

## Opinion No. 20-2712

October 13, 1920

**BY:** N. D. MEYER, Assistant Attorney General

**TO:** Mr. Karl A. Snyder, Attorney at Law, Deming, New Mexico.

Registration and Voting of Temporary Absentees.

### OPINION

We acknowledge receipt of your letter of October 8th in which you ask three specific questions setting forth hypothetical questions in regard to the registration of voters in your county. We shall attempt to answer the same in the order set forth in your letter.

First. We hold that the wife of a public official whose duties cause him to reside outside of the county where he claims his residence, but inside of the state, can register and vote in the county wherein the husband claims his residence, although the wife has never actually resided therein.

Second. A railroad man who owns property in a county within this state, but whose duties have caused him to temporarily remove with his family to another state, although for a period of over a year, may register and vote in the county in this state where he claims his permanent residence. In such cases as mentioned in this paragraph, the Board of Registration could reasonably require that the voter wishing to register and to vote furnish the Board with a proper affidavit. However, the Board can register him without the affidavit if they wish to do so.

Third. It is the opinion of this office that a man who is employed by the post office department and who has established his residence in New Mexico may register and vote in this state regardless of the fact that he was transferred to another state for a period of time, if he has deemed New Mexico his permanent residence. The matter of residence depends on the intent of the resident, and whether or not an affidavit would be required is a matter that lies within the discretion of the Registration Board. It would appear that where the intent of the registrant as to his place of residence cannot be ascertained from actual and continued residence, the Board would not be abusing its discretion by requiring an affidavit.

Trusting that your questions have been satisfactorily answered, we beg to remain,