

Elections; Absentee voter.

August
Seventh,
1933.

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Honorable Edwin L. Kies,
Clerk of the County Court,
Jackson, Missouri.

Dear Sir:

This department acknowledges receipt of your letter of August 4th, wherein you request an opinion on a matter relating to the absentee votes in the repeal election.

Your letter is quoted below:

"In a newspaper article relative to the Repeal Election, I notice that in an opinion which you gave Walter G. Stillwell, Prosecuting Attorney of Marion County, you mentioned among other things that 'The opinion also held that absentee votes cannot be case in the repeal election.'

Would you be kind enough to refer me to the Section under Laws of Missouri, 1933, upon which this opinion was based."

We cannot refer you to any section, as the original opinion to Mr. Stillwell was not based on any section of the statutes, but we have held this to be true in our opinion, for the reason that this, in a strict sense, is not an election under the primary or general election laws of Missouri. It is an election in which delegates are selected to later convene in convention and there ratify the repeal of the Eighteenth Amendment, or refuse to ratify, it depending upon the views of the successful delegates on August 19th.

The convention is directed to be held by the Congress of the United States, and the Week's Bill provides the machinery for the convention. It provides that the election shall be conducted in accordance with the election laws, as far as practicable.

Honorable Edwin S. Kies,

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August 6, 1933.

Absentee votes are in nowise connected with the conducting of an election.

Respectfully submitted,

OLLIVER W. NOLEN,
Assistant Attorney General.

APPROVED:

ROY McKITTRICK
Attorney General.