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NEW MADRID, MO.

July 25, 1938

Honorable Lloyd C. Stark
Governor of Missouri
Jefferson City, Missouri

My dear Governor:

As you know, the Prosecuting Attorney of this County, J. V. Conran, is for Billings and we cannot hope for any cooperation from him to secure an honest primary and I think it is very essential that we have an opinion from the Attorney General not later than Friday or Saturday of this week on the following question; (is it legal to give a voter a printed slate on which the names of all candidates he is supposed to vote for are printed, for the voter to carry this slate into a voting place and present it to the instructing judge and for the judge to accept that slate, mark the ballot in accordance therewith, and return the slate to the voter?)

We have absolute knowledge that the Pendergast machine plans to have such slates printed with Billings and the other Pendergast candidates printed thereon and they intend to give the slates to the WPA men and others of that class whom they indirectly threaten, bribe or coerce into voting their way, instructing them to take it to the judge in each polling precinct whom they have placed there as instructing judge and to have that judge vote them as an illiterate voter, returning the slate to them after it has been voted.

The election laws of course provide that the judges can swear an illiterate voter if he says he cannot make out his own ballot, after which the judges shall return the ballot to

the elector and then, without leaving their respective places, mark the ballot as directed by the elector. This slate or ticket has been used in the past to a very great extent and we think that it's use will cost Judge Douglas several hundred votes if permitted to be used.

Prior to the election of 1936 a letter was given to each Democratic judge, selected then as now by Mr. J. V. Conran and the present County Court, signed by him with typewriter and also by Philo LeSieur who was then and is now our Chairman and is of course with the Pendergast machine. In this letter the following paragraph appears:

"The Democratic Central Committee has had prepared for this election a ticket showing how to vote a straight Democratic ballot and on this ticket appears the names of all the Democratic candidates. This ticket complies with the law in every respect and any voter wishing to take the ticket into the polls may do so. If he hands this ticket to one of the election judges, his ballot should be marked accordingly and no one should be allowed to ask any questions. If any complaint is made by any one to the

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use of this ticket, we refer you to Section 10218 of your election law book, which each precinct will have, and you may show this statute as authorization for the use of the ticket, furthermore, this law makes it a misdemeanor to interfere with the voter, or the use of such a ticket. If the voter desires to hand the ticket to an election judge and thereby indicate the way he wishes to vote, you should see that his ballot is marked just like the ticket."

For your information, Section 10218 as found in the election law book referred to in the above paragraph was first enacted in the year 1885 and found on page 162 of the Session Acts of that year. This section provides that each political party may furnish the ballot which is to be voted by the voter and provides penalties for misuse of same. For explanation for reason of that section I refer you to Revised Statutes of 1879, Section

5493 and Revised Statutes of 1889, Section 4671 which was then the method of furnishing ballots or tickets to the voters, providing in substance as follows, "Each voter at any election shall, in full view, deliver to one of the judges of election a single ballot, which shall be a piece of white paper, on which shall be written or printed the names of the person to be voted for with a designation of the office which he or they may intend to vote for."

In connection with the above sections, Section 4672 provides, "The judge to whom any ticket shall be delivered shall, upon receipt thereof, pronounce in an audible voice the name of the voter; and if the judges shall be satisfied that the person offering it is a legal voter, his ticket shall be numbered and placed in the ballot box without inspecting the names written or printed thereon, or permitting any other person or persons to do so." You will note that the ticket referred to in the section quoted by Mr. Conran was the ticket to be numbered by the judges, placed in the ballot box without inspecting the names written or printed thereon. The last above section is now 10315, and like many other statutes on our books is no longer in effect because later election laws which are now in force provides that the ticket or ballot used must be printed and paid for by the County Court, each ballot strictly accounted for and is the only method by which a voter can cast his ballot.

Under Section 10298, first found in Revised Statutes of 1889 as Section 4756 the present provision, "All ballots cast for public officers within this State shall be printed and provided at public expense as hereafter provided."

By no possible construction can the present latest election laws be construed to permit the use of any such slate or ticket but Mr. Conran deliberately misinstructed the judges two years ago as to the use of such a slate and we are sure they are intending to use this slate in this election. We are sure that no voter is, under our present laws, to take anything into the polls to be given the judge from which the judge is to mark the ballot cast. We want an opinion from the Attorney General to this effect and we need it at once in order that we may be prepared to

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prevent the use of such slates which will further the Pendergast organizations' attempt to use the WPA and other coerced voters in defeating Judge Douglas and out other men.

We cannot obtain this opinion because all of the officers of this County are Pendergast men and will not ask the Attorney General for it. Your office, however, can obtain it and we will appreciate your earnest and prompt efforts to obtain an opinion for us immediately and it will also immeasurably further the cause of just and honest elections.

With very kindest personal regards and best wishes, I remain,

Sincerely

R. F. BAYNES

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