

Opinion No. [29-70]

February 16, 1929

BY: M. A. OTERO, JR., Attorney General

TO: Mr. R. E. Brazil, Quay County Board of Education, Tucumcari, New Mexico.

SCHOOLS -- Elections -- qualification for voting.

OPINION

I have your favor dated February 12 in which you ask me a number of questions relative to school elections.

You wish to know first whether or not it is necessary for every one voting in such election to have registered in the preceding election.

In reply thereto will state that this is not necessary as the law specifically provides no registration is necessary in these cases.

Second, you wish to know whether or not an elector needs to have paid any taxes for the preceding year in order to vote.

In reply to this will state that he does not have to have been a a tax payer in order to vote in one of these elections, the law simply providing that he shall be a qualified elector the same as in any other kind of an election.

Third, you wish to know whether or not a man's son, who is of age and claims his father's home as his residence yet who is working most of the time away from home, is eligible to vote in such election.

In reply to this will state that he is eligible for the reason that the question of his actual residence is something which rests entirely with him. He may reside anywhere he chooses, but if he claims a certain place as his residence and he recognizes that place as such he is entitled to vote in such place.

Trusting this gives you the information desired, I am