

Elections, Women, Registration of—Women, Not Required to State Age in Registering.

A woman or elector may not be required to state his or her exact age when registering.

October 8, 1920.

Mr. Chas. Gordon,
Attorney at Law,
Wolf Point, Montana.

Dear Sir:

I have your letter of the 2nd instant, in which you make inquiry on behalf of your Civic League as to whether or not a female voter, when registering for the purpose of complying with the registration laws, is compelled to state her exact age.

Taking into account the laws governing this matter, we find that Article 9, Section 2 of the Constitution of this state prescribes certain qualifications, the possession of which entitles a person to vote. This constitutional provision, as amended in 1914, provides that every person of the age of twenty-one years or over shall be entitled to vote, providing (first) he shall be a citizen of the United States; (second) he shall have resided in the state of Montana for the period of one year immediately preceding the election at which he offers to vote. These are the material provisions affecting the question which you raise.

Section 9 of Article IX of the state Constitution provides: "The legislative assembly shall have the power to pass a registration and such other laws as may be necessary to secure the purity of elections and guard against the abuse of the elective franchise."

Pursuant to Section 9, above referred to, the legislature has enacted certain legislation, it being Chapter 122, Laws of 1915, as amended by Laws of 1917 and 1919. The amendments, however, are not material in our case. The constitutional provisions above referred to indicates the purpose of registration laws. A registration law for purposes of election is not one whereby the state gathers vital statistics. It is designed simply to assure the election officials that the person registering possesses the required qualifications prescribed by the Constitution to entitle such person to vote at any ensuing election. A person must have attained the age of twenty-one before he can

vote. The number of years any person may have attained more than twenty-one is not material in the qualification of an elector. In fact, the legislature could impose no different age qualification than that prescribed by the Constitution.

Turning to Chapter 122, Laws of 1915, we find that Sections 7, 8, 28 and 33 are the only ones material to your question. Taking up these sections out of their numerical order, but in their logical order so far as they affect our case, we find that Section 28 provides that "no person shall be entitled to vote at any election mentioned in this act unless his name shall, on the day of election, * * * * appear in the copy of the official precinct register furnished by the county clerk to the judges of election."

Section 8 of the Act provides as follows:

"Any elector residing within the county may register by appearing before the county clerk and ex officio registrar and make correct answers to all questions propounded by the county clerk touching the items of information called for by each registry card, and by signing and verifying the affidavit or affidavits on the back of such card."

Section 7 of the Act in part contains the following words:

"The official register of electors in each county shall be contained in a book designated register, which book shall be so arranged in precincts and alphabetical divisions suitable to record the full and complete information given by each elector and a card index of which the county clerk of such county shall at all times have the custody. * * * * The registry card shall be substantially in the following form:
* * * *

Where born Age Height Occupation.
* * * * (Affidavit)."

Section 35 provides in substance that any person who shall make false answers or shall violate any of the provisions of the act or knowingly encourage another to violate the same shall be deemed guilty of a felony and subject to certain punishment.

The Act does not in express words require every elector to state his exact age. I am of the opinion that the statement by the elector that he is twenty-one years of age or more than twenty-one years of age complies with the requirement of the Registration Act. It is a well known fact that there are great numbers of people, particularly so among the female sex, who feel some delicacy regarding their exact age becoming public information. To those people who have this delicacy, this is a matter of substance and it is not for others to make light or sport of this fact. I am sure that had this matter been presented to the legislature provision would have been made so that

an elector need give no further information regarding his or her age than the fact that he or she has attained twenty-one years.

Trusting that this answers your inquiry, I am,

Respectfully,

S. C. FORD,
Attorney General.