

Opinion No. 15-1444

February 24, 1915

BY: FRANK W. CLANCY, Attorney General

TO: Mr. C. S. Speight, Taiban, N. Mex.

Qualifications of voters as to residence.

OPINION

{*35} I have just received your letter of the 23rd inst. in which you say that Prof. W. F. Osborne is principal of your school, that his family live at Hagerman, New Mexico, and that he paid his poll tax at Taiban last year and also his road tax. Upon this you ask whether he can vote at your trustees' election on the 5th of April, 1915, if he pays his poll tax for this year.

The payment of poll tax is not a qualification for voting at any election as you will see by reference to Section 20 of Chapter 105 of the Laws of 1909, which distinctly declares that all laws requiring as one of the qualifications of voters at any election for any purpose that they shall be taxpayers or that they shall have paid their taxes, are repealed. This is the last legislative expression on this subject and has not been changed.

Payment of poll tax and road tax is significant only because those taxes are payable in the districts where the taxpayer resides, and the payment of such taxes would be some evidence of the payer's intention to make that district his residence. Residence such as is required as a qualification for voting is necessarily a matter of intention. The fact that Mr. Osborne's family resides in another county is not a controlling circumstance. A man might leave his family in Kansas City and come to New Mexico and become a bona fide resident and citizen of this state with all the privileges of such a resident and citizen.