

Opinion No. 38-1919

March 21, 1938

BY: FRANK H. PATTON, Attorney General

TO: Mr. C. B. Hart Great Western Oil Company Fourth and Colbert Streets Springer, New Mexico

{*223} Your letter of March 19th inquires if state highway employees may vote in the city election in Springer, New Mexico, without losing their residence in other parts of the state and thereafter vote in the coming general election.

Of course, you realize that I can only give you a general answer to this type of question and I may say that generally the matter of the right to cast a vote is largely dependent upon the question of residence.

Residence is also, to a great degree, a matter of intention and, ordinarily speaking, registration for the purpose of voting or the actual casting of a vote is evidence of intention to make a change of residence.

If these employees can, therefore, honestly say that they intend to change their residence to the Town {*224} of Springer and actually do so, then they would of course be entitled to vote. In this event, of course, before they could vote at the coming general election they would, under the law, be required to return to their original homes and reestablish their domiciles at those points and in time to permit them to vote under the law.

Ordinarily, such registration and voting as mentioned by you is to be condemned because of the fact that in most instances such voting is merely done to permit either one side or the other to swell the ballot boxes.

However, I do not wish to be understood as saying that this is true in your case and if these men can comply with the foregoing requirements, then they are entitled to vote.

In specific instances you should be guided by the advice of your City Attorney.