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ATTORNEY GENERAL OF MISSOURI
JEFFERSON CITY

October 8, 1974

OPINION LETTER NO. 307

Honorable Ed Bohl
Representative, District 115
Box 325
Harrisonville, Missouri 64701

Dear Representative Bohl:

This letter is in answer to your question asking:

"When the electronic voting system as provided for in 111.291 to 111.331, RSMo. is used at an election and a ballot envelope is used for enclosing the computer ballot card as well as for write-in candidates, does the printing on the ballot envelope of the name of a county official who also is a candidate on the ballot in that election violate the provisions of Section 111.341, RSMo. pertaining to the contents and form of the ballots as well as Sections 129.730 and 129.840, RSMo. relating to electioneering at the polls?"

You further state that:

"The ballot envelope currently being used in Cass County for enclosing the computer ballot card as well as for write-in votes has printed on the outside and clearly visible to each voter the following: 'OFFICIAL BALLOT'; 'County of Cass, State of Missouri'; 'RUSSELL WERNEX County Clerk'; '_____
Judge'. (A copy of the ballot envelope is attached for reference.) At the same election in which this ballot envelope was (and will be) used, Mr. Russell Wernex is a candidate for the office of County Clerk."

Honorable Ed Bohl

Your question is whether or not the placing of such name as indicated constitutes "electioneering" within the prohibition of Sections 129.730 or 129.840, RSMo. Penal statutes must be strictly construed, which means that they will not be regarded as including anything not clearly and intelligibly described in the words thereof, and manifestly intended by the legislature. State ex inf. Collins v. St. Louis & S. F. R. Co., 142 S.W. 279 (Mo. 1911). In these premises we do not believe that there is a violation of Sections 129.730 or 129.840.

Yours very truly,



JOHN C. DANFORTH
Attorney General