

July 26, 1966

Mr. James M. Byrne
Assistant Prosecuting Attorney
Jefferson County
Hillsboro, Missouri 63050



Dear Mr. Byrne:

This is in answer to your letter of recent date in which you ask if it is necessary in printing the ballots for the August Primary Election to place a blank line with a square to the left of the same for the purpose of allowing a voter to write in the name of his choice for any office except that of committeeman or committeewoman.

We are enclosing a copy of an official opinion rendered under date of September 13, 1946 to David W. Hill, Prosecuting Attorney of Butler County, which we believe answers your question. We believe that the conclusion stated in such opinion is valid as of this time. At the time the 1946 opinion was written, the applicable provision regarding write-ins at primary elections was as follows:

"At primary elections at which committeemen or committeewomen of any party are to be elected, in addition to the names of candidates for said offices printed on said ballot, there shall be printed thereon at least one blank line with a square to the left of the same, as hereinbefore specified, for the purpose of allowing the voter to write in the name of his choice for said office." Laws 1945, page 862.

Such section was amended by House Bill No. 2057 of the 65th General Assembly, which House Bill was a revision bill. The explanation given by the Revision Commission concerning what is now Section 120.450, Revised Statutes of Missouri is as follows:

Mr. James M. Byrne

"The only change in substance suggested in section 11560 relates to the last portion of the last sentence which reads 'and no other writing shall be on the back of the ballot except the number of the ballot voted.'"

It will be seen from such explanation that there was no change in substance in such section insofar as such section provided that there could be write-in votes cast and counted only for committeemen and committeewomen. The only other amendment to what is now Section 120.450 was made by another revision bill, Senate Bill No. 75 of the 69th General Assembly. The explanation given in the bill as introduced as to the change in such section was as follows:

"In this section the word 'ballot' is substituted for 'ticket' wherever found. Other minor changes in language are made for purposes of clarity."

The only changes in the sentence relating to write-in votes by Senate Revision Bill No. 75 were to substitute "herein" for "hereinbefore" and to insert the word "that" before the final word "office" in such sentence. It will be seen from the explanations given in the two revision bills amending Section 120.450, that there was no change in the substance of the provision concerning write-in votes. It is therefore our view that the 1946 opinion correctly concluded that there is no authority to write in the name of a candidate for any office at a primary election except for the offices of committeemen and committeewomen and that there is no authority for the printing of a blank line for write-in votes on the primary ballot for any offices except that of committeeman and committeewoman.

Very truly yours,

NORMAN H. ANDERSON
Attorney General

Enclosure

CBB:aa