

## Opinion No. 15-1436

February 9, 1915

**BY:** FRANK W. CLANCY, Attorney General

**TO:** Mrs. J. W. Mayes, Santa Fe, N. M.

**Women cannot vote at other than school elections.**

### OPINION

{\*25} Your letter of the 28th of January was duly received, but I have been ill and away from the office nearly all the time since it was received, which will be, I trust, sufficient excuse for my apparent neglect in answering.

{\*26} I feel somewhat doubtful as to whether the "Illinois Suffrage Law" which is contained in the newspaper clipping enclosed with your letter has been actually enacted or is only a proposed law. Examination of the Illinois constitution, which I have at hand, leads me to believe that this proposed statute cannot have been adopted unless there has been some later amendment to the Illinois constitution which would make it possible.

As applying to our own constitution here, I cannot believe that such a statute would be in conformity with our constitution. Section 1 of Article VII of our constitution declares that every male citizen of the United States over the age of twenty-one years, and who possesses certain residence qualifications with the exception of idiots, insane persons, persons convicted of an infamous crime, unless restored to political rights and Indians not taxed, shall be qualified to vote at all elections for public officers. The same section then goes on to prescribe that all school elections shall be held at different times from other elections and that women possessing the qualifications prescribed for male electors, shall be qualified electors at all such school elections. One of the principal rules of statutory construction is that the expression of one thing is the exclusion of others. When the constitution declares that every male citizen of the United States with certain qualifications shall be qualified to vote at elections for public officers, this rule would apply and would exclude all except male citizens possessing the qualifications specified. If that clause stood alone, the courts would hold that women were not entitled to vote and that the legislature would have no power to give them the right to vote, but when in addition to this, it is specifically declared that women shall be qualified voters at school elections, the application of the same rule makes it perfectly clear that they are not to be allowed to vote at any other elections.