

TOWNSHIP ELECTIONS: It is not permissible to write or print ~~the~~  
name of any political party on ~~the~~ ballot  
FORM OF BALLOT: used in township elections of township of-  
ficers to designate the political party of  
the ~~various~~ candidates on the ballot.



March 28, 1953

Honorable James J. Wheeler  
Prosecuting Attorney  
Chariton County  
Keytesville, Missouri

Dear Mr. Wheeler:

This office is herein supplying the opinion you requested on March 23, 1953, for the construction of the statutes of this State governing the election of township officers in counties under township organization to determine whether the ballot used at such elections shall designate the political party of the various candidates on the ballot. Your letter requesting this opinion reads as follows:

"Chariton County has township organization and the township election will be held here March 31, 1953.

"The question has arisen as to whether or not it is permissible to designate the political party of the various candidates on the ballot. I am of the opinion that this is not permissible, but the township clerk wishes me to write you."

The procedure for holding elections in townships in counties having adopted township organization is set out in Section 65.060 of Chapter 65 of the Revised Statutes of Missouri, 1949. Said section reads as follows:

"65.060. Elections, when, where.--  
The citizens of the several townships in all counties having adopted the township organization law of this state, who are qualified by the constitution and laws of this state to vote at general elections, shall assemble biennially on the last Tuesday in March at their usual place of voting, or at such place

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in their respective townships as they may have previously agreed upon, for the purpose of electing township officers and such other officers and transacting such other business as may be necessary."

The procedure to be followed in the election of township officers as prescribed in said Section 65.060, supra, is contained in Section 65.080 of said Chapter 65 of the said Revision of our statutes. This section reads as follows:

"65.080. Election procedure.--On the day of the township election the polls shall be opened between seven and eight o'clock a.m. and be kept open until six o'clock p.m. by the judges of the election, and when so opened the electors of the township shall have to elect all officers to be chosen at said election. Said officers shall be chosen by ballot. Each ballot shall contain the name of every officer or measure voted for, written or printed on the face of such ballot, with the name of the office for which the persons voted for are intended to be chosen, which ballot shall be folded so as to conceal the names of the persons voted for; where the names of two or more persons appear on any ballot for the same office, such ballot shall be rejected by the judges in canvassing the votes, only as to the persons erroneously voted for. Said township election shall in all things conform to the general law concerning elections for state and county officers, so far as the same is consistent with the provisions of this chapter."

Section 65.090 of said Chapter 65 defines the qualifications of voters at any township organization election as follows:

"65.090. Qualification of voters.--No person shall be a voter at any township election unless he be a qualified voter at general elections, and has been an actual resident of the township in which he offers to vote for sixty days next preceding such election."

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It will be observed that Section 65.080, supra, provides that such township election shall in all things conform to the general law concerning elections for state and county officers, so far as the same is consistent with the provisions of Chapter 65. This provision, with respect to the ballot is made inoperative and cannot be followed in such township elections under the terms of Section 111.010 of Chapter 111, RSMo 1949. Said Section 111.010 provides as follows:

"The provisions of this chapter shall apply to all the election precincts in this state but shall not apply to township or village elections, to school elections, or to any city election in cities of the fourth class, or in cities of under three thousand inhabitants existing under any special law."

Said Section 111.010 was first enacted as a part of the Australian Ballot Law in this State found in Laws of 1889, page 105, Section 36. This section has been carried through the succeeding revisions of our statutes, and as now existing in our Revised Statutes, 1949, clearly shows that none of the provisions of said Chapter 111, relating to the ballot to be used in general elections for state and county officers, are to be applied to the form of ballots used in a township election for township officers under Chapter 65 of our present revised statutes of this State. It appears clear, we believe, that under the terms of said Section 111.010 exempting township elections from the terms of Chapter 111, RSMo 1949, it is not permissible to write or print the name of any political party to designate the political party of the various candidates on the ballot in elections for township offices held under said Chapter 65 of the statutes of this State.

#### CONCLUSION.

It is, therefore, the opinion of this office, considering the premises, that it is not permissible to write or print the name of any political party on the ballot to be used in township elections to elect township officers to designate the political party of the various candidates on the ballot used in such township elections.

Honorable James J. Wheeler:

The foregoing opinion, which I hereby approve,  
was prepared by my Assistant, Mr. George W. Crowley.

Yours very truly,

JOHN M. DALTON  
Attorney General

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