

Opinion No. 16-1756

March 13, 1916

BY: FRANK W. CLANCY, Attorney General

TO: Hon. J. H. McRae, Mayor, Alamogordo, N. M.

Elector, who has paid a property tax within one year next before an election to create a municipal debt, is qualified.

OPINION

{*327} I have just received your letter of the 10th instant, in which you ask my opinion as to the exact meaning of the language in Section 12 of Article IX of the Constitution, which prohibits the creation of municipal debt unless the question of incurring the same shall, at a regular election for officers of the town, "have been submitted to a vote of such qualified electors thereof as have paid a property tax therein during the preceding year."

I gather from your letter that the doubt is as to what is meant by "the preceding year". I am clear that it means the period of time covering one year next preceding the election, and not the calendar year preceding the one in which the election is held. This is the ordinary meaning of the words, and there is no reason to depart from it. Any qualified elector who has, within one year next before the day of election, paid a property tax in the town, is entitled to vote.

I suggest that the election officers be furnished with a list of such electors who have so paid, taken from the tax rolls, so as to {*328} have information as to who are entitled to vote. Any one offering to vote, whose name is not on the list, should be required to show to the satisfaction of the judges of election, that he has paid a property tax in the town, within the year.