

TOWNSHIP ELECTIONS: Ballots need not conform with Sec. 10300, R. S. 1929, as amended, pertaining to General Elections.

March 17, 1937.

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Honorable H. J. Simmons  
Prosecuting Attorney  
Vernon County  
Nevada, Missouri

Dear Sir:

This is to acknowledge receipt of your letter of March 6th, in which you request the opinion of this Department on the question therein submitted. Your letter is as follows:

"Will you kindly advise me in time for the printing of ballots for the Township election to be held on the last Tuesday in March of this year, whether the names of candidates of each political party shall be printed in separate columns with a heavy perpendicular line between, with the name of each political party appearing at the top of each column, conforming to ballots under the general election law, Section 10300 of the revised statutes of Missouri of 1929.

"This county is under Township organization, and section 12270 Revised Statutes of 1929, provides that Ballots shall contain the name of every officer voted for, written or printed on the face of the ballot, with the name of the office for which the persons voted for are intended to be chosen. Said township election shall in all things conform to the general election law concerning elections for state and county officers, so far as same is consistent with the provisions of this chapter.

"I have contended that the form of the Township ballot shall conform with ballots printed under Section 10300, providing for the listing of candidates of different political parties in separate columns."

The question, as we understand it from your letter, is whether or not the township ballot to be used at a township election shall conform with the ballots printed under Section 10300, R. S. Mo. 1929, which provides the form of the official ballot for general elections held in this State; same now provides for a blanket ballot.

The laws relating to township organization are found at Chapter 86, Revised Statutes of Missouri, 1929. Some twenty-odd counties of this State have adopted the township organization law as provided in said chapter. The township organization laws were enacted pursuant to Article IX, Section 8 of the Constitution of Missouri, 1875. Your particular question pertains to the form of the ballots to be used at the township election, and we set forth Section 12270, Revised Statutes of Missouri, 1929, which bears on the question, as follows:

"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."

Upon examination we find that Section 12270, supra, is in identically the same form as when originally enacted. See Section 4, page 221, Laws 1879. The general election laws, and more particularly Section 10300, R. S. Mo. 1929, as amended by Laws of Missouri, 1933, at page 225, has been subject to many amendments and changes over a period of years and provides for an entirely different form of ballot than had theretofore been provided for. We now have what has been designated a "blanket form of ballot" for our general elections.

It will be noted that the language of Section 12270, supra, states that "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;" etc. Said section does not provide for any particular form of ballot or for any particular emblem on the ballot or that it shall be under a party label and for other provisions as found in Section 10300, as amended. It provides for a simple form of ballot, which may be written or printed, for the use of the electors of the township selecting the township officers biennially on the last Tuesday in March, as provided in Section 12267, R. S. Mo. 1929. Since this section of the statute has been uniform since its adoption in 1879, we do not think it has been subject to the many changes pertaining to the form of the ballot in our general election laws, and is not governed by the provisions of Section 10300, supra.

It is, therefore, our opinion that the form of the ballot for the township election need not conform with the provisions of Section 10300, supra, as amended. We think it was the intention of the lawmakers to provide for a simple form of ballot to be used at township elections and that a political party or a group of electors may sponsor certain candidates for

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office and the candidates may be selected in any manner as the party or sponsoring groups may see fit, either by a mass meeting or a primary, if that be the chosen method, which, of course, is not provided for in the township law, or any other lawful manner of selection.

Yours very truly,

COVELL R. HEWITT  
Assistant Attorney-General

APPROVED:

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J. E. TAYLOR  
(Acting) Attorney-General

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