

Opinion No. 20-2718

October 16, 1920

BY: N. D. MEYER, Assistant Attorney General

TO: Mrs. J. O. Seth, Santa Fe, New Mexico.

Right of Women Who Marry Residents to Vote.

OPINION

In answer to your communication of recent date, this office begs to advise you as follows:

You ask if the wife of a man who comes to this state, furnishes a home and lives here over a year is entitled to vote if her residence here is less than a year. The answer to this question depends upon the proposition of what the intent of the husband was in regard to the place of his permanent residence. If his intent was to establish his permanent residence here, then your question should be answered in the affirmative.

"The legal residence for voting purposes of a married woman not permanently separated from her husband, is that of her husband." 20 Corpus Juris, p. 69.

Your second inquiry is: "Can an American woman who is married to an untaxed ward of the United States vote?" Before we attempt to answer this question, we would prefer to have more definite information for the reason that it involves a very intricate question which might be answered in different ways. In the first place, we have a Federal Statute which states in substance that an American woman who married a foreigner takes her husband's nationality. When you mention "untaxed ward" we presume that you have reference to the Indians of this country. Under decisions of the Supreme Court, some Indians are considered citizens of the United States and some are not, so you see that it would be necessary for you to be more specific before the question can be satisfactorily answered.