Opinion No. 38-2013

July 27, 1938

BY: FRANK H. PATTON, Attorney General,

TO: Mr. Lyman C. Raef Deputy Treasurer Socorro County Socorro, New Mexico

{*256} In response to your letter dated July 26 we beg to advise as follows:

In connection with a courthouse bond election it is not necessary that the ballots used have a concealed number. Section 33-3906, New Mexico Statutes Annotated, 1929 Compilation, sets out the form of ballot and no mention is made therein of any requirement of a concealed number.

With reference to the requirements and qualifications of an elector to vote at such an election, we beg to advise that Section 10 of Article IX of the New Mexico Constitution is controlling and the only requirement there specified is that the elector have paid a property tax in the county during the preceding year.

For your further information may we state that this office has heretofore held that in considering the constitutional provision above referred to, it is not necessary that the elector have paid a property tax upon real property. It is sufficient that he has paid a property tax upon personal property for the preceding year.

It has been further held that where a married couple own community property and have paid a tax on said property during the preceding year, and are otherwise qualified electors, both husband and wife are entitled to vote under said constitutional provision.

It has also been held that an exsoldier or head of the family whose exemption was more or equal to the value of his taxable property is not entitled to vote under this particular *{*257}* provision for the reason that no property tax has actually been paid.

A further holding has been that a person who has bought an automobile license in this state in the preceding year is not qualified under this section as the automobile license tax is not a property tax as contemplated by said section. See Attorney General's Opinion No. 1166.

Trusting the foregoing sufficiently answers your inquiry, I am,

By: FRED J. FEDERICI,

Asst. Atty. Gen.