

Opinion No. 16-1885 1/2

October 17, 1916

BY: H. S. CLANCY, Assistant Attorney General

TO: Mr. J. F. Doderer, Member, Board of Registration, Deming, N. M.

Duty of board of registration in registering voters.

OPINION

{*432} I am just in receipt of your letter of the 16th inst. in regard to the registration by your board of John A. Beal, Hugh H. Williams and M. Boudinet.

Upon yesterday this office received a communication from Mr. Williams upon the subject of the registration of his name by your {*433} board, and I enclose herewith copy of my reply to him. I note from your letter that the board has registered Mr. Williams' name, so that the only thing to be considered in my letter to Mr. Williams in connection with the registration of Messrs. Beal and Boudinet, is what is contained in the opinion of this office, No. 1402, to which I call your attention. So far as these gentlemen are concerned, the board, of course, should be governed by all of the circumstances connected with their residence. The fact that they had heretofore voted in the Deming precinct should be considered as evidence that they claimed residence at that point. The mere fact that a man absents himself from his place of residence for the purpose of gaining a livelihood would not deprive him of his right to vote. As an example of this we can refer you to the thousands of qualified voters, who, for many years, have lived in the city of Washington and are in the employ of the United States government. Their right to vote in the states from which they came cannot be questioned, and at the time of elections held in the different states there is an exodus of office holders from Washington to their respective states for the purpose of casting ballots. While it is true at present that residents of the District of Columbia have no vote, yet in the days when the District of Columbia was under a territorial form of government, and voting was permitted, thousands of office holders, who had lived for many years in Washington, did not avail themselves of that privilege, but returned to the different states for the purpose of casting their ballots. Possibly such a state of facts exists in the cases of Messrs. Beal and Boudinet, but as to that the board must judge. Should they, however, present the affidavits provided for by Sec. 1694 of the Codification of 1915, it would then become the duty of the board to register their names.