

Opinion No. 35-1104

July 23, 1935

BY: FRANK H. PATTON, Attorney General

TO: Mr. George T. Harris, Attorney at Law, Hobbs, New Mexico.

{*74} I have your letter of July 18th, in which you ask a number of questions regarding the qualifications for voters at a municipal election upon the issuance of bonds for sewer construction.

In view of Section 12, Article 9, of the New Mexico Constitution, {*75} and Section 90-2502, of the 1929 Compilation, I am of the opinion that your questions should be answered as follows:

Q. 1. Is an ex-service man, all of whose property was rendered for taxation, but exempt from payment by reason of his military service, qualified and entitled to vote at said election, assuming that he is otherwise qualified?

A. No.

Q. 2. Is the head of a family, otherwise qualified to vote, whose property was rendered for taxation but wholly exempt under the laws of New Mexico, entitled to vote at such an election?

A. No.

Q. 3. Is a wife, otherwise a qualified voter, who has community property rendered for taxation in the name of the husband and on which the husband paid a property tax during the year 1934, qualified to vote at said election?

A. Yes.

Q. 4. Is a man, otherwise qualified to vote, who has not personally paid a property tax during the year 1934 but who has purchased property on which a tax was paid for that year by the prior owner, entitled to vote at said election?

A. No.

Q. 5. Is a stockholder of a corporation, and such corporation has paid a property tax during the previous year, entitled to vote at such a bond election if he is otherwise qualified to vote?

A. No.

By: QUINCY D. ADAMS,

Asst. Atty. General