

Opinion No. 55-6179

June 2, 1955

BY: RICHARD H. ROBINSON, Attorney General

TO: Mrs. Natalie Smith Buck, Secretary of State, Santa Fe, New Mexico

On May 13, 1955, you addressed an inquiry to this office concerning interpretation of Sec. 1, Ch. 79, Laws of 1955, which section provides that cancellation of voter registration shall be mailed to the voter by the Board of Registration **"at least 30 days prior to the cancellation."**

Sec. 3, Ch. 148, Laws of 1955, provides that notice of cancellation of voter registration shall be mailed to the registered voter by the Board of Registration **"at least 10 days prior to cancellation."**

The last quoted chapter, being Ch. 148, as opposed to Ch. 79 and being in direct conflict, requires interpretation of the legislative will. This problem was considered in the case of State vs. Montiel, 56 N.M. 181, 241 P. 2d 844, wherein the Court terms were changed and were in direct conflict in Ch. 176 and also in Ch. 177 of the same Session Laws. The Court held that Ch. 177 prevailed, it being "the latest expression of the legislative will, it must be held to be the law and must control as to the terms of court in the Third Judicial District."

This is in accordance with the long established rule that where there are two inconsistent, irreconcilable and repugnant statutes relating to the same subject matter, the latter repeals the former. Turkenkoph vs. Te Beest, 55 N.M. 279, 232 P. 2d 684.

It is the opinion of this office that Sec. 3, Ch. 148, Laws of 1955, controls and that the notice of cancellation of voter registration must be mailed "at least 10 days prior to such cancellation."

We sincerely hope that this answers your inquiry.

By Fred M. Standley

Assistant Attorney General