

VOTING:
EMPLOYEES:

A Missouri employer is not obligated to allow time off for voting purposes to employees who live and vote in Kansas.

OPINION NO. 283

June 20, 1968



Honorable Charles S. Broomfield
State Representative - 87th District
Missouri House of Representatives
4801 North Lister
Kansas City, Missouri 64119

Dear Representative Broomfield:

This is in response to your request for an opinion concerning a Missouri employer's obligation to allow time off for voting purposes to employees who reside and vote in Kansas.

The applicable Missouri Statute is Section 129.060, RSMo 1959 which provides in part as follows:

"1. Any person entitled to vote at any election held within this state, or any primary election held in preparation for such election, shall, on the day of such election be entitled to absent himself from any services or employment in which he is then engaged or employed, for a period of three hours between the time of opening and the time of closing the polls for the purpose of voting; . . ." (emphasis added)

This particular section is not an embodiment of any federal constitutional or statutory right, but is an exercise of the police power by the Missouri legislature in an attempt to safeguard the right of suffrage by taking from employers the incentive and power to use their leverage over employees to influence the vote. Day-Brite Lighting v. Missouri (1952) 342 US 421, 96 L.Ed. 469, 72 S. Ct. 405.

The underscored portions of previously quoted Section 129.-060 clearly indicate that it is limited in application to Missouri elections and residents of Missouri entitled to vote in such elections.

Honorable Charles S. Broomfield

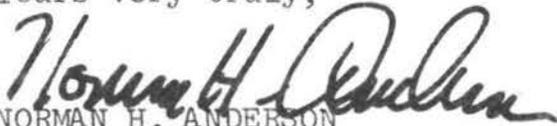
It is a general rule of statutory construction that where a statute enumerates the subjects or things on which it is to operate, or the persons affected, or forbids certain things, it is to be construed as excluding from its effect all those not expressly mentioned. 82 C.J.S. Statutes, section 333, p. 666, Brown v. Morris, 290 S.W.2d 160.

CONCLUSION

Therefore, it is the opinion of this office that a Missouri employer is not obligated to allow time off for voting purposes to employees who live and vote in Kansas.

The foregoing opinion, which I hereby approve, was prepared by my Assistant, Richard E. Dorr.

Yours very truly,


NORMAN H. ANDERSON
Attorney General