

**Opinion No. 38-1915**

March 18, 1938

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

**TO:** Mr. G. M. Brass, Jr. Member, City Council Socorro, New Mexico

{\*223} In answer to your letter of March 17th upon the right of students at the School of Mines to vote in your coming city election, wish to advise that Section 4, Article VIII of the State Constitution reads 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 in any school."

You can see, under the above, that unless there has been a change of residence by the student that such student would, of course, not be qualified to vote merely by reason of his temporary attendance at some state institution.

However, residence is largely a matter of intention and individual cases, of course, must be considered.