

# MAINE STATE LEGISLATURE

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July 25, 1940

Mr. Fessenden

Mr. Burkett, Attorney General

SUBJECT: Suffrage of Indians

The following is a copy of a provision of Federal law taken from U. S. C. A., Title 8, Section 3:

"All Indians born within the territorial limits of the United States are declared to be citizens of the United States. The granting of citizenship to Indians shall not in any manner affect the right of any Indian to tribal or other property.

Every American Indian, who served in the Military or Naval Establishments of the United States during the war against the Imperial German Government, and who has received or may receive an honorable discharge, if not a citizen on November 6, 1919, and if he so desires, shall, on proof of such discharge and after proper identification before a court of competent jurisdiction, and without other examination, except as prescribed by said court, be granted full citizenship with all the privileges pertaining thereto, without in any manner impairing or otherwise affecting the property rights, individual or tribal, of any such Indian, or his interest in tribal or other Indian property."

Note:

1st paragraph was an act of June 2, 1924

2nd paragraph was an act of November 6, 1919.

By the Constitution of Maine, Article XLIV, every male citizen of the United States of the age of 21 years and upwards, excepting paupers, persons under guardianship, and Indians not taxed, is an elector in the town or plantation where his residence is established.

By virtue of the 19th amendment of the Constitution of the United States, the right of citizens to vote shall not be denied by the United States or by any State on account of sex.

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From the foregoing references to the Constitution and to law, it follows that every Indian, male or female, over the age of 21 and who pays a tax, has a right, in the town or plantation wherein he has his residence, subject to the same law and rules as any other citizen, to vote.

Respectfully submitted,

J. E. E. E.

JSSP:GH