

TOWNSHIP ELECTIONS - Names of candidates may be printed on ballot or ballot left blank and same written in, but voters cannot write candidates name on blank ticket, separate from regular ticket.

April 2, 1935.

Hon. W.S. Pelts,  
Prosecuting Attorney,  
Greenfield, Missouri.



Dear Sir:

This department is in receipt of your letter of March 18 wherein you request an opinion on the following question:

"Will you please inform me whether or not a person can be elected to a township office in a township where the county is under township organization by writing his name on a blank ticket when there is a regular nominated ticket being voted on at such election?"

The statutes governing township elections are Sec. 12267, R.S. Mo. 1929, which provides:

"The citizens of the several townships in all counties having adopted the township organization law of this state, who are qualified by the Constitution and laws of this state to vote at general elections, shall assemble biennially on the last Tuesday in March at their usual place of voting, or at such place in their respective townships as they may have previously agreed upon, for the purpose of electing township officers and such other officers and transacting such other business as may be necessary."

and Section 12270, R.S. Mo. 1929, which provides:

"On the day of the township election the polls shall be opened between seven and eight o'clock A.M. and be kept open until six o'clock p.m. by the judges of the election, and when so opened the electors of the township shall have to elect all officers to be chosen at said election. Said officers shall be chosen by ballot. Each ballot shall contain the name of every officer or measure voted for, written or printed on the face of such ballot, with the name of the office for which the persons voted for are intended to be chosen, which ballot shall be folded so as to conceal the names of the persons voted for; where the names of two or more persons appear on any ballot for the same office, such ballot shall be rejected by the judges in canvassing the votes, only as to the persons erroneously voted for. Said township election shall in all things conform to the general law concerning elections for state and county officers, so far as the same is consistent with the provisions of this chapter."

We call your attention to the sentence in Section 12270, supra, which says, "Each ballot shall contain the name of every officer or measure voted for, written or printed on the face of such ballot, with the name of the office for which the persons voted for are intended to be chosen, which ballot shall be folded so as to conceal the names of the persons voted for;" We construe this sentence to mean that the offices enumerated in Section 12268, supra, the same being one trustee, who shall be ex-officio treasurer of the township, one township collector and one township clerk, who shall be ex-officio township assessor, one constable, two members of the board and two justices of the peace, shall be printed or written on one ballot and same shall contain the name of every officer or measure voted for. The last sentence of Section 12270 contains the provision that the election shall "conform to the general law concerning elections for state and county officers, so far as the same is consistent with the provisions of this chapter."

April 2, 1935.

We shall attempt to apply the general election laws to the question at hand. Section 10310, Laws of Mo. 1933, page 228 sets forth the manner in which a ballot shall be voted, and contains, among others, the following sentence:

"If the voter desires to vote for one or more candidates whose name or names do not appear on the printed ballot he may do so by drawing a line through the printed name of candidate for such office, and writing below such cancelled name the name of person for whom he desires to vote, and placing a cross mark in the square at the left of such name."

The election of township officers appears to be a general election, as there is no provision made for a primary.

#### CONCLUSION

In view of the fact that Sec. 12270, supra, makes provision for only one ballot, we are of the opinion that the names of the candidates may be printed on the ballot for the various offices, or the ballot may be left blank and the name of the candidate desired to be voted for written in by the voter.

It is further the opinion of this department that the candidate you mention in your letter could not present his candidacy by having the voter write in his name on a blank ticket separate and distinct from the main ticket, but the voter could draw lines through the names of the legal nominees and write in the name of the person desired to be voted for in lieu thereof, as provided in Sec. 10310, a portion of which is quoted supra.

Respectfully submitted,

OLLIVER W. NOLEN,  
Assistant Attorney General.

APPROVED:

---

ROY MCKITTRICK,  
Attorney General

OWN:AH