

Opinion No. 16-1886

October 17, 1916

BY: H. S. CLANCY, Assistant Attorney General

TO: Mr. M. B. Paden, Carrizozo, N. M.

Absentee railroad employe vote.

OPINION

{*433} I am just in receipt of your letter of the 15th instant in regard to the right of railroad employes to vote in a precinct or county other than the one in which he is a qualified elector. The law upon this subject can be found as Sections 2007 to 2013, both inclusive, of the Codification of 1915. You can examine it at the office of the justice of the peace or at the office of the county clerk. It is very doubtful whether this law is a valid one in view of the provision contained in Sec. 1, Art. VII of the Constitution, which requires that a person must have been a resident of the precinct in which he offers to vote thirty days next preceding the election. It would hardly be proper for this office to declare an act of the legislature unconstitutional, {*434} that being within the province of the courts, but as before stated, this office believes it very doubtful if any court would declare the acts of the legislature upon this subject to be constitutional.