

ELECTIONS: Members of C. C. Camps are entitled to vote in the primary if they possess the necessary qualification. Elections Judges can challenge their right to vote and reject their vote if illegal.

July 30, 1936.



Honorable James E. Brisco
Palmyra, Missouri

Dear Sir:

You recently made a request through Mr. McIntyre of General McKittrick concerning the right of members of Citizens Conservation Camps to vote in the coming primary.

This matter was before our Department several times during the 1934 election, and we have consistently ruled that the members of the Conservation Camps were entitled to vote. Enclosed are two opinions, one to Honorable Wilbur C. Buford, Game and Fish Commissioner, and one to Honorable James P. Aylward, Chairman, Democratic State Committee, concerning members of the State Transient Camps being permitted to vote.

Bearing in mind the qualifications set forth in Section 10178 R. S. Mo. to wit: That the elector must have resided in the State one year immediately preceding the election, and shall have resided in the county, city or town where he shall offer to vote at least sixty days immediately preceding the election. The officer in charge of the election may demand these qualifications from each member of the camp before he permits them to vote. Under Section 10309 R. S. Mo. 1929, members of the C. C. Camp may be challenged on their right to vote.

It has been suggested that the members of the C. C. Camps may be disqualified under the proviso of Section 10178 R. S. Mo. 1929, to wit: "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;" might be applicable to the members of such camps. We do think, and it has been so ruled by officials of Washington, D. C. that the members of such camps are not in anywise in the regular army or navy of the United States. Section 10178, supra, is also to the effect "that no person

Hon. J. E. Brisco

-2-

July 30, 1936.

while kept in any poorhouse or other asylum at public expense, * * * * shall be entitled to vote." We do not think this proviso in anywise prevents members of the C. C. Camps from exercising their right of franchise while the government keeps the members in camps, feeds and clothes them, yet it pays each member a monthly salary. Therefore, theoretically if not actually, the members are paid for their labor and not kept at public expense within the meaning of the Statute.

We are, therefore, of the opinion that if the members of the C. C. Camps present themselves for voting in the coming primary they are entitled to vote, if they possess the statutory qualifications. They may be placed under oath and examined by the election officials, and if found not possessed of the qualifications they may be legally refused the right to vote.

Yours very truly

OLLIVER NOLEN
Assistant Attorney General.

APPROVED:

JOHN W. HOFFMAN, Jr.
(Acting) Attorney General.

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