

Opinion No. 14-1187

April 11, 1914

BY: FRANK W. CLANCY, Attorney General

TO: Mr. D. E. Rodriguez, Telles, New Mexico.

ELECTIONS.

Woman, native of Mexico, who marries American citizen, is entitled to vote at school election.

OPINION

{*44} I have your letter of the 9th inst., asking for information concerning citizenship rights. You say that an American citizen marries in Mexico a woman who is a native of that country and her parents citizens thereof, after which he returns to the United States bringing his wife and children with him, and you desire to know if his wife can vote at a school election.

The statutes of the United States provide that any woman who marries a citizen of this country, and who could, herself, be lawfully naturalized, is to be deemed a citizen. Therefore, under Section 1 of Article VII of the Constitution of the State of New Mexico, the wife, in the case stated by you, is entitled to vote at school elections. I may add also that the children so brought by a citizen father to the United States are also citizens of this country.

You further ask whether an American woman who marries a foreigner loses her citizenship rights. This question is not so easily answered. There appears to be some conflict in the authorities. The answer also may, to some extent, depend upon where the American woman and her husband reside after marriage, or whether she was married in a foreign country or in the United States. In one case in Louisiana, it was held that a woman who married an Italian subject, then living in New Orleans, and having no intention of returning to Italy, did not lose her citizenship. An Attorney General of the United States once held that a woman born in this country, who married a Spanish subject residing here and afterward removing to Spain with her husband and children and subsequently died there, was still an American citizen at her death.

My own opinion is that if an American woman marries an alien and continues to reside in the United States she does not lose her rights of citizenship, but if she goes with her husband to his own country with the intention of residing there, she becomes a citizen of that foreign country.