

VOTING: Citizens temporarily on relief rolls are not disfranchised.

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July 12, 1934.



Mrs. W. H. Henton, President
Ripley County Women's Democratic Club
Doniphan, Missouri

Dear Madam:

This Department is in receipt of your request for an opinion wherein you state in part as follows:

"A few months ago a St. Louis daily paper carried a lengthy editorial on elections relative to voters who are on the Relief rolls. In this editorial it brought out that Missouri was one of the fifteen states having a law to bar voters from voting, if they had been receiving relief, within so many months prior to election. They pointed out the needed change in this legislation because elections can be won by this method, which is unfair to some of our best citizens who for no fault of their own have had to accept State aid.

"I would be glad if you would give me your opinion on this?"

Section 2, Article VIII of the Missouri Constitution was adopted February 26, 1924, and reads as follows:

" All citizens of the United States, including occupants of soldiers' and sailors' homes, over the age of twenty-one years who have resided in this state one year, and in the county, city or town sixty days immediately preceding the election at which they offer to vote, and no other person, shall be entitled to vote at all elections by the people; provided, no idiot, no insane person and no person while kept in any poor-house at public expense or while confined in any public prison shall be entitled to vote, and persons convicted of felony, or crime connected with the exercise of the right of suffrage may be excluded by law from the right of voting."

Section 10178 R. S. Mo., 1929, provides as follows:

"Every male citizen of the United States and every male person of foreign birth who may have declared his intention to become a citizen of the United States according to law, not less than one year nor more than five years before he offers to vote, who is over the age of twenty-one years, possessing the following qualifications, shall be entitled to vote at all elections by the people: First, he shall have resided in the state one year immediately preceding the election at which he offers to vote; second, he shall have resided in the county, city or town where he shall offer to vote at least sixty days immediately preceding the election; and each voter shall vote only in the township in which he resides, or if in a town or city, then in the election district therein in which he resides: Provided, however, that no officer, soldier or marine in the regular army or navy of the United States, shall be entitled to vote at any election in this state; and provided further, that no person while kept at any poorhouse or other asylum at public expense, except the soldiers' home at St. James and the confederate home at Higginville, nor while confined in any public prison, shall be entitled to vote at any election under the laws of this state; nor shall any person convicted of felony or other infamous crime, or of a misdemeanor connected with the exercise of the right of suffrage, be permitted to vote at any election unless he shall have been granted a full pardon; and after a second conviction of felony or other infamous crime, or of a misdemeanor connected with the exercise of right of suffrage, he shall be forever excluded from voting."

Section 1 of the 19th Amendment of the U. S. Constitution reads as follows:

"The right of the citizens of the United States to vote shall not be denied or abridged by the United States or by any State on account of sex."

A "poorhouse" is a refuge for aged, infirm, lame, blind or sick persons who are unable to support themselves, and has a superintendent, who has the power to coerce persons kept at such house to perform labor.

Section 12951 R. S. Mo. 1929 defines poor persons and reads as follows:

"Aged, infirm, lame, blind or sick persons, who are unable to support themselves, and when there are no other persons required by law and able to maintain them, shall be deemed poor persons."

Section 12958 R. S. Mo., 1929, provides for the appointment of a person to superintend a poorhouse and reads as follows:

"Whenever such poor-house or houses are erected, the county court shall have power to appoint a fit and discreet person to superintend the same and the poor who may be kept thereat, and to allow such superintendent a reasonable compensation for his services."

Section 12959 R. S. Mo., 1929, sets out his powers and reads thus:

"Such superintendent shall have power to cause persons kept at such poorhouse, who are able to do useful labor, to perform the same by reasonable and humane coercion."

Section 10178, supra, disqualifies persons "kept at a poorhouse" or some "other asylum" as the same class as a "poorhouse" at public expense, for upon the principle of ejusdem generis, the term "other asylum" being a general term following particular words, will be confined in its application to asylum of the same class as a "poorhouse".

As stated in the case of State v. Krueger, 134 Mo. 262, l. c. 269, the rule of ejusdem generis is as follows:

"In construing Statutes, where general words

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follow particular ones * * * * the rule is * * * * as follows: 'Where a particular class is spoken of, and general words follow, the class first mentioned is to be taken as the most comprehensive, and the general words treated as referring to matters ejusdem generis with such class.' "

Persons maintained as inmates of a "poorhouse" or "other asylum" are disqualified from voting, but since the persons referred to in your letter are not inmates of a "poorhouse" or "other asylum" at public expense they are not disqualified to vote if otherwise qualified.

It is the opinion of this office that the Statutes and Constitution of our State should not be construed to mean that a citizen on the relief roll is a pauper as defined by the Statutes, and the fact that a citizen is temporarily on the relief roll does not disfranchise such citizen from voting.

Respectfully submitted

WM. ORR SAWYERS
Assistant Attorney General.

APPROVED:

ROY McKITTRICK.

MW:H