

ELECTIONS:
ABSENTEE BALLOTS:

The list of the names of applicants for absentee ballots posted by the election authority in a conspicuous place accessible to the public at the entrance of the office of the election authority should include the post-office address to which the ballot is to be sent, the street address in the application for an absentee ballot and the ward or precinct number given by the applicant.

OPINION NO. 2

January 14, 1972

Honorable George W. Parker
State Representative, District 120
Room 202A Capitol Building
Jefferson City, Missouri 65101



Dear Representative Parker:

This is in answer to your request for an opinion which reads as follows:

"Re 112.030, RSMo 1969 concerning the election authority's instruction to post the list of applicants for absentee ballots.

"The statute says, 'The list shall show also the post-office address, street address, election district or precinct number given by the applicant.'

"Question: Should the election authority be expected to provide the out-of-county address for absentee ballot applicants who reside out of the county?

"Comments: Presumably, most applicants from out of town would necessarily include their mailing address out of town because their ballot goes to them by mail. It would seem to me that it should be public information as to where out of town the applicant lives. Listing the precinct or election district is important in counting his vote. . . but for an out of town resident this would probably be the address in the county where he lived prior to moving out of the county and would have no current significance, except for identifying which precinct to credit his vote to."

Honorable George W. Parker

Section 112.030, RSMo 1969, provides in part as follows:

"1. Application for an absentee ballot may be made on a blank signed by the applicant, to be furnished by the election authority, or may be made in writing by first class mail addressed to the election authority and signed by the applicant. Immediately upon receipt of each application, within the time and in the manner provided, the election authority shall make a list of the names of the absentee voters whose applications for ballots have been received, and shall cause the list to be immediately posted in a conspicuous place accessible to the public at the entrance of the office of the election authority. The list shall show also the post-office address, street address, election district or precinct number given by the applicant.

"2. The election authority shall not furnish a ballot to any person who is not lawfully entitled to vote. If the applicant for a ballot is entitled to receive the ballot, the election authority shall send an official ballot in a separate envelope addressed to each absentee voter by certified mail with return receipt or shall deliver in person an official ballot to any applicant applying in person at the office of the election authority."

It can be seen from the provisions of Section 112.030 above quoted that applications for absentee ballots must be made on a form furnished by the election authority or by the applicant in writing and that the election authority when it receives such application must deliver the absentee ballot to the individual in person or must send the official ballot to such individual by certified mail.

We are enclosing Opinion No. 356 rendered December 7, 1964 to Frank C. Ellis which holds that the delivery of such absentee ballots must be at the place where the voter either permanently or temporarily resides. In cases where a ballot is mailed to a person casting an absentee ballot in one county because he is a permanent resident of such county but who is temporarily located in another county or another state under the holding in such opinion the ballot must be mailed to him at the address at which he is then located.

It is our view that the requirement of posting of a list in a conspicuous place accessible to the public at the entrance of the

Honorable George W. Parker

office of the election authority means that such list shall show the post-office address, the street address and the election district or the precinct number given by the applicant. We believe it apparent that the statute does not confer upon the election authority the power to include in the list only the post-office address or the street address or the ward number or the precinct number. The statute itself makes it clear that the list is to include as separate items the street address, the post-office address and either the ward number or the precinct number. The reason that an alternative is given as to ward or precinct number is that wards are found only in incorporated municipalities. It is clear that the reason for posting such a list is so that interested members of the public may make such investigation as they deem proper in order to determine whether or not the individuals applying for absentee ballots are persons eligible to receive and cast such absentee ballots. All information necessary for a determination should be included in the list and this would include both the street address and ward or precinct number listed by the individual applying for the ballot in addition to the post-office address to which he requests that the ballot be sent.

We believe that the holding above made is conclusively shown by the provisions of Section 11472, RSMo 1939, which provided an affidavit and application form for an absentee ballot and which included, as does Section 112.030, the provision that the list should show "the post-office address, street address, ward or precinct number given by such applicant." In the affidavit and application for ballot form provided in such statute the applicant was required to list his street address and he was also required to give the "post-office address to which ballot is mailed." This we believe constituted a clear legislative interpretation of the meaning of the phrase "the post-office address, street address, ward or precinct number given by such applicant" and that the statute required that both the post-office address and street address be in the list posted by the election authority. The specific statutory form for affidavit and application for absentee ballot was deleted from such section when such section was amended, Laws Mo. 1943, p. 526, providing that application could be made upon a form furnished by the county clerk, board of election commissioners or other officers charged with the duty of furnishing ballots or in writing by first class mail addressed to the election authority and signed by the applicant but the phrase "the post-office address, street address, ward or precinct number given by such applicant" was unchanged. It follows therefore that in making the list of applicants for absentee ballots the election authority must include the post-office address to which the ballot is to be sent, the street address in the application and the ward or precinct number given by the applicant.

Honorable George W. Parker

CONCLUSION

It is the opinion of this office that the list of the names of applicants for absentee ballots posted by the election authority in a conspicuous place accessible to the public at the entrance of the office of the election authority should include the post-office address to which the ballot is to be sent, the street address in the application for an absentee ballot and the ward or precinct number given by the applicant.

The foregoing opinion which I hereby approve was prepared by my assistant, C. B. Burns, Jr.

Very truly yours,



JOHN C. DANFORTH
Attorney General

Enclosure: Op. No. 356
12-7-64, Ellis