

Opinion No. 32-497

August 11, 1932

BY: Quincy D. Adams, Asst. Attorney General

TO: Mr. Donaciano Rodriguez, Member, State Tax Commission, Santa Fe, New Mexico.

{*172} This letter has reference to your inquiry concerning the right to vote of a woman who was born in this country but married a citizen of Mexico. She was married prior to 1922 and she and her husband have lived in New Mexico since their marriage and for a good many years.

By the Act of March 2nd, 1907, an American woman who married a foreigner took the nationality of her husband. The Act of September 22nd, 1922 (42 Stat. 1022) repeals the 1907 Act, but has no effect upon the status of an American woman who lost her citizenship by virtue of the 1907 Act. In other words, she still remains an alien, unless she has become naturalized, or has terminated her marriage with such alien. In re Chamarra (D. C. Cal. 1924) 298 Fed. 669.

Prior to said Act of 1907, the marriage of a native born American woman with a foreigner did not change her citizenship so long as she remained in this country. . . . Shanks vs. Dupont (S. C. 1830) 3 Pet. 244, 246, 7 L. Ed. 666.

From the above, it is my opinion that the woman mentioned by you should be considered as a citizen of this country if she was married prior to March 2nd, 1907, but should not be considered as a citizen if she was married after March 2nd, 1907, unless she has become naturalized or has terminated her marriage since that time.