

# Assessment on Non-Citizen Voting in Missouri

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***“Missouri law gives any city with a population over 400,000 the right to regulate its own elections. Thus, Kansas City, the only Missouri city with a population that high, may enact rules for its local elections that go beyond state voter qualifications.”***

— Joshua Douglas  
*The Right to Vote  
Under Local Law*

There are three places in Missouri law that define who can vote and who can decide who can vote. The Missouri Constitution and state statute defines the qualifications of voters, Missouri state statute confers the right to regulate elections to cities that are or have had a population of over 400,000 and the Missouri constitution confers any powers consistent with the constitution on any charter city.

### Qualifications of Voters

In Article 8 Section 2 the Missouri constitution defines the qualifications of voters as “All citizens of the United States, including occupants of soldiers’ and sailors’ homes, over the age of eighteen who are residents of this state and of the political subdivision in which they offer to vote” The only limitations offered are “no person who has a guardian of his or her estate or person by reason of mental incapacity, appointed by a court of competent jurisdiction and no person who is involuntarily confined in a mental institution pursuant to an adjudication of a court of competent jurisdiction shall be entitled to vote, and persons convicted of felony, or crime connected with the exercise of the right of suffrage may be excluded by law from voting.”

The Missouri State Statute 115.133 defines the qualifications of voters as “Except as provided in subsection 2 of this section, any citizen of the United States who is a resident of the state of Missouri and seventeen years and six months of age or older shall be entitled to register and to vote in any election which is held on or after his eighteenth birthday.” The only limitations are identified in subsection 2 as “No person shall be entitled to vote:

- (1) While confined under a sentence of imprisonment;
- (2) While on probation or parole after conviction of a felony, until finally discharged from such probation or parole; or
- (3) After conviction of a felony or misdemeanor connected with the right of suffrage.”

The Missouri constitution protects the rights of “All citizens of the United States” to vote unless they have a guardian, deemed incompetent or convicted of a crime connected with the right of suffrage. Missouri state statute defines the qualifications as “any citizen of the United States”. Both the Missouri constitution and the Missouri state statute protect the right of United State citizens to vote but neither limits the right to vote to only United States citizens.

### Municipal Elections

Missouri State Statute 122.650 reads: “Full power and authority are hereby conferred on every city in this state which now has, or may hereafter have, more than four hundred thousand inhabitants, to provide for and regulate all elections for offices of and under such city and for the nomination of candidates for such offices; and such provision for and regulation of such elections may be effected either by charter provisions therefor adopted by the people of such city according to law, or ordinances therefor duly enacted, or by the people thereof under the power of initiative, if any, reserved in the charter of such city.” This statute was put into place in 1939. In 1940 the population of St Louis City was 816,048. It has since declined. In the 2020 census the population of Kansas City was 508,090. This statute provides both St Louis City and Kansas City the full power and authority to provide for and regulate all local elections. As stated previously neither the Missouri Constitution nor Missouri state statute limits the right to vote to only United States citizens; thus there is nothing that will prevent St Louis City or Kansas City from allowing non-citizens to vote.

### Charter Cities and Home Rule

Missouri’s constitution in Articles 6 Section 19 states that “Any city having more than five

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thousand inhabitants or any other incorporated city as may be provided by law may frame and adopt a charter for its own government.”

Missouri’s constitution in Article 6 Section 19(a) “Any city which adopts or has adopted a charter for its own government, shall have all powers which the general assembly of the state of Missouri has authority to confer upon any city, provided such powers are consistent with the constitution of this state and are not limited or denied either by the charter so adopted or by statute. Such a city shall, in addition to its home rule powers, have all powers conferred by law.”

According to Missouri State Statute Title 9 Chapter 115 Section 15 “The county clerk shall be the election authority, except that in a city or county having a board of election commissioners, the board of election commissioners shall be the election authority.”

As of 2003 there were 36 Constitutional Charter Cities and 7 Special Charter Cities. Therefore, 43 cities in Missouri, have all of the powers which the general assembly of the state of Missouri confers upon them. They are only restrained by the constitution of the state. The constitution of the state of Missouri does not limit the right to vote to only United States citizens. There is nothing stopping these 43 cities from allowing non-citizens to vote in municipal and school board elections.

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