

Opinion No. 16-1763

March 21, 1916

BY: H. S. CLANCY, Assistant Attorney General

TO: Mr. Florencio A. Trujillo, Springer, New Mexico.

Qualification of voter at village bond election for a water and sewer system.

OPINION

{*334} I am in receipt of your letter of the 20th instant in which you ask for the opinion of this office upon four points in connection with the election to be held in Springer on April 4, 1916, as to whether bonds shall be issued for a water and sewer system.

First. You ask if a man who has paid a property tax during the year preceding the election, such property being located within the limits of the village, but whose family resides in another county, and he, the would-be voter, being "back and forth," is qualified to vote upon the question of the issuance of bonds. This, of course, depends upon the residence of the man. Residence is largely a matter of intention, and upon this subject I refer you to an opinion of this office to be found at page 239 of a volume which I am sending to you under separate cover.

Second. You ask if a man who has property within the limits of the village and has paid taxes thereon, but who does not live within the limits of the village itself, but in the same precinct, is entitled to vote. If his residence is not within the established limits of the village he cannot vote.

Third. A man who is saved from the payment of any tax whatever by the two hundred dollar exemption is not a person who has paid a property tax within the year preceding the election, and is, therefore, not entitled to vote.

Fourth. If the heir of an estate has paid a property tax within the year, although the property was assessed to the person from whom he inherited it, he must be considered as a tax-payer, and should be allowed to vote.

{*335} I also call your attention to another opinion of this office to be found at page 162 of the volume sent to you upon the question of the payment of taxes "during the preceding year."