

**Opinion No. 38-1881**

February 10, 1938

**BY:** FRANK H. PATTON, Attorney General

**TO:** Mr. G. L. Gibbons No. 548 N. 5th Street Raton, New Mexico

{\*211} I have your letter of February 8th regarding certain qualifications of voters in municipal bond election. You desire to know specifically if an ex-service man, who does not pay property tax, may vote in this city bond election.

Under Section 12, Article IV of the State Constitution, voting at municipal bond elections is restricted to qualified electors who have paid a property tax during the preceding year.

This, of course, is because it was the intention of the framers of the Constitution to give those who assume the burden of payment of the expenses of government by way of taxation an opportunity to express their desires as to indebtedness and we have always seriously doubted if an ex-serviceman is entitled to vote at such bond elections by reason of the fact of his ownership of property and exemption from taxation of same. In other words, the taxes must be paid by the voter before he is entitled to cast a ballot.

You desire to know if he owns an automobile and buys a driver's license and automobile plates if this entitles him to vote.

This question must be answered in the negative by reason of constitutional provision, which specifically mentions payment of a property tax.

The payment of fees for driver's license and automobile plates does not constitute payment of property taxes inasmuch as these are purely regulatory and excise and privilege taxes.

{\*212} With kindest personal regards, I am,