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**Women—Suffrage—Right to Hold Office.**

Under the suffrage amendment to the Constitution in 1914, all women are eligible to hold all public offices, when possessing qualifications prescribed for all electors.

December 20th, 1918.

Messrs. Noffsinger & Walchli,  
Kalispell, Montana.

Gentlemen:

I am in receipt of your letters of Nov. 20th and Dec. 8th, with reference to whether or not women, since the adoption of the Constitutional amendment in 1914 granting women suffrage, have the right to hold public office other than that of Superintendent of Schools. This question, so far as I know, has never before been raised in this state, and I have heretofore expressed no opinion thereon.

Prior to the adoption of the Woman Suffrage amendment in 1914, the right of suffrage was restricted to male persons over the age of twenty-one years, who possessed certain qualifications, (Sec. 2, Art. 9 Constitution), but by the amendment referred to word "male" was stricken out of this section, so that the right of suffrage was extended to all persons, both male and female, over the age of twenty-one years who possessed the qualifications specified in such section.

Section 11 of Article 9 of the Constitution provides that any person qualified to vote at general elections and for state officers shall be eligible to any office therein except as otherwise provided in this constitution, while Section 10 of the same article provides that women shall be eligible to hold the office of county superintendent of schools or any school district office, and shall have the right to vote at any school district election. These two sections were a part of the Constitution when the same was first adopted and have never been amended.

Prior to the adoption of the 1914 amendment the right to hold office, except the office of county superintendents of schools and school district officers, was restricted to persons eligible to vote at general elections, and for state officers, that is to male citizens over the age of twenty-one years who possessed certain qualifications, and these officers were made an exception by Section 10. Section 10 was not intended as a limitation on the right of women to hold office, but was intended as an exception from the provisions of Sections 2 and 11. When the amendment was adopted women who were qualified to vote at general elections and for state officers, became eligible to hold all offices in the state, if otherwise qualified when additional qualifications are required.

The words "except as otherwise provided in this constitution" found in Section 11 have no reference to Section 11, but refer to certain offices for which additional and special qualifications are required. For instance Section 3, Art. 5 requires state senators to be at least twenty-four years of age; Sec. 3 of Art. 7 requires the governor, lieutenant governor and superintendent of public instruction to be at least thirty years of age, secretary of state, state auditor and state treasurer to be at least twenty-five years of age, and the attorney general to be at least thirty years of age, admitted to practice in the supreme court, and

in good standing, and in addition requires that the persons elected to each of said offices shall have resided in the state at least two years preceding their election; Section 10 of Art. 8 requires the judges of the supreme court to be at least thirty years of age, to have been admitted to practice in the supreme court, and to have resided in the state at least two years preceding their election; Section 16 of Art. 8 requires district judges to be at least twenty-five years of age, admitted to practice in the supreme court; while Sec. 19 of Art. 8 requires county attorneys to possess the same qualifications as are required of district judges except that they need not be twenty-five years of age. These are all qualifications in addition to those generally required by Section 11 of Art. 9 and it is to these offices requiring additional qualifications that the words "except as otherwise provided in this constitution" refer.

I am therefore of the opinion that since the adoption of the woman suffrage amendment in 1914 all women who are qualified to vote at general elections and for state officers are eligible to hold all public offices, except those offices for which special qualifications are provided, and that women electors who possess these special qualifications are eligible to hold such offices.

Respectfully,  
S. C. FORD,  
Attorney General.