

SPECIAL ELECTIONS: House Bill No. 514. Opinion as to supplies needed in special elections.

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July 11, 1933



Hon. Melvin Englehart  
Prosecuting Attorney  
Madison County  
Fredericktown, Missouri

Dear Sir:

This office acknowledges receipt of your letter of June 23, 1933, wherein you make request for an opinion which is as follows:

"The county clerk of this county has requested me to secure an opinion from your office in regard to the type of election supplies that will be needed for the special election to be called in August of this year, to vote on repeal of the Eighteenth Amendment of the National Constitution.

I would appreciate an immediate answer to this letter."

The Governor has issued no official proclamation calling for a special election setting up machinery for the ratification of the repeal of the 18th amendment in Missouri.

Section 2 of House Bill No. 514, known as the "Weeks Bill", is as follows:

"For the purpose of electing delegates to any convention to vote upon the ratification of any proposed amendment to the Constitution of the United States, the Governor is hereby authorized by proclamation to call a special election and fix the date of holding thereof, which shall not be held within ninety days of

the date of any primary or any general election in this state. For each such special election there shall be appointed by the county court two judges and two clerks who are in favor of the proposed amendment and two judges and two clerks who are opposed to the proposed amendment, who shall be qualified electors within their respective precinct. In all other respects, such special election in each precinct in this state shall be conducted under the provisions of the election laws of this state, insofar as such laws will apply and the judges and clerks of each such election shall be paid in the manner provided by law of paying the costs of special elections, and shall perform the duties required and be subject to the penalties imposed upon judges and clerks of elections under the election laws of this state."

We infer from this section that the general election laws shall control the special election insofar as there is no direct conflict.

Section 8 of House Bill No. 514, sets out the form of ballot to be used, and said section is as follows:

"The names of any candidates for delegates to any convention held under the provisions of this act shall not be printed on the ballot, but the proposed amendment shall be printed on the ballot, followed by:

(1) For the delegates favoring the pending amendment to the Constitution of the United States.

(2) For the delegates opposing the pending amendment to the Constitution of the United States.

(To vote for the delegates favoring the pending amendment to the Constitution of the United States draw a line through clause 2).

(To vote for the delegates opposing the pending amendment to the Constitution of the United States draw a line through clause 1.)

Section 13 of said house bill provides the manner of notices as follows:

"Notice of the proposed amendment and the time and place of electing delegates to any convention called under the provisions of this act to vote upon the ratification thereof, shall be published by the authority and in the manner provided by law for the publications of notices of amendments to the Constitution of the State of Missouri."

You will note that the publications of notices will be the same as provided by law relating to amendments to the Constitution of the State of Missouri.

By referring to Section 10383 R. S. Mo. 1929, which is as follows you will ascertain the mode of procedure on the part of the Secretary of State:

"Whenever a proposed constitutional amendment or other question is to be submitted to the people of the state for popular vote, the secretary of state shall duly, and not less than twenty days before the election, certify the same to the clerk of each county court of the state, and the clerk of each county court shall include the same in the publication provided in section 10349."

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The form of ballot will be furnished by the Secretary of State according to Section 10387 R. S. No. 1929, which is in part as follows:

"The secretary of state shall certify to the different county clerks or other proper officers the form of the official constitutional ballot." \* \* \*

As stated above the Governor has not issued any official proclamation but as soon as the same is done each county clerk will no doubt receive definite instructions from the Secretary of State as to the supplies, sample ballots and method of procedure.

Yours very truly,

OLLIVER W. NOLEN,  
Assistant Attorney General.

APPROVED:

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(ACTING)  
Attorney General.

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