

Opinion No. 37-1629

May 4, 1937

BY: FRANK H. PATTON, Attorney General

TO: Mrs. W. T. Crater, Mayor Des Moines, New Mexico

{*89} This will acknowledge receipt of your letter dated May 3 wherein you make inquiry as to the eligibility of non-property owners to vote at an election to consolidate a rural school district and a municipal school district.

The pertinent sections of our law on this point are: Chapter 22, Laws of 1933; Section 6 of Chapter 119 of the Laws of 1931; Article 7 of Chapter 120 of the 1929 Compilation; and Section 11 of Article IX of the New Mexico Constitution.

{*90} Nowhere in our laws do I find any requirement of ownership of property as a qualification for voters desiring to vote at an election such as is here contemplated.

For these reasons, therefore, it is my opinion that a voter, who is otherwise qualified, need not be a property owner in order to be entitled to vote in an election to consolidate a rural school district and a municipal school district.

Trusting that the foregoing sufficiently answers your inquiry, I am

By: FRED J. FEDERICI

Asst. Atty. Gen.