

## Opinion No. 14-1376

October 29, 1914

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

**TO:** Mr. Wm. C. Kennedy, Seboyeta, New Mexico.

**Qualification of voters.**

### OPINION

{\*237} I have just received your letter of yesterday in which you ask me, in substance, if the judges of election can prevent men from voting, although registered, if they know that such men are less than twenty-one years of age, and also if a man has been a resident in the precinct for only ten days, can he be allowed to vote.

If any voter is challenged, the judges of election have power, if they are satisfied either from their own knowledge or from evidence presented, to reject the vote if the intending voter lacks any of the qualifications, whether of age or residence. The qualifications of a voter are that he must be a male citizen of the United States who is over the age of twenty-one years and has resided in New Mexico twelve months, in the county ninety days, and in the precinct in which he offers to vote, thirty days next preceding the election.

You speak of a man coming from another county and being in the precinct only ten days. It might be the case that a man who is a resident of the precinct and who has been absent for some time, may not have lost his residence in that precinct, and in that case he would be entitled to vote, although he might have been temporarily absent and actually in the precinct only ten days before the election.

If any vote is rejected, the name of the person offering to vote, if he so desires, must be registered in the poll book and the names of the persons for whom he offers to vote and the word "rejected" {\*238} shall be written opposite his name as provided in Section 1668 of the Compiled Laws of 1897.