

ELECTIONS: Absentee voters may vote in the city primary and at the city general election by absentee ballot providing laws of Mo. 1933 p. 219-224 are complied with.

Sec 10181, R.S. Mo. 1929
2-24

February
Twenty - third
1934



Board of Election Commissioners,
Kansas City, Missouri.

Attention: Mr. Fred Bellemere, Chairman

Gentlemen:

This department is in receipt of your letter of February 21 requesting an opinion as to the following state of facts:

"Referring you to page 219 of the Laws of Missouri 1933 referring to absentee ballots, I would like an opinion as to whether or not people absent from Jackson County on the date of the primary election, March 6th and on the general election, March 27th, can vote by absentee ballot, as provided in said laws."

Section 9, Art. VIII of the Constitution of Missouri provides:

"Qualified electors absent from the state on military or naval service shall, and qualified electors absent from their counties but within the state may, be enabled by law to vote at general or special elections."

This provision of the Constitution of the State of Missouri provides that the Legislature may enact laws for absentee voters. Sec. 10181, R.S. Mo. 1929 provided:

"It shall be lawful for any employe of any railroad company, traveling salesman, student in any college of the state, state officer, or other person, being a qualified elector of the State of Missouri, who may, on the occurrence of any general or primary election be unavoidably absent from the county in which he resides and is a qualified elector therein, because

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his duties, occupation or business requires him to be elsewhere within the state on the day of such general or primary election, to vote for county, district and state officers, members of the Legislature, members of Congress and electors for the President and Vice-president of the United States at any voting precinct within the State of Missouri where he may present himself for that purpose, on the day of said general or primary election, under the conditions and regulations hereinafter prescribed."

It will be noticed that this section made no provision for city elections; however, in 1933 Section 10181 was repealed and a new section enacted in lieu thereof, expressly providing for absentee voting in city elections. Section 10181, Laws of Missouri 1933, p. 219 provides:

"Any person being a duly qualified elector of the State of Missouri, who expects in the course of his business or duties to be absent from the county in which he is a qualified elector on the day of holding any special, general or primary election at which any presidential preference is indicated or any candidates are chosen or elected, for any congressional, state, district, county, town, city, village, precinct or judicial offices or at which questions of public policy are submitted, may vote at such election as hereinafter provided."

In view of the foregoing, it is the opinion of this department that absentee voters may vote in the city primary election and at the city general election by absentee ballot, providing the laws relating to absentee voters as found in Laws of Missouri 1933, pages 219-220-221-222-223 and 224 are complied with.

Respectfully submitted,

APPROVED:

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