

Opinion No. 49-5228

July 1, 1949

BY: JOE L. MARTINEZ, Attorney General

TO: Lon P. Watkins Assistant District Attorney Fifth Judicial District Carlsbad, New Mexico

{*58} I have your letter of June 29, 1947, in which you request an opinion as to whether or not the county clerk should make up a list of the registered voters and send it to the Secretary of State in connection with the forthcoming special election on the constitutional amendments. Section 56-228 of the 1941 Compilation, as amended by Chapter 137 of the Laws of 1945, reads as follows (the underlined portion is the amendment):

"Not more than twenty (20) days preceding, and not less than ten (10) days preceding any general **or primary** election, the county clerk shall furnish to the Secretary of State and to the county chairman of each of the two (2) dominant political parties, if requested by said chairman, an alphabetical index of all registered electors, **together with their addresses and party affiliation**, of each precinct or election district, which said index shall contain the names of such registered voters in each precinct or election district arranged in alphabetical order, together with addresses, and such lists or indexes shall be certified by the county clerk. It is further specifically provided that the registration records in the hands of the county clerk shall be made available, during office hours, to the chairman of the two (2) dominant political parties, or their designees, in order that said chairman may prepare lists for the purpose of adding to or purging from, the registration lists in conformity with the requirements of law relating to such additions and purging."

You will note that neither the original section nor the amendment includes special elections and therefore is not applicable thereto, unless we read into the statute matters that are not contained therein. Nor can we by implication include special elections.

It is, therefore, my opinion that the county clerk is not required to furnish the Secretary of State with a list of the registered voters for the special election to be held in September on the constitutional amendments.