

Opinion No. [30-23]

March 20, 1930

BY: M. A. OTERO, JR., Attorney General

TO: Mr. P. B. Cordova, La Joya, New Mexico.

ELECTIONS -- Residence necessary for voting.

OPINION

I am just in receipt of your favor of the 19th inst. You ask me whether or not a person who has been a resident in one county and who, as I understand it from your letter, has registered and voted in that county for the last two or three years, can move back to another county where he formerly lived, and where he stills owns property, and vote in said county in an election.

In reply thereto will state that the laws of New Mexico require that a person must reside in this State for one year, in the county for ninety days, and in the precinct for thirty days before he is entitled to vote therein. On the other hand, a man has a right to choose any particular place that he desires in which to live.

Now then, if the person whom you speak of has resided in a certain county and has voted therein, that is evidence of the fact that such county is his residence, regardless of the fact that he may own property in another county. If, after registering and voting in one county, he desires to vote in another county he must move into that county and remain there for at least ninety days previous to the election before he will be eligible to vote therein.

The foregoing is the law regarding this proposition. Whether or not any given case comes within the law depends upon the particular facts of that case.

Trusting that the foregoing gives you the information you desire, I am,