

Opinion No. 48-5128

February 12, 1948

BY: C. C. McCULLOH, Attorney General

TO: Margaret Ulibarri Lucero County Clerk Santa Fe, New Mexico

{*129} In your letter dated February 10, 1948 you inquire when the registration books should be closed preceding the city election. I shall consider your request as coming from the District Attorney.

The Legislature did amend the law pertaining to transfer of registration from one voting division to another within the county, but the law pertaining to closing of the registration books insofar as original registrations are concerned has not been changed.

Section 56-215 of the 1941 Compilation, Pocket Supplement, pertaining to transfers of registration within a county uses this language, in part:

"Provided, that a transfer of registration may be made by the county clerk of any registrant in a voting division within, or partially within a municipality until five (5) days prior to any municipal election, but no transfer of registration shall be made within such voting divisions during the five (5) day period next preceding such municipal election."

Section 56-217 of the 1941 Compilation provides as follows:

"The county clerk shall receive affidavits of registration at all {*130} times except that he shall close registration at five o'clock p.m. on the 30th day preceding any election at which the registration books are to be furnished to the judges of election, and shall reopen such registration on the Monday following such elections."

Section 56-226 of the 1941 Compilation provides that the City Clerk shall obtain from the County Clerk the original affidavits of registration for all precincts and election districts in whole or in part within such municipality at least three days prior to any municipal election.

From a reading of these three sections, it is apparent that original registration can only be made by a person residing within the municipality at least thirty days before the municipal election and that the county clerk should close the books for original registrations thirty days before such municipal election. However, persons already registered who desire to transfer their registration from one voting division to another within the municipality may do so up to five days preceding the municipal election, at which time the registration books are to be closed for all purposes and should be delivered to the city clerk in not less than three days preceding the municipal election.