

Opinion No. 38-1921

March 25, 1938

BY: FRANK H. PATTON, Attorney General

TO: Mr. Diego Salazar Motor Vehicle Commissioner Santa Fe, New Mexico

{*224} You have requested me to outline generally for use in the coming city election at Espanola certain matters in connection with residence and right to vote in such election.

As stated to you in our conversation today, residence is largely a matter of intention. Every man has one domicile and only one; that domicile remains with him until it has been changed, or in other words, until a new domicile has been acquired. Under the constitution of the state, residence is neither acquired nor lost by reason of attendance at any educational institution, nor by reason of service for the state of New Mexico.

A temporary absence from a man's permanent domicile while engaged as a county official at a county seat would not be sufficient evidence of itself to show a loss of residence.

On the other hand, where a man has left his old residence, engaged in business and moved his family to a new location, there is evidence presented of a permanent change of residence and I do not believe people under these conditions would be entitled to vote. I believe these are the matters which we discussed today and I trust they will be of some value to you.