(b) more than fifty-four hours in a seven-day period. As this case demonstrates, the statute in question is aimed at preventing the employment of females for oppressive hours. A construction that will further this purpose is preferred to one that permits avoidance of the intended prohibition. *N.J.S.A.* 34:2-28 (prohibiting certain employment of women before 7:00 a.m. and after 12:00 midnight) provides additional support for the view that "day" means any twenty-four hour period without regard to midnight as a terminal point. See also, *Opinion of the Attorney General,* Memorandum—P-24 (August 8, 1956), wherein it was held that the word "week," contained in *R.S.* 34:2-24, meant any period of seven consecutive days.

The pertinent New Jersey cases defining the word "day" involve statutes obviously referring to the calendar day. *Walinski* v. *Mayor & Council, Gloucester City,* 25 N.J. Super. 122 (Chan. Div. 1953) and *In re Byrne,* 19 N.J. Super. 313 (Law Div. 1952). *In re Byrne* concerned the construction of a statute limiting the time for filing nominating petitions, and the court construed "day" to mean the time between consecutive midnights. *Walinski* involved construction of a statute prohibiting the sale of liquor on Sunday, and it was held that Sunday was the twenty-four hour period of time following Saturday midnight. These cases are not binding here.

Accordingly, we hold that "day," as used in *R.S.* 34:2-24, means any twenty-four hour period. The violation caused by the change of shifts discussed earlier in this opinion can be avoided by making the change effective following the individual's day of rest.

Very truly yours,

DAVID D. FURMAN
Attorney General

By: STEPHEN F. LICHTENSTEIN
Deputy Attorney General

AUGUST 26, 1959

MR. WILLIAM MACPHAIL
Superintendent of Elections
595 Newark Avenue
Jersey City, New Jersey

FORMAL OPINION 1959—No. 19

DEAR MR. MACPHAIL:

You have requested an opinion whether former residents of Puerto Rico who have appeared for the purpose of being registered to vote and who are unable to speak or read the English language are entitled to register and vote.

The qualifications for voting in New Jersey are set out in Art. 2 N.J. Const. (1947). Paragraph 3 sets out the qualifications of citizenship of the United States, attainment of 21 years of age, and residence in the State for 6 months and in the county for 60 days. Paragraph 6 denies suffrage to idiots and insane persons. Paragraph 7 denies suffrage to persons convicted of crimes designated by the Legislature. (R.S. 19:4-1 enumerates the crimes which disqualify.)

While you have made reference to this problem as it applies to Puerto Ricans, this opinion applies as well to all citizens who cannot read or write.

These constitutional provisions concerning qualification to vote are exclusive. The Legislature has no power either to enlarge or diminish them. *Cf. Stothers* v. *Martini*, 6 N.J. 560, 566 (1951); *Imbrie* v. *Marsh*, 3 N.J. 578, 585 (1950). Any provision or interpretation of statutes which would deny the right to vote based on inability to understand English would attempt to modify the constitutional provisions and would therefore be void.

Although the Legislature may not change the constitutional qualification on the right to vote, it may adopt reasonable regulations for the exercise of the rights conferred by the Constitution. *Sadloch* v. *Allan*, 25 N.J. 118, 122 (1957); see *Lassiter* v. *Northampton County Bd. of Elections*, 79 S. Ct. 985 (1959). In exercising this power the Legislature has provided that everyone must be permanently registered in order to exercise his franchise. R.S. 19:31-1.1. As part of the process of registration, the applicant must subscribe to the following oath or affirmation which appears in the statute, R.S. 19:31-6:

> "You do solemnly swear (or affirm) that you will fully and truly answer such questions as shall be put to you touching your eligibility as a voter under the laws of this State."

If it were the legislative intent that such an oath be administered only in English so that a person unable to speak English could not take the oath, the legislation would violate the Constitution and therefore be void. However, it would seem that it was not the intention of the Legislature that the oath be exclusively administered in English. The requirement that registrant subscribe to an oath written in a statute in English has been part of the registration law at least since 1930. L. 1930, c. 187, par. 384. From 1930 until 1944 this law expressly provided for the rendering of assistance in preparing official ballots to persons unable to read the English language. L. 1930, c. 187, par. 198; (former) R.S. 19:15-35; L. 1944, c. 230, sec. 4. Certainly, there would not have been a provision in the law for assistance in preparing ballots to persons unable to read English if it had been the intent of the Legislature to have already disfranchised them at the registration stage by requiring them to understand and take an oath administered in English. The oath may be administered in any language.

The repeal in the 1944 act, *supra*, of the provision for aid in preparing their ballot to persons unable to read English must be considered intentional, and an indication that assistance may not be rendered in the voting booth to a person unable to speak English who is physically able to mark the ballot. Compare the language repealed, L. 1930, c. 187, par. 198, with the present provision, N.J.S.A. 19:31A-8 (authorizing aid to the blind or physically disabled only), which was enacted by L. 1944, c. 230, sec. 2, a part of the act in which the 1930 act (later embodied in R.S. 19:15-35) was repealed, L. 1944, c. 230, sec. 4. See also *State* v. *Sweeney*, 154 Ohio St. 223, 94 N.E. 2d 785 (Sup. Ct. 1950). But this does not make impossible the effective and intelligent exercise of the franchise by persons unable to read and write English. Many States permit persons unable to read English to vote. *Lassiter* v. *Northampton County Bd. of Elections*, *supra*, 79 S. Ct. at 990 n. 7.

Very truly yours,

DAVID D. FURMAN
Attorney General

By: WILLIAM L. BOYAN
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