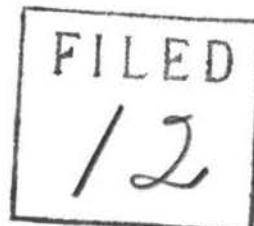


ELECTIONS:
CONSTITUTIONAL CONVENTION:
BALLOTS:
STICKERS:

Stickers should be placed on
ballots voted for delegates to
Constitutional Convention.

November 19, 1942

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



Dear Sir:

This is in reply to your request for an opinion,
which is as follows:

"Inquiries have been received concerning the amendment to Sec. 11607 (Laws 1941, p 364) which requires black stickers over numbers on ballots. It is asked whether these stickers are required in all the city, school and township elections, as well as the county elections? Also, whether they will be required on ballots cast for delegates to the constitutional convention at special election which will be called for the purpose.

"May I be favored with your ruling?"

On the question of whether stickers are required in the city, school and township elections, I am enclosing a copy of an opinion under date of March 6th, 1942, to Mr. Peters, Assistant Prosecuting Attorney of Jasper County, Missouri. I think this opinion answers that portion of your request.

Laws of Missouri 1941, Section 11607, which relates to stickers on ballots is as follows (p. 363):

"Every ballot shall be numbered in numerical order in which received, and it shall be the duty of the elec-

tion judges, in the presence of the voter, before any ballot is placed in the ballot box, to cover or conceal securely the identifying number or numbers placed on the ballot by placing over the number or numbers, and pasting down, a black sticker, which sticker is to be two inches square with gummed edges extending three-eighths ($3/8$) of an inch towards the center of the square, so as to conceal but not destroy, the number or numbers placed thereon. Such stickers shall be supplied to the election judges by the County Clerk or Board of Election Commissioners of each county or city, and no sticker shall be removed except in case of contested elections, grand jury investigations, or in the trial of all civil or criminal cases in which the violations of any law relating to elections, including primary elections, is under investigation or at issue and then only on the order of a proper court or judge thereof in vacation. No judge of election shall deposit any ballot upon which the names or initials of the judges, as hereinbefore provided for, do not appear."

Section 11683, R. S. Mo. 1939, which relates to election of delegates to a Constitutional Convention, provides in part as follows:

"Whenever an election shall be called to elect delegates to a constitutional convention or an election called for the purpose of ratifying a submitted new Constitution, said election shall be conducted in the manner provided by law for general elections and said propositions shall be submitted, voted on, the returns certified and the results pro-

claimed in the manner provided by law in case such propositions were submitted at a general election; except, that said election shall be conducted by two judges and two clerks at each polling place, one judge and one clerk to be selected from each of the two parties which cast the highest and the next highest number of votes for governor at the last general election: * * * *"

It will be noted that this section provides that the election for these delegates shall be conducted in the manner provided by law for general elections. Since the general election law requires the stickers to be used, then it would naturally follow that these stickers should be used for the election of delegates to the Constitutional Convention.

CONCLUSION

It is, therefore, the opinion of this Department that stickers should be used on the ballots which are voted for delegates to a Constitutional Convention.

Respectfully submitted,

TYRE W. BURTON
Assistant Attorney-General

TWB:CP

APPROVED:

ROY McKITTRICK
Attorney-General