

ELECTIONS: Persons convicted of violating Section 7783(g) are disqualified from voting.

January 3, 1939

15

Mr. Roy W. McGhee  
Prosecuting Attorney  
Wayne County  
Greenville, Missouri



Dear Sir:

We have your request of December 29th for an opinion, which is as follows:

"Section 10178 R. S. Mo., 1929, (P. 39 Election Laws 1937-38) provides:

' . . . nor shall any person convicted of felony or other infamous crime, or of a misdemeanor connected with the exercise of the right of suffrage, be permitted to vote at any election unless he shall have been granted a full pardon; . . . '

"In view of the foregoing section, I would like an opinion from your office as to whether or not an otherwise qualified voter who had been previously convicted under Sec. 7783 (g) R. S. Mo. 1929 and his punishment fixed at a fine of \$50.00 is qualified to vote at a general election.

"There are many other graded felonies where the punishment is fixed by the jury at imprisonment or a fine rather than the maximum, which may be 2 or more years in the penitentiary. Is a person convicted under any of these

various sections and whose punishment is fixed at less than a term in the penitentiary, disqualified from voting because of having been convicted of a felony?"

Section 7786(c) R. S. Mo. 1929 provides in part as follows:

"Any person who violates \* \* \* pp. (f) or (g) of Section 7783 shall be deemed guilty of a felony \* \* \* \*"

Section 7783 (g) is as follows:

"Driving in intoxicated condition:  
No person shall operate a motor vehicle while in an intoxicated condition, or when under the influence of drugs."

Thus, it appears that persons who are convicted of violating Section 7783(g) R. S. Mo. 1929, have been convicted of a felony. The Missouri Constitution (Article VIII, Section 2) disqualifies for the purpose of voting any person who has been convicted of a felony.

Therefore, it is the opinion of this office that a person who has been convicted under Section 7783 (g) is disqualified from voting because of having been convicted of a felony.

Respectfully submitted,

FRANKLIN E. REAGAN  
Assistant Attorney General

APPROVED:

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J. E. TAYLOR  
(Acting) Attorney General  
FER:RT