

Opinion No. 15-1421

January 16, 1915

BY: FRANK W. CLANCY, Attorney General

TO: Mr. D. J. Finnegan, County Clerk, Tucumcari, New Mexico.

No registration required at bond elections, but only electors who have paid a property tax during the preceding year are qualified to vote.

OPINION

{*15} As I stated to you over the telephone, I have no doubt that the language of the act about county road bond elections requires no registration of voters. The provision in the statute that the election shall be held under the same substantial provisions and the votes cast for or against the bond issue shall be counted, returned, canvassed and declared in the same manner and subject to the same rules as votes cast for county officers cannot reasonably be construed to include antecedent registration of voters.

The constitutional provision should not be overlooked, however, as that perhaps creates a sort of registration list. You will see by reference to Section 10 of Article IX of the Constitution that such a proposition for a bond issue must be "submitted to the qualified electors of the county who paid a property tax therein during the preceding year," and must be approved by a majority of those voting thereon. It would be judicious to have the officers of election provided with lists of the electors who have paid a property tax during the year preceding the election, which list could be made up, of course, from the county tax rolls.