

Opinion No. 70-32

March 31, 1970

BY: OPINION OF JAMES A. MALONEY, Attorney General

TO: The Honorable Ernestine D. Evans Secretary of State Legislative-Executive Building Santa Fe, N.M. 87501

QUESTIONS

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May deputy registration officers appointed as provided in the Election Code, Chapter 240, Laws of 1969, register voters in the entire county or must they register voters only in the precinct for which they were appointed?

CONCLUSION

The entire county.

OPINION

{*53} ANALYSIS

Under the new Election Code, Sections 3-1-1, et seq., N.M.S.A., 1953 Comp. (P.S.), boards of registration for the various counties are authorized under Sections 3-4-37 through 3-4-43, supra, to appoint deputy registration officers to assist in the registration of qualified electors.

Section 3-4-37 permits the appointment of municipal clerks as deputy registration officers and expressly states they are authorized to register "qualified electors in the county."

By the provisions of Section 3-4-38, supra, the board may establish voter registration places throughout the county and appoint additional deputy registration officers to staff such places. Section 3-4-43 A., supra, provides:

"A. The board of registration may publish the names of the deputy registration officers, the places of their designated duty, and the time and date such duty is to be performed."

None of the provisions referred to place any express limitation on where within the county a deputy registration officer may be asked or authorized to serve. It is true that Section 3-4-38 A. (4), supra, provides for appointment of one deputy registration officer "for each precinct" from a list submitted by the county chairman of each major political party, if such a list is submitted. We do not construe this to mean that a deputy so

appointed is authorized to serve only in one precinct. Rather, it seems clear that the phrase "for each precinct" was intended simply as a means of establishing the number of additional registration officers who might be appointed in this way.

This interpretation is supported by the fact that there is no requirement that a deputy appointed from the county chairman's list be registered or reside in a particular precinct. Further, there is no requirement that the board establish a voter registration place in each precinct.

And, finally, as has been said, there is no language in the Code expressly limiting a deputy's service to his own precinct. On the contrary, the purpose of this part of the Code is "to promote and encourage the registration of voters" Section 3-4-48 A., supra. It is entirely consistent with this purpose for the board of registration to have the broadest possible discretion in establishing voter registration places at various locations in the county and staffing them with any available deputy registration officers at such times and dates as the board thinks will best serve the people.

It is our opinion that the Legislature so intended and that all deputy registration officers appointed under Section 3-4-38 are authorized to serve county-wide, as the board of registration may direct.

By: Justin Reid

Assistant Attorney General