

March 1, 1974

OPINION LETTER NO. 126  
Answer by letter-Klaffenbach

Honorable Don Manford  
State Senator, District 8  
Room 425, Capitol Building  
Jefferson City, Missouri 65101



Dear Senator Manford:

This letter is in response to your question asking:

"Do citizens (by virtue of the recent 'sunshine law') have the right to see and observe the actual ballots or in case of machine voting apparatus the vote count at the polls in both bond elections and/or election of public officials?"

You also state that:

"Bond issue--city of KC--residents and citizens ask election judges for permission to see actual vote recorded from voting machine--election judges denied them their request saying they were not authorized to do so under election laws--are such election official authorized or required to do so under new 'sunshine law'?"

The voting laws of this state set out precisely the procedures to be followed in the inspection and canvassing of the votes. The procedure respecting the canvass of results of elections by the use of voting machines is found in Sections 121.210, RSMo et seq.

Honorable Don Manford

The Sunshine Bill, to which you refer, now numbered Sections 610.010, RSMo Supp. 1973 et seq., excludes from its provisions records which are closed under other provisions of law.

We have compared the provisions of the election laws with the provisions of the Sunshine Bill, and it is our view that the persons who are not expressly authorized to view the actual vote recorded on the voting machines by the voting machine and election laws are not authorized to view such returns by the provisions of the Sunshine Bill.

Yours very truly,

JOHN C. DANFORTH  
Attorney General