

**Opinion No. 12-951**

October 23, 1912

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

**TO:** Hon. Antonio Lucero, Secretary of State, Santa Fe, N. M.

**ELECTIONS.**

A citizen must vote in the precinct in which he has resided for thirty days.

**OPINION**

{\*108} Some time since you talked with me as to whether the provision contained in Section 1709 of the Compiled Laws of 1897, which permits a citizen for legal cause to vote in any precinct in his county, by procuring a certificate signed by the board of registration of his own precinct setting forth the causes which compel him to be absent from his precinct and showing the precinct in which he desires to vote, is inconsistent with Section 1 of Article VII of the Constitution, and you ask my opinion on this subject.

The constitutional provision in effect requires that the voter must have resided "in the precinct in which he offers to vote thirty days next preceding the election." I am unable to see how, under this provision, it can be within the power of the legislature to authorize a man to vote in any precinct except the one in which he has resided for the requisite thirty days. If it could be conceded, however, that there is any doubt on this proposition I would still advise that no attempt should be made to vote in any precinct other than the one in which the voter resides, because in case of any close election it would certainly provoke dispute and contest. The only safe course to be taken is for all voters to limit their attempts to vote to their own precincts where they are registered and have resided.