STATE BOARD OF ELECTION COMMISSIONERS: ELECTIONS: Production of receipt by voter does not entitle him to vote if his name is not on registration list. County clerk only person who can correct registration list.

November 4, 1944.

Hon. Edwin Steers, Sr., Member,
State Board of Election Commissioners,
108 East Washington Building,
Indianapolis, Indiana.

Dear Sir:

This will acknowledge receipt of your letter of November 3rd which reads as follows:

“In the past where a voter’s name is not found on the registration lists at the voting place in his precinct, it has been necessary in case an error has been made in leaving his name off of the list, that he be required to go to the office of the clerk of the circuit court of his county and procure a certificate to be presented to his precinct election board to the effect that he is a registered voter and has the right to vote before being permitted to vote.

“We would like to know whether or not this is still necessary or whether he can be permitted to vote upon the presentation of a registration card showing that he has been registered and by making an affidavit to the effect that he is a registered voter of the precinct.”

Section 29-301, Burns’ R. S. 1933, provides as follows:

“Hereafter it shall be unlawful for any person to vote at any general, primary, or city election held in this state unless such person is, at the time (of) such election or primary, a registered voter under the requirements of this act. (Acts 1933, ch. 178, sec. 1, p. 886.)”

Section 29-307, Burns’ R. S. 1933, provides in part as follows:

“* * * Any voter whose name appears on the registration books of the precinct of which he is a legal
resident, and who is otherwise qualified, shall be entitled to vote at any primary, general, or city election held thereafter, and \textit{any voter whose name does not appear on such registration books shall have no right to vote.} (Acts 1933, ch. 178, sec. 7, p. 886.)” (Our emphasis.)

Section 29-308, Burns' R. S. 1933, provides as follows:

“For the purpose of compiling the registration books of the several precincts, as provided herein, there shall be a registration of all voters in the state during the first registration period hereinbefore provided, and \textit{no person who is not so registered shall be permitted to vote at any primary or at the general, or city election next ensuing.} Thereafter, during each registration period, only those voters whose names do not appear on the registration books of the proper precinct in the county, as provided in this act, shall be required to register. (Acts 1933, ch. 178, sec. 8, p. 886.)” (Our emphasis.)

The clerk of the Circuit Court of each county has charge and control of the registration of voters within such county. Section 29-306, Burns' R. S. 1933, Pamphlet Part. The method of registration and transfer is provided for by the Act. Other sections provide a number of different ways in which a registration may be suspended or cancelled. See Section 29-314 and Sections 29-320 to 29-326, inclusive.

The original affidavits of registration constitute the official registration books. Section 29-316, Burns' R. S. 1933. By registration cards referred to in your letter I assume you mean the receipt which is referred to in Section 29-309, Burns' R. S. 1933, Pamphlet Part, which provides in part as follows:

“* * * Upon the completion of the registration of any voter there shall thereupon be issued and delivered to such registered voter a receipt printed on a form which shall set out the date of registration, the number of the voter's precinct and designation of ward, or township, the signature of the registrant and the signature of the registration officer before whom the registration was made, and such receipt shall bear a number corresponding to the distinguishing number on the
form of registration signed by the voter to whom such receipt is issued. (Acts 1933, ch. 178, sec. 9, p. 886; 1943, ch. 33, sec. 2, p. 67.)"

This receipt is not a part of the official registration books of the precincts under the sections above quoted. A registration may have been cancelled in any one of the many ways provided for by the Act and yet the person might still have his receipt. If one has transferred his registration under the provisions of Section 29-314, Burns' R. S. 1933, Pamphlet Part, then he might be registered in one precinct and yet have in his possession a receipt showing registration in another precinct or even in another county. If the person offering himself as a voter is not on the official registration books in the precinct where and when he offers to vote he can not vote at that place unless the omission of his name on the list in the precinct is an error and such error is properly corrected. This correction can only be made by the clerk of the Circuit Court who has charge and control of registration by his certificate under the seal of his office. The omission of such person’s name from the registration list in the precinct can not be supplied by the production of a receipt, the affidavit of the person seeking to vote, or both.

STATE SUPERINTENDENT OF PUBLIC INSTRUCTION:
SCHOOL TEACHERS: Experience in the armed forces may not be counted as teaching experience for qualification of teachers’ licenses or administrators’ licenses.

November 10, 1944.

Opinion No. 93

Hon. Clement T. Malan,
State Superintendent
of Public Instruction,
State House,
Indianapolis, Indiana.

Dear Sir:

Your letter concerning teachers serving in the armed forces requests an official opinion on the following questions:

"1. May experience in the Armed Forces be counted