

ELECTIONS: PRIMARY: Only one Party Ballot can be handed to each Elector.

July 3, 1934.

7-7

Mr. H. C. Tate , Sanitary Inspector,
Board of Health
201 Polk Street
Chillicothe, Missouri

FILED
90

Dear Mr. Tate:

Your letter of June 25th addressed to General McKittrick and containing the following request for an opinion has been handed to me for answer:

"Does the Ballot Judge hand the voter one of each tickets or does the voter call for the Ballot he wants to vote - i.e. Dem. or Rep.- I am asking this so that we may know, if a Bunch of Republicans here should decide to nominate certain Dem. (or supposed to be) candidates. If a voter is entitled to one of each party ballots there is no way to keep Reps. from nominating a weak Dem."

Section 10267, R. S. 1929, is applicable to the matter of voting in your county and is herewith quoted:

"At all primaries there shall be as many separate tickets as there are parties entitled to participate in said primary election. There shall also be a non-partisan ticket, upon which, under appropriate title of each office, shall be printed the names of all persons by whom declaration papers shall have been filed, as required by this article, who do not announce by such declaration papers

as candidates for any political party, as defined by this article. The names of all candidates shall be arranged under the appropriate title of the respective offices, and under the proper party designation upon the party ticket, and upon the nonpartisan ticket, as the case may be; and the names of the candidates for each office shall be so alternated on the ballots used in the several election districts or precincts, that each name shall appear thereon substantially an equal number of times at the top, at the bottom, and in each intermediate place, if any, of the lists or group of names in which such candidate's name belongs, and all officers charged with the preparation and distribution of such ballots shall cause the printer's forms to be so transposed and the ballots so made up as to carry out the intent of this provision. If any elector write upon his ticket the name of any person who is a candidate for the same office upon some other ticket than that upon which his name is so written, this ballot shall not be counted for such person. On any day of nomination of public officers in any primary election precinct, each qualified elector shall be entitled to receive from the judges of the election one ballot of the political party participating in such election for which he desires to vote. It shall be the duty of such judges of election to deliver such ballot to the electors. Before delivering any ballot to the elector, the two judges of election having charge of the ballot shall write their names or initials upon the back of the ballot with indelible pencil, and no other writing shall be on the back of the ballot except the number of the ballot voted."

The statute is plain in its wording to the effect,

"**** each qualified elector shall be entitled to receive from the judges

Mr. H. C. Tate

-3-

7/3/34

of the election one ballot of the
political party participating in
such election for which he desires
to vote. *****

It is therefore the opinion that only one party
ballot can be handed to each elector.

Yours very truly,

OLIVER W. NOLEN
Assistant Attorney-General.

APPROVED:

ROY McKITTRICK
Attorney-General.

OWN/afj