

**Opinion No. 33-688**

November 16, 1933

**BY:** E. K. NEUMANN, Attorney General

**TO:** Dr. J. Rosslyn Earp, Director of Public Health, Santa Fe, New Mexico.

{\*94} Your letter of November 15th, 1933, requests the opinion of this office as to the residence of Dr. Charles Howe Eller. You state that he has lived in New Mexico since he was a very small child and has only been away from the state while a student in various educational institutions outside the state.

If Dr. Eller claims New Mexico as his residence, has so claimed his residence during his absence and has done nothing to change it, such as voting in other places or claiming other places as his residence, the fact that he has been attending school would not deprive him of his residence in New Mexico.

Sec. 4 of Art. VII, New Mexico Constitution is as follows:

"No person shall be deemed to have acquired or lost residence by reason of his presence or absence while employed in the service of the United States or of the State, **nor while a student at any school.**"

Trusting the above answers your question, I am