

Soldiers' Home. Right of Suffrage. Inmates of Soldiers' Home.

Inmates of the Montana Soldiers' Home are entitled to register and vote in the precinct where the home is located, provided they are citizens of the United States and have resided in the State one year and within the county for thirty days.

Helena, Montana, October 11th, 1906.

Doctor C. B. Miller, Secretary and Treasurer, Montana Soldiers Home,
Helena, Montana.

Dear Sir:—I am in receipt of your recent letter making inquiry as to the right of suffrage of the inmates of the Soldiers' Home located at Columbia Falls, Flathead County, Montana. You also make reference to a former holding of this office relative to the residence of inmates of said institution. The opinion heretofore given by this office relating to the soldiers' home had reference to the costs incurred in the examination and commitment of inmates of that home to the asylum for the insane and has no bearing whatsoever on the right of suffrage. The right of suffrage of inmates of the soldiers' home is not dependent on the means of sustenance, for the home is not an alms house, nor is it an asylum except in the general sense that every man's home is his asylum. The right to become an inmate of that home is rather in the nature of additional compensation for services heretofore rendered.

Sec. 1281 of the Political Code specifies the qualification of voters, to-wit:

First, he must be a citizen of the United States; second, he must have resided in the state one year and in the county thirty days immediately preceding the election at which he offers to vote."

See also, Rec. 2 of Art. IX State Const.

Sec. 1211 of the same code as amended by the laws of 1897, page 120, prescribes the rules for determining the residence for the purpose or registration of voting, and these rules apply to inmates of the soldiers' home in the same manner and to the same extent that they do to other persons in the county where the home is located.

Subdivision 1 of this section provides "That place must be considered and held to be the residence of the person in which his habitation is fixed and to which, whenever he is absent, he has the intention of returning."

Subdivision 9 also provides "A change of residence can only be made by the act of removal, joined with the intent to remain in another place"

If, therefore, the party goes to the home with the intention of making it his fixed habitation, he is entitled to register and vote in the precinct where the home is located, provided he is a citizen of the United States, has resided in the state one year and in the county—(either in the home or out of it)—for thirty days immediately preceding the election at which he offers to vote, unless he is disqualified for other reasons.

Very truly yours,

ALBERT J. GALEN,

Attorney General.