

MAINE STATE LEGISLATURE

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August 24, 1922

To Arthur K. Purinton, Bath, Maine
Re: Residence of Woman Living apart from Husband

A requested by Senator*Baxter, I am giving you my opinion as to the right of a certain woman in your community to register and vote in the coming State election.

As I understand the situation, the woman in question is of voting age, a citizen of the United States and a resident of Maine and has lived for at least three months in the town in which she wishes to vote, claiming that as her residence.

Under such circumstances, she is a legal voter in such town, unless the fact that she has a husband living out of the State, from whom she has for years lived apart, deprives her of the right to vote in Maine.

This is the question as I understand it and I am firmly of the opinion that, notwithstanding the husband out of the State, she has a right to vote in Maine.

I find nothing in the law which makes the voting residence of a wife depend upon that of her husband and know of no reason why a wife living apart from her husband should be deprived of a right to vote where she has an established residence. So far as the act of voting is concerned, husband and wife are separate and distinct individuals, each with the right to vote as he or she sees fit and also, I believe, where he or she has a legal residence. To hold that a married woman could not acquire a voting residence separate from her husband would result in great inconvenience and might in some cases deprive a woman of a right which is ~~not~~ accorded by the Constitution.

William H. Fisher
Deputy Attorney General

* "Senator" in the original, though it was more than a year since he had been suddenly elevated to the Governor's office.