

Opinion No. 63-155

November 18, 1963

BY: OPINION of EARL E. HARTLEY, Attorney General

TO: Mrs. Alberta Miller Secretary of State Santa Fe, New Mexico

QUESTION

FACTS

Section 3-2-19, N.M.S.A., 1953 Compilation (P.S.), provides that "The county clerk shall receive affidavits of registration at all times except that he shall close registration at five (5) 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."

A municipal election is to be held April 7th and the first possible date for reopening registration is April 13th. Thus, there is not thirty days between either of these dates and the date of the Primary Election, which is May 5th.

QUESTION

Does this mean that in 1964 registrations will be closed from the thirtieth day preceding the municipal election of April 7th until the Monday following the Primary Election of May 5th?

CONCLUSION

No, see analysis.

OPINION

{*365} ANALYSIS

In addition to the provisions contained in § 3-2-19, N.M.S.A., 1953 Compilation (P.S.), which are quoted above under "facts," this section also provides the following:

"During the period when registration is closed, the county clerk may receive affidavits of registration and other documents pertaining thereto but shall not file the same in the registration books until such time as registration is reopened at which time the triplicate affidavit of registration shall be mailed to the registrant at the address shown by his registration affidavit."

In order to give effect to each provision in § 3-2-19, supra, thereby fulfilling the intention of the legislature, the following procedure should be utilized. Even though registration is closed thirty days prior to the municipal election, and even though the municipal election is within thirty days of the primary election, the county clerk may receive affidavits of registration for the **primary** election up to thirty days prior to that election. On the Monday following the municipal election, the registration books should be reopened for the sole purpose of filing therein the affidavits of registration received more than thirty days prior to the primary election.

By: Oliver E. Payne

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