

**Opinion No. 44-4576**

September 14, 1944

**BY:** C. C. McCULLOH, Attorney General

**TO:** Mr. G. T. Watts, District Attorney, Roswell, New Mexico

We are in receipt of your letter of September 11, 1944 in which you ask our opinion regarding the right of voters to vote in an election district when they have moved to another election district, and have failed to have their registration changed.

Your attention is directed to Section 56-247 of the New Mexico 1941 Compilation which, I believe, fully answers your question. This section in part is as follows:

"Every qualified registered elector of the state of New Mexico may vote in the precinct or election district, in which he is registered, and no judge of election or county judge shall refuse to count the ballot of such elector for the reason that he is not a resident of such precinct or election district.

"If the ballot of any registered elector be challenged for the reason that such elector is not a resident of such precinct or election district, such ballot shall be placed in a separate envelope, for that purpose, with the proper notation thereon, but said ballot shall be counted."

Trusting the foregoing answers your question, I am

By ROBERT W. WARD,

Asst. Atty. General