

Opinion Request No. 407  
answered by letter.

November 16, 1962

FILED  
407

Honorable Harold L. Miller  
Prosecuting Attorney  
DeKalb County  
Maysville, Missouri

Dear Mr. Miller:

This refers to your telegram requesting an opinion concerning the question whether absentee ballots in the November 6 election which were delivered to the county clerk by persons other than the voters (and not by mail) should be counted.

Reference is made to Mr. Baumann's telephone conversation with you today concerning this matter. As Mr. Baumann advised you, we can find no prior opinion of this office which deals with the precise question presented by you. However, we are enclosing copies of the following opinions concerning somewhat related problems:

Albert D. Nipper,	dated August 9, 1950
Robert L. Hoy,	dated October 21, 1952
James R. Reinhard,	dated September 30, 1955 ✓
Forrest L. Hill,	dated June 27, 1956. ✓

As we understand the situation, the count of the absentee ballots in the November 6 election in DeKalb County has been completed and whether the action taken was right or wrong, the results could not be changed except by an election contest. In this situation, and in view of the policy of this office not to write opinions with respect to matters involved in litigation, we do not feel that it would be appropriate for us to furnish an official opinion concerning the question presented by you.

Very truly yours,

JCB lc  
4 enclosures

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THOMAS F. EAGLETON  
Attorney General