

ELECTIONS: Persons in military service in making  
ABSENTEE an application for absentee ballot  
BALLOTS: are not required to reveal their lo-  
PERSONS IN cation, unit or rank  
MILITARY  
SERVICE:

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September 16, 1942

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**FILED**

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Hon. Dwight H. Brown  
Secretary of State  
Jefferson City, Missouri

Dear Mr. Brown:

This is in reply to yours of recent date wherein you requested an opinion from this department on the question of whether or not a person in military service when making application for absentee ballot is required to reveal his location, the unit and rank of service in which he is.

Under Section 11517 R. S. Mo., 1939, the Missouri voter who is absent from the state on election day in military or naval service may vote in the general election. Under Section 11518 R. S. Mo., 1939, such person, if he resides in a district which requires registration, may make and sign an affidavit on a form procured from the board of election commissioners or other body having charge of registration of voters. In this affidavit he must state his reasons for being unable to register and also make the same statements which a voter is required to make when registering in person in the precinct.

In our research through the laws pertaining to registration we failed to find where the registration officials, under the statutes, are required to compel the persons in military service when making application for an absentee ballot to

reveal their location, unit or rank of service.

Under Section 11519 it is provided that such persons may make application in person or by mail for an absentee ballot. This section does not require that such person reveal his location, unit or rank of service.

Under Section 11520 the clerk, upon receipt of the application, shall send the ballot to the address indicated by the applicant. This section does not compel the applicant to reveal his location, unit or rank of service.

Under said Section 11520 the official envelop for the return of the ballot to the election officials contains an affidavit in the following language:

"AFFIDAVIT.

State of \_\_\_\_\_, )  
County of \_\_\_\_\_, ) ss.

I, \_\_\_\_\_, do solemnly swear that I have resided in the state of \_\_\_\_\_ for one whole year next before making this affidavit, and have resided in \_\_\_\_\_ county (or city as the case may be) for more than sixty days prior to this date and that I am in all respects a duly qualified elector of \_\_\_\_\_ township (or ward); that I reside at \_\_\_\_\_; that I am a \_\_\_\_\_, and that because of my duties I am required to be absent from my voting precinct in my said county ( or

city as the case may be) on the day of election to be held \_\_\_\_\_, 19\_\_\_\_, and have had and will have no opportunity to vote thereat and that I have not voted and will not vote elsewhere at this election.

Subscribed and sworn to before me  
this \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_.

\_\_\_\_\_  
Notary."

Referring to said Section 11520 it will be noted that the lawmakers have stated that the affidavit quoted above shall be substantially in that form. Of course, if the affidavit is made before a civil officer then a strict compliance with said Section 11520 would require the affiant to reveal the state and county in which the affidavit is made. Since the State permits and since this department has ruled that the affidavit may be made before any army officer with the rank of captain or above or any navy officer with the rank of ensign or above, then we think that this said Section 11520 would be substantially complied with by the affidavit showing that it is taken before one of the aforesaid officers.

#### CONCLUSION

From the foregoing it is the opinion of this department that persons in military or naval

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service may make application for and vote an absentee ballot by going before an army officer with the rank of captain or above or any navy officer with the rank of ensign or above for the purpose of swearing to the affidavit on the envelop containing the absentee ballot and in compliance with the provisions of Section 11520. We further believe that this section is substantially complied with when it is sworn that the oath is administered before the above mentioned military or naval officers.

Respectfully submitted,

TYRE W. BURTON  
Assistant Attorney-General

APPROVED:

ROY McKITTRICK  
Attorney-General

TWB:FS