

Opinion No. 38-1960

May 24, 1938

BY: FRANK H. PATTON, Attorney General

TO: Hon. Perry Sears Capitan, New Mexico

{*238} In answer to your letter of May 23rd regarding the right of ex-service men who have used their tax exemption in full to vote in a bond election wish to say that if you have reference to a county or a municipal bond election then the answer to your question must be in the negative.

It has always been the opinion of this office that one must have actually paid a property tax in order to be eligible to vote in such elections.

If, however, you have reference to a school bond election, then it is not necessary to be a taxpayer in order to be eligible to vote. The constitutional amendment merely requires ownership of real estate located within the district.