

COUNTY: Stickers should be placed on ballots
voted in bond election for airport.

November 8, 1943

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Honorable Morris Anderson
Assistant Prosecuting Attorney
Marion County
Hannibal, Missouri

Dear Sir:

We are in receipt of your letter of November 3, wherein you requested an opinion from this department. Your request reads as follows:

"I would like an opinion from your office on the following matter which is something new.

In November, this county will hold a special bond election for the purpose of building a flying field. This is our first election since the repeal of Section 11607, A. S. 1939, and the enactment of the new section which provides that the election judges shall cover the identifying numbers on the ballot by pasting a sticker, etc.

I would appreciate an opinion as to whether this requirement is necessary in special bond elections."

From the reading of your request we presume that Marion county is issuing bonds in pursuance to the authority given under Article 3, Chapter 123, Revised Statutes of Missouri, 1939, and particularly Section 15125 of said article, a portion of which we are quoting:

" * * * * * The purchase price or award for real property acquired for an airport or landing field may be paid for wholly or partly from the proceeds of the sale of bonds of such city, village, town, or county, as the local legislative body of such city, village, town or county shall determine,

subject, however, to the adoption of a proposition therefor at an election to be held in such city, town, village or county for such purpose."

It will be noted from the reading of Article 3, supra, that there is contained in said article no section setting up a procedure for the conducting of a special election. Therefore, we must turn to the general statutes governing where a special election is to be held and particularly call your attention to Section 11516, R. S. Mo. 1939, which reads as follows:

"Such special election, except as provided in the preceding section, shall, as near as possible, be conducted in the same manner, and be governed by the same laws, as a general election."

We also quote Section 11515, due to the fact that Section 11516 makes reference to such section:

"In all counties in this state in which a special election shall be held for the purpose of voting upon any proposition to issue bonds for any purpose, which, under the law, must be submitted to the vote of the qualified electors for determination, two judges and two clerks of such election shall be appointed by the county court for each special election precinct: Provided, that the provisions of this law shall not apply when any such proposition is submitted to be voted upon at a regular primary election or a general election."

It will be noted from the reading of Section 11516 that such special elections are to be governed by the same laws as a general election. Now turning to the section controlling general elections, we find that we are governed by Section 11607, Laws 1941, p. 363, which section reads as follows:

"Every ballot shall be numbered in numerical order in which received, and it shall be the duty of the election judges, in the presence of the voter, before any ballot is placed in the ballot box, to cover or conceal securely the identifying number or

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numbers placed on the ballot by placing over the number or numbers, and pasting down, a black sticker, which sticker is to be two inches square with gummed edges extending three-eighths (3/8) of an inch towards the center of the square, so as to conceal but not destroy, the number or numbers placed thereon. Such stickers shall be supplied to the election judges by the County Clerk or Board of Election Commissioners of each county or city, and no sticker shall be removed except in case of contested elections, grand jury investigations, or in the trial of all civil or criminal cases in which the violations of any law relating to elections, including primary elections, is under investigation or at issue and then only on the order of a proper court or judge thereof in vacation. No judge of election shall deposit any ballot upon which the names or initials of the judges, as hereinbefore provided for, do not appear."

Conclusion

Therefore, it is the opinion of this department that stickers should be used on the ballots which are voted in special elections held to empower the county to issue bonds to purchase airport or airfield.

Respectfully submitted,

B. RICHARDS CREECH
Assistant Attorney General

APPROVED:

ROY McKITTRICK
Attorney General

BRC:ml