

ABSENTEE BALLOTS:
LEGAL INHERITANCE:

It is legal to vote an absentee ballot
on July 4th.

July 14, 1960



Honorable William E. Seay
Prosecuting Attorney
Dent County
Salem, Missouri

Dear Mr. Seay:

Your opinion request of June 10, 1960, reads:

"I would like your opinion as to whether it
is legal to vote absentee votes on the 4th
of July."

On August 18, 1954, this department rendered an opinion to the Board of Election Commissioners of the City of St. Louis, a copy of which opinion is enclosed. We believe that this opinion, affords an answer to your question. That opinion, of course, refers only to registration of voters and not to the casting of an absentee ballot. However, on page three of that opinion we quote from the case of Bullock v. Peoples Bank of Holcomb, 173 SW2d 753, which states in part: " * * * The fact that a day is made a holiday by statute does not mean business cannot be transacted on that day, except insofar as that statute or some other imposes such restriction * * * " I do not find anything in the statutes which prohibits the casting of absentee ballots on a holiday. Sections 112.020 through 112.050, RSMo 1949, relate to the application for and the voting of an absentee ballot. We find nothing in any of these sections which would preclude the casting of such a ballot upon a holiday. Therefore, in the absence of such limitation and in view of the opinion of August 18, 1954, we believe that it would be legal to cast an absentee ballot on a legal holiday.

It is the opinion of this department that it is legal to cast an absentee ballot on July 4.

The foregoing opinion, which I hereby approve, was prepared by my assistant, Hugh P. Williamson.

Yours very truly,

JOHN M. DALTON
Attorney General

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Enclosure