

ELECTIONS: All identifying numbers on ballot must be concealed by black sticker.



October 25, 1948

10-26

Mr. George F. Breitenstein, Chairman
Democratic County Committee
St. Louis County
Clayton 5, Missouri

Dear Sir:

This department is in receipt of your request for an official opinion, which reads as follows:

"Section 11607, Laws of Missouri 1941, page 363, provides in part as follows:

"Every ballot shall be numbered in numerical order in which received, and it shall be the duty of the election 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.
* * *

"Does said section refer to all numbers which may be placed upon the ballot which would enable any person to identify the person casting the ballot, or does the section apply only to the number placed on the ballot which indicates the numerical order in which it is received?"

As stated in your request, Section 11607, Laws of Missouri 1941, page 363, provides that a black sticker must be placed over the "identifying number or numbers" so as to conceal but

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not destroy "the number or numbers placed thereon." As our Supreme Court has aptly said in Bradley v. Cox, 197 S.W. 88, "The real requisites are that the ballot shall preserve secrecy and show the voter's choice."

Section 11607, supra, is plain in its requirement that all identifying numbers shall be covered with a black sticker. To conceal one of the identifying numbers only, and to leave exposed other numbers by which the identity of the voter could be ascertained, would nullify the purpose of the law and would destroy the secrecy of the ballot. We believe the statute is plain in its requirement that all identifying numbers upon the ballot should be concealed by a black sticker.

CONCLUSION

It is, therefore, the opinion of this department that, under the provisions of Section 11607, Laws of Missouri 1941, page 363, all identifying numbers upon a ballot must be concealed by placing a black sticker over the numbers so as to conceal but not destroy the same.

Respectfully submitted,

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APPROVED:

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