

ELECTIONS:
STATE REPRESENTATIVES:

A voter residing in that portion of Kansas City located in Clay County and who desires to vote in a special election to fill a vacancy in the office of state representative must comply with the city registration laws; precinct judges and clerks to be same in number as at general elections.



January 5, 1953

1/5/53

Honorable Robert G. Kirkland
Prosecuting Attorney of
Clay County
Liberty, Missouri

Dear Sir:

Reference is made to your recent request for an official opinion of this office regarding a special election to be held to fill a vacancy in the office of state representative created by the death of the incumbent who was reelected at the general election held in November 1952.

Your first inquiry is as follows:

"Is a candidate on the ballot duly and legally nominated if the only nomination he receives is that of the county central committee?"

In this regard, I am enclosing a copy of an opinion to Mr. David P. Plummer, Clerk of the County Court, Clinton County, November 16, 1950, discussing the question of the authority of political committees to nominate a candidate for public office to fill a vacancy created after the general election, which I believe is applicable to your question.

You next inquire whether registration is required in Ward 21 of Kansas City, which is located within the boundaries of Clay County, in connection with said election. Chapter 117, RSMo 1949, relates to registrations for elections in cities of 300,000 to 700,000, which would, of course, include the City of Kansas City.

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Section 117.020, RSMo 1949, provides that there shall be a registration of voters in cities which have three hundred thousand to seven hundred thousand inhabitants as follows:

"In all cities of this state now having or which hereafter may have three hundred thousand inhabitants and not over seven hundred thousand inhabitants, there shall be a registration of all qualified voters, and the registration of voters and the conduct of elections held in such cities shall be governed by the provisions of this chapter and be subject to the general election laws of this state, so far as the same are not inconsistent or in conflict herewith."

Section 117.010, sub-part 5, defines the word "election" as used in this chapter, to include a special election as follows:

"5. 'Election' shall mean any general, special, municipal or primary election, unless otherwise specified."

(Underscoring ours.)

Section 117.290, et seq., specifies the time and method of registration.

From the foregoing provisions, we are of the opinion that a voter residing in Ward 21 of the City of Kansas City, located in Clay County, would first have to comply with the registration requirements imposed by Chapter 117, RSMo 1949, in order to be eligible to vote in said election.

Your next inquiry is as follows:

"In connection with the procedure of holding the election, may voting precincts be consolidated and how many judges and clerks are required for each voting precinct?"

We are unable to find any provision in the statutes for consolidating the number of precincts for a special election for state representative and must therefore conclude that the county court or board of election commissioners, as the case may be, have no such authority. We are likewise unable to find any provision specifying the number of election judges and clerks to be used at such election and are of the opinion that the same number of judges and clerks would be appointed as are appointed at the regular elections.

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CONCLUSION

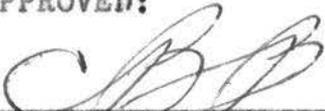
Therefore, it is the opinion of this office that in a special election held to fill a vacancy in the office of state representative, a voter residing in that portion of Kansas City located in Clay County, would have to comply with the registration laws governing such city in order to be entitled to vote in the election.

We are further of the opinion that in such election the same number of judges and clerks would be appointed as are appointed at the regular general elections.

Respectfully submitted,

D. D. GUFFEY
Assistant Attorney General

APPROVED:



J. E. TAYLOR
Attorney General

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encl.