

Opinion No. 15-1510

April 28, 1915

BY: FRANK W. CLANCY, Attorney General

TO: Miss Mellie E. Perkins, Velarde, New Mex.

Signers to a petition for the holding of a prohibition election do not obligate themselves to vote in any particular way. Women do not vote at such elections.

OPINION

{*99} I have just received your letter of the 25th inst. making some inquiry about the local option election to be held at Velarde. You ask whether those who signed the petitions must vote as they signed, that is if they signed a petition to put the saloon out, can they vote now to retain it.

The object of the petition under the law is to submit the question of prohibition to the vote of the people and the signers do not commit themselves to either side by signing the petition; people who might be opposed to prohibition might have some reason to desire that the question be voted on and would, therefore, be quite willing to sign a petition to require the election to be held. Even if the petition were one by which the signers appeared to take one side or the other at the time of signing, that would not destroy their right to change their minds and to vote differently at the time of the election.

You ask as to the residence qualification of voters at such an election. The statute says that, "Only qualified electors, resident within the limits of such district, shall be allowed to vote at such election." The qualifications, therefore, of electors would be the same as in other elections and as prescribed in Section 1 of Article VII of the Constitution, which says that,

"Every 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"

shall be qualified to vote at all elections for public offices.

By the same section of the Constitution women are permitted to vote at school elections, but this election cannot be regarded as a school election.

I will be glad to give any further information which you may desire on this subject, but probably you can ascertain all that you need by reference to Chapter 78 of the printed laws of 1913, a copy of which ought to be in the office of your Justice of the Peace.