

MAINE STATE LEGISLATURE

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August 18, 1922

To Mr. Joseph A. Pendleton, Dark Harbor
Re: Minor or Alien as Candidate

In reply to your question, "Can a minor legally be a candidate for the office of Representative to the State Legislature?" you are advised that we are unable to find any constitutional or statutory provision which prohibits or restricts the right of anyone to be a candidate for any office. Whether or not a person less than twenty-one years of age can be legally elected as such representative is another question, which must be considered with reference to the age of such person at the commencement of the term of the legislature to which he is elected.

If the person elected is of legal age when the legislature convenes, we think the fact that he became of age after he was nominated or elected would not necessarily bar him from being a legal member of the legislature.

It has been judicially held that one who is an alien at the time of his election may yet take the office if he be naturalized after his election.

State v. Murray, 28 Wis. 96;
Perkins v. Van Beck (Iowa), 19 L.R.A. 622;
Opinion of the Justices, 95 Me. 587.

The reasoning of the courts in the above cited cases would apply equally well to the question raised by you and would in our opinion lead to the same result.

William H. Fisher
Deputy Attorney General