

ELECTIONS*---Absentee ballots to be printed thirty days before election.

ELECTIONS----Absentee ballots may be voted within thirty days of election.

INSANE-----Relatives may transport to hospital and receive pay.

October 15, 1936

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Hon. George E. Mapes
Clerk of the County Court
Grundy County
Trenton, Missouri

Dear Sir:

Your recent communication to Honorable Forrest Smith has been referred to this office. We shall proceed to consider your problems in the order in which they are suggested.

I.

Absentee ballots to be
printed thirty days be-
fore election.

On June 14, 1934, this office rendered an opinion to Honorable Henry M. Phillips, Prosecuting Attorney, Stoddard County, Bloomfield, Missouri, in which the following conclusion is reached:

"There is no time designated for the printing of such official absentee ballots therefore we are of the opinion that such official absentee ballots may be printed more than ten days before the primary election and may be printed in ample time so that a person applying for an absentee ballot can have the privilege as stated in Section 10182, of applying within the full time of thirty days before the primary election."

Although that opinion dealt with absentee ballots to be voted in the primary election the opinion applies with equal force to absentee ballots to be voted in a general election and it is therefore the opinion of this office that the absentee ballots should be printed thirty days before the election so that the full benefit of the absentee ballot law may be afforded the voters.

II.

Absentee ballots may be
voted at any time within
thirty days before election.

Section 10182, page 264, Laws of Missouri 1935, provides as follows:

"Any elector as defined in the foregoing section expecting to be absent from the county of his residence on the day of such election may, not more than thirty nor less than five days prior to the date of such election, make application in person, or by mail, to the county clerk or, where existing, to the board of election commissioners, or other officer or officers charged with the duty of furnishing ballots for such election in his voting precinct, for an official ballot for said precinct to be voted at such election."

By virtue of this provision application for an absentee ballot may be made by the prospective voter at any time within thirty days of the date of election.

Section 10185, page 222, Laws of Missouri 1933, directs the absentee voter in the manner of balloting, and after providing for the marking of the ballot in the presence of any officer authorized to administer oaths, and the mailing, postage prepaid, of said ballot to the officer issuing the same, the Section provides:

"* * *or, if more convenient, it may be delivered in person and such official issue his written receipt therefor, but in any event it must be returned into the hands of the issuing official not later than 6 o'clock p.m. of the day next succeeding the day of such election."

It is therefore clear that the ballot may be marked in the presence of an officer authorized to administer oaths and may be returned in person to the proper election official. This of course could not be done on the day of election for otherwise the absentee voter could not truthfully swear to that portion of the affidavit which states "and that in the course of my business or duties I expect to be absent from said County of my residence on the date of said election." This is also evident from the purpose of the act as stated in Section 10188d, page 224, Laws of Missouri 1933, which states:

"This act shall be deemed to provide a method of voting by voters absent from their county on the day of election."

It is therefore the opinion of this office that a person may vote an absentee ballot at any time within thirty days prior to the date of the election.

III.

Relatives have the right to convey and transport patient to hospital.

Section 8650 Revised Statutes of Missouri 1929, provides as follows:

"The relatives of the insane person shall have the right, if they choose, to convey him to the hospital. In such case, the warrant shall be directed to one of them; and the person to whom it is directed and his assistant shall, if demanded, receive the same compensation allowed for the like services to the sheriff."

Hon. George E. Mapes

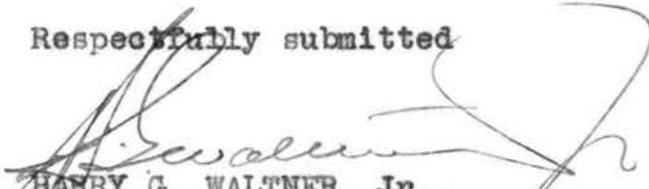
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By virtue of the foregoing Section it appears that an option is given to the relatives of the patient to convey such patient to the hospital, in which case they are to receive the compensation rather than the Sheriff.

In view of the express wording of the statute it is our opinion that the relatives of the patient have the option of conveying such patient to the hospital and that the sheriff is not entitled to compensation when the relatives do so.

Respectfully submitted



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APPROVED:

J. E. TAYLOR
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