

## Opinion No. 15-1428

January 29, 1915

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

**TO:** Mr. Gabriel Sandoval, San Mateo, New Mexico.

**On question of prohibition -- persons who have signed a petition for an election can be allowed to vote against it.**

### OPINION

{\*18} Your letter of the 28th inst. received, asking for your guidance as a judge of election on the question of prohibition whether persons who have signed a petition for such an election can be allowed to vote against it. There is no reason why the signer of a petition for the submission of the question to the voters should not be allowed to vote against prohibition if he desires to do so, but as a judge of election, you have no right to know how the voter votes, as the election is to be held and conducted the same as the general elections and in the general elections the election officers have no right to look at the ballot of the voter.

The petition to the county commissioners is not a petition in favor of prohibition, but merely a petition that the question shall be submitted to the voters.

You also ask whether persons who live in another county have a right to vote, and to this there can be but one answer and that is that they cannot vote, nor can anyone vote except the voters within the district described in the petition and in the order of the county commissioners.