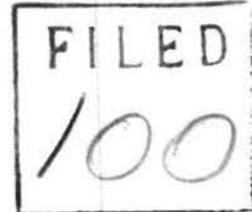


**ELECTIONS:** Names of candidates on primary ballot must be alternated. Cost of such printing is matter of contract.

November 4, 1938

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Honorable Ben Zener  
Presiding Judge, County Court  
St. Clair County  
Tiffin, Missouri



Dear Sir:

We have your request for an opinion, the pertinent part of which reads as follows:

"Will your office please render us an opinion in regard to the printing of ballots for Primary Election.

The conditions are these, in printing of ballots for late Primary, the printer charged us \$334.00 for printing ballots and more than \$700.00 for the alternating of names on ballots or .35¢ for each alternation.

Is above alternating charge allowable. Is there any section of law definitely stating price which may be paid for above work?"

Section 10267, R. S. Mo. 1929, requires that the names of candidates appearing on the primary ballots shall be alternated thereon in order that each name shall appear substantially an equal number of times at the top of the list, at the bottom and in each intermediate place. The pertinent part of the section reads as follows:

"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 non-partisan 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."

In order to comply with the law, it is necessary that the names of the candidates for each office be alternated on the ballots used in the several election districts and precincts in compliance with the terms of Section 10267, supra.

Section 10299, R. S. Mo. 1929, provides:

" \* \* \* it shall be the duty of the clerk of the county court of each county to provide printed ballots for every election for public officers in which the electors or any of the electors within his county participate, and to cause to be printed in the appropriate ballot the name of every candidate whose name has been certified to or filed with him in the manner provided for in this article. \* \* \*"

Section 10298, R. S. Mo. 1929, provides as follows:

"All ballots cast in elections for public officers within this state shall be printed and distributed at public expense, as hereinafter provided. The printing of the ballots and of the cards of instruction for the electors in each county, and the delivery of the same to the election officers, as provided in section 10305, shall be a county charge, except where the officers to be voted for are exclusively city officers, in which case such printing and delivery shall be a city charge, the payment of which shall be provided for in the same manner as the payment of other county or city expenses."

It will be observed, therefore, that the clerk of the county court is required to provide printed ballots, and the cost of the same "shall be a county charge," except in the case of exclusively city elections.

There is no statute in this state which sets the price the printer shall charge, or the county court shall pay for the printing of primary or election ballots.

#### CONCLUSION

The names of the candidates for each office must be alternated on the primary election ballots used in the several election districts and precincts in order that each name shall appear thereon substantially an equal number of times at the top, at the bottom, and in each intermediate place in the list of names in which the candidate's name

Hon. Ben Zener

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belongs. The officer, or officers, responsible for the preparation and distribution of the primary ballots are charged with the duty of causing the printer's forms to be so transposed and causing the ballots to be so made up as to accomplish this result. The clerk of the county court is required to provide printed ballots, and the cost is a county charge, except in the case of city elections. The cost of such printing is not set by law.

Respectfully submitted

J. F. ALLEBACH  
Assistant Attorney General

APPROVED:

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J. W. BUFFINGTON  
(Acting) Attorney General

JFA:HR