

ELECTIONS:

Board of Election Commissioners should  
send out absentee ballots immediately  
upon receipt of the printed ballots.

July 23, 1938

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*Hoover*  
Board of Election Commissioners,  
City of St. Louis,  
St. Louis, Missouri.

Gentlemen:

This will acknowledge receipt of your telegram of  
this date which reads as follows:

"The board requests a formal ruling  
as to voting absentee ballots (a)  
Can a qualified voter who is in another  
state on election day cast an absentee  
ballot (b) Does a qualified voter  
have to be within the state on election  
day to cast an absentee ballot (c)  
When is the board required to send the  
applicant the absentee ballot.

Board of Election Commissioners."

In answer to the first two questions contained in  
the foregoing telegram, we enclose herewith copy of an  
opinion rendered by this office under date of July 24, 1936,  
addressed to Honorable H. D. Allison, County Clerk of  
Buchanan County, St. Joseph, Missouri, which we think  
fully covers both of said questions.

In answer to the third question contained in your  
telegram, we direct your attention to Section 10183,  
page 219, Laws of Missouri, 1933, which reads in part as  
follows:

"\* \* \* Provided, that no county clerk,

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board of election commissioners or other proper official charged with the duty of furnishing such ballots after examination of the records, or otherwise ascertaining the right of such person to vote at such election shall be required to furnish any ballot or ballots to any person desiring to vote as by this act authorized who is not lawfully entitled to vote, and if the applicant for ballot or ballots is entitled to receive same, the county clerk or the board of election commissioners, if any, or other official charged with the duty of furnishing such ballots immediately upon receipt of the printed ballots shall send by registered mail postage prepaid, or deliver in person an official ballot or ballots if more than one are to be used and voted at said election to such applicant.\* \* \*

It will be seen from the foregoing that it is the duty of the Board of Election Commissioners immediately upon receipt of the printed ballots to forward to qualified applicants for absentee ballots the proper ballots to be used by such absentee voters.

## CONCLUSION

It is, therefore, the opinion of this office that absentee ballots should be mailed to qualified applicants for same immediately upon receipt of the printed ballots by the Board of Election Commissioners.

Yours very truly,

APPROVED:

HARRY H. KAY  
Assistant Attorney General

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J. W. BUFFINGTON  
(Acting) Attorney General

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