

Opinion No. 20-2491

February 28, 1920

BY: O. O. ASKREN, Attorney General

TO: Mr. John L. Moore, Columbus, New Mexico.

Questions of Residence in Connection with Right of Suffrage.

OPINION

In reply to your letter of February 26th, advise that I do not know how to make the subject any clearer or more specific than that contained in my letter of February 24th, unless I should take the time to write a treatise on the subject of the right to vote. I can only reiterate the statements contained in my letter of February 24th, to the effect that the whole thing is a question of intent as to residence of the person offering to vote.

It does not make any difference where the man enlisted, -- in New York or San Francisco; it has nothing to do with his right to vote. If a soldier moved to Columbus with his family and maintained that as his home, he would have the same right to vote as a cow man who has moved from Texas to Columbus with his family, and had lived in the state one year, in the county ninety days, and in the precinct thirty days next prior to the time of offering to vote.

On the other hand, a soldier or a cow man might have lived in Columbus, New Mexico, for twenty years and not be entitled to vote, unless, during that time, he abandoned his former home and intended to make Columbus his actual **bona fide** residence.

The mere fact that soldiers own property in Columbus does not give them the right to vote, the mere fact that their families are there does not give them the right to vote, all of such things only being evidence as to their **bona fide** intention when they declare Columbus to be their actual **bona fide** residence.

The fact that a soldier re-enlisted in the town of Columbus after he had been in the army for several years, and owns property there, "cuts no ice" one way or another as to his right to vote. Such facts, if any, being evidence only of his intention to declare Columbus his **bona fide** residence.

The whole thing is summed up in the honest intention as to residence. Therefore, if a soldier, whether married or single, has actually resided in Columbus the required time to vote, and claims that he has resided there during that time, as an actual **bona fide** resident claiming Columbus as his home, then it would seem he would have a right to vote. But on the other hand, if he had been stationed in Columbus in the army for even a number of years, if he did not claim Columbus as his home, he would not have the right to vote.

Trusting that you will get the idea that it is a question of intention coupled with the facts which support the intention which determines the right to vote, I remain,