

October 29, 1962



Honorable Joe H. Miller
Prosecuting Attorney
Carroll County
Carrollton, Missouri

Dear Mr. Miller:

This is in response to your recent request of this
office for an opinion as follows:

"I enclose an affidavit of absentee
voter which shows the flap where it
can be sealed. Should a ballot be
returned to the County Clerk with
this sealed down and reinforced with
Scotch tape or cellophane tape, is
it possible that such a ballot could
be challenged due to the fact that
it was not properly sealed?"

The only pertinent statutory provision we find
controlling upon this issue is Section 112.050, RSMo
1959, wherein it is stated: "The ballot or ballots shall
then in the presence of the officer be deposited in the
envelope and the envelope securely sealed." We deem this
to mean the envelope must be securely sealed, and since
there is no statutory provision as to what manner must be
employed in securely sealing the envelope we do not
believe that the ballot could be held invalid or success-
fully challenged because of the fact that it is sealed
and the seal then overlaid with cellophane tape.

Very truly yours,

THOMAS F. EAGLETON
Attorney General

HLM:BJ