

## Opinion No. 72-06

January 20, 1972

**BY:** OPINION OF DAVID L. NORVELL, Attorney General Leila Andrews, Assistant Attorney General

**TO:** Mr. John H. Lewis, City Attorney, City of Alamogordo Alamogordo, New Mexico 88310

### QUESTIONS

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For purposes of a Municipal Election, is a party who lives outside of the municipality a qualified elector within the meaning of Section 14-8-6, N.M.S.A., 1953 Comp. (1971 P.S.), if the party operates a business within the municipal limits and uses the address of said business as his voting address?

#### CONCLUSION

No.

### OPINION

#### {\*9} ANALYSIS

Article V, Section 13 of the New Mexico State Constitution states as follows:

"All district, county, precinct and municipal officers, shall be residents of the political subdivisions for which they are elected or appointed. . . ."

Section 14-8-6, **supra**, is a further statement of the requirement that a candidate for municipal office **reside** in the municipality.

Statutes must be given their usual or ordinary meaning unless the legislative intent is clearly to the contrary. **Winston v. New Mexico State Police Bd.**, 80 N.M. 310, 454 P.2d 967 (1969); **Albuquerque Lumber Co. v. Bureau of Revenue**, 42 N.M. 58, 75 P.2d 334 (1938). The word "residence" as used in statutes specifying qualifications of electors to be entitled to vote means to be in residence, one's place of abode, as distinguished from a place where one is employed or an office or place devoted strictly to commercial enterprise. **Ingram v. State** (Okla. Crim. 1954) 275 P.2d 334. See Opinion of the Attorney General No. 66-30, dated March 10, 1966.

Under such an interpretation one can only conclude that an individual who lives outside the municipality but operates a business within the municipal limits and uses the

address of said business as his voting address is not a "qualified elector" within the meaning of Section 14-8-6, **supra**.