

**Opinion No. 14-1341**

September 26, 1914

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

**TO:** Mr. R. Q. Palmer, Clayton, New Mexico.

**REGISTRATION OF VOTERS.**

Right of unregistered voters to vote; person must vote in precinct where he resides.

**OPINION**

{\*202} I have just received your letter of yesterday in which you say that there is some controversy as to the right of otherwise qualified voters, who have not registered, to vote by making affidavit of their qualifications, and you ask me to advise you whether such unregistered voters have the right to vote.

This question was submitted to me by Mr. Harry H. McElroy, of Tucumcari, in January, 1911, as you will see by reference to the published report and opinions of this office at page 172, a copy of which you can probably find in the office of any member of the bar.

In my answer to Mr. McElroy I said that by Section 1701 of the Compiled Laws of 1897 it was provided that it should not be lawful for any person to vote unless his name were registered, but that in 1903, by Chapter 64 of the laws of that year, this was amended so as to permit a person to vote upon presenting an affidavit made by himself and by two qualified voters of the precinct, showing him to be a qualified voter of such precinct at the election. This statute does not appear ever to have been amended or repealed, and it is, therefore, in full force.

In this connection, however, it may be proper to call your attention to the fact, as there seems to be a great lack of information on this point, that since the adoption of the constitution no man can vote except in the precinct where he resides. You will see that this is so by reference to Section 1 of Article VII of the Constitution, which makes one of the qualifications of voters residence "in the precinct in which he offers to vote."