



January 23, 1964

Honorable Brunson Hollingsworth
Prosecuting Attorney of Jefferson County
Jefferson County Courthouse
Hillsboro, Missouri

Dear Mr. Hollingsworth:

You have inquired as to whether a so-called "scratch-out" ballot must be used in voting on establishment of a County Library District under Chapter 182, Revised Statutes of Missouri 1959, or if a so-called "X" marked ballot may be used.

Section 182.010, Revised Statutes of Missouri 1959, provides in part as follows:

" * * * 2. Every voter within the proposed county library district, in his proper district may vote

'For establishing--county library district', or

'Against establishing--county library district', and may vote

'For--mills tax for a free county library', or

'Against--mills tax for a free county library.'

Honorable Brunson Hollingsworth

From an examination of Chapter 182, it will be noted that there is no language that specifies whether the so-called "scratch-out" form of ballot or the "X mark" form of ballot is required to be used. Nor is there any language pertinent to this subject except that above quoted. The main purpose of the election is to ascertain the voters' sentiment on this subject. It should never be to confuse the voters or becloud the issues.

It is the view of this office that the statute does not require a "scratch-out" ballot, in fact, it is far more in harmony with the intent of the statute to use the "X mark" ballot.

We suggest the following form:

JEFFERSON COUNTY LIBRARY

DISTRICT BALLOT

- For establishing a Jefferson
County Library District
- Against establishing a Jefferson
County Library District
-
- For _____ Mills Tax for a Free
County Library
- Against _____ Mills Tax for a
Free County Library

Yours very truly,

THOMAS F. EAGLETON
Attorney General