

Opinion No. 13-1093

August 13, 1913

BY: FRANK W. CLANCY, Attorney General

TO: Mr. R. E. Dick, Carlsbad, N. M.

ELECTIONS.

Qualifications necessary to vote at a local option election.

OPINION

{*265} I have just received your letter of yesterday asking me to telegraph whether residence of twelve or six months is necessary to qualify a person to vote at the approaching local option election in Carlsbad, and I have telegraphed you, in substance, that the constitution fixes the qualifications. I think a word of additional explanation ought to be given.

The statute under which you are about to hold the elections, Chapter 75 of the Laws of 1913 declares that the question shall be submitted to the "electors" at a special election. As the general term "electors" is used, we are necessarily referred to the general qualifications of voters at elections. While it is true, as you say, that the language of the constitution in Section 1 of Article VII, refers to qualifications to vote at elections for public officers, yet as this is the only general provision fixing the qualifications of voters or electors, we must take that as our guide. It would be within the power of the legislature to prescribe different qualifications for voters at other elections like the one now approaching, but as the legislature has not done so all that we have on the subject is the constitutional provision. The old statute on the subject, which will be found in Section 1703 of the Compiled Laws, is on the subject of registration of persons qualified to vote "for all officers to be elected," and does not relate to special elections any more than the constitution and the constitutional provision clearly supersedes that which is to be found in said Section 1703.

I will enclose herewith a copy of the telegram for fear of its being changed in transmission.