

ELECTIONS: Peace Corps Volunteers may vote absentee
BALLOTS: ballots even though not registered.
ABSENTEE BALLOTS:
VOTING:
REGISTRATION:
PEACE CORPS:

OPINION NO. 129

April 1, 1964



Honorable Harry Leitz
Director of Elections
Board of Election Commissioners
for the City of St. Louis
208 South Twelfth Boulevard
St. Louis, Missouri

Dear Mr. Leitz:

In your letter of March 11, 1964, you request a clarification on the status of Peace Corps members, who request War Ballots and who are not registered voters.

More specifically, you state that you have been receiving requests from Peace Corps members in foreign countries for War Ballots. These are not registered voters and they are sending in Form 76, issued by the United States government for servicemen and civilian employees of the government who are allowed to vote War Ballots.

The Act creating the Peace Corps is contained in Public Law 87-293, September 22, 1961, Title I. Section 5 of the Peace Corps Volunteers Law, subparagraph (h), as amended in Public Law 88-200, 77 Statute 359, Section 2(e), states that volunteers of the Peace Corps are considered employees of the United States Government for the purposes of the Federal Voting Assistance Act, and reads as follows:

"TITLE I--THE PEACE CORPS

* * * *

"Peace Corps Volunteers

"Sec. 5 * * * (h) Volunteers shall
be deemed employees of the United

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States Government for the purposes of the Federal Tort Claims Act and any other Federal tort liability statute, the Federal Voting Assistance Act of 1955 (5 U.S.C. 2171 et seq.) * * *

The Federal Voting Assistance Act, Sections 2171-2196, Chapter 28, Title 5, U.S.C.A., recommends that the several states permit civilian employees of the United States, serving outside the territorial limits, and their spouses and dependents to vote by absentee ballot if they are otherwise eligible to vote in certain elections.

Section 112.300, RSMo 1959, includes civilian employees of the United States government outside the continental limits of the United States and their spouses. Section 112.300 is as follows:

"112.300. Who may vote absentee war ballot

"1. Any person being a duly qualified elector of the state of Missouri who is absent, or who expects to be absent, from the state or from the county in which he is a qualified elector, on military or naval service and who may, on the day of holding of a special, primary or general election at which any presidential preference is indicated, or any candidates are chosen or elected for any congressional, state, district, county, town, city, village, precinct or judicial offices, or at which any question of public policy is submitted, be absent from his voting precinct because of duties requiring him to be absent from the state or from the county in which he is a qualified elector, on the day of such election, may vote an absentee ballot as herein provided.

"2. The wife of any elector authorized to vote under the provisions of sections 112.300 to 112.410, when residing with her husband, may vote an absentee ballot as herein provided.

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"3. Any member of the merchant marine of the United States, any member of a religious or welfare organization assisting service men, a civilian employee of the United States government outside the continental limits of the United States, and the spouse of either of those listed herein, when residing with her husband outside the continental limits of the United States may vote an absentee ballot as herein provided in the event they are otherwise qualified to vote in the state of Missouri. Reenacted Laws 1951, p. 836, § 1, as amended Laws 1959, H.B. No. 170, § 1."

Paragraph 3 of Section 112.300 specifies that "a civilian employee of the United States government outside the continental limits of the United States, and the spouse" may vote an absentee ballot.

Section 112.310, RSMo 1959, states that any authorized elector may vote a war ballot without having complied with the registration laws.

Section 112.320, RSMo 1959, states that an elector may apply for an absentee War Ballot by a post card as provided for under the Federal Voting Assistance Act.

Under authority of the Peace Corps Act, Public Law 87-293, September 22, 1961, Title I, as amended, Peace Corps members are considered employees of the United States government for the purposes of the Federal Voting Assistance Act, Section 2171-2196, Chapter 28, Title V, U.S.C.A. Under Missouri Revised Statutes of 1959, Section 112.300-410, a Federal employee of the United States government outside the continental limits of the United States and his spouse, even though not previously registered, may apply for absentee War Ballots on post card Form 76 as provided for under the Federal Voting Assistance Act, and may cast said ballots in the county or city where they formerly resided at any special, primary or general election at which any presidential preference is indicated, or any candidates are chosen or elected for any congressional, state, district, county, town, city, village, precinct

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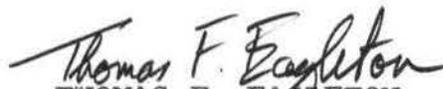
or judicial offices, or at which any question of public policy is submitted (Section 112.300, RSMo 1959).

CONCLUSION

Therefore, it is the opinion of this office that Peace Corps members are considered Federal employees and may apply for absentee War Ballots on post card, Form 76, as provided for in the Federal Voting Assistance Act, and cast said ballots in any special, primary or general election at which any presidential preference is indicated, or any candidates are chosen or elected for any congressional, state, district, county, town, city, village, precinct or judicial offices, or at which any question of public policy is submitted, in the county or city where they formerly resided, even if they had not previously registered.

The foregoing opinion, which I hereby approve, was prepared by my Assistant, O. Hampton Stevens.

Yours very truly,


THOMAS F. EAGLETON
Attorney General