

Opinion No. 49-5238

August 9, 1949

BY: JOE L. MARTINEZ, Attorney General

TO: E. R. Cooper Assistant District Attorney Las Vegas, New Mexico

{*74} This is in reply to your letter of August 2nd in which you request an opinion, first, as to the closing date for registration for the Constitutional Amendment election on September 20, and second, whether or not it is necessary to furnish a list to the Secretary of State and the Chairman of the dominant political parties of the registered voters.

Section 56-217, N.M.S.A., 1941 Compilation, reads as follows:

"The county clerk shall receive affidavits of registration at all times except that he shall close registration at five o'clock p. m. on the thirtieth 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 election."

This section was a 1941 amendment substituting the words "election at which the registration books are to be furnished to the judges of election" for the words "primary or general election".

The election to be held on September 20th of this year for the purpose of voting on constitutional amendments is a special election. Herein the election law for general and primary election applies to special elections and we have held that the election on September 20th is a special election and that it is not necessary to furnish a list of the registered voters to the Secretary of State and the chairman of the dominant political parties to the registered voters. However, the registration of all voters up to September 20th can be used at said special election.

I am also enclosing copy of Attorney General's Opinion No. 5223 which we have furnished to the Secretary of State and which might be of some help to you.