOHN M. DALTON
Attorney General

HLV:ml