

Opinion No. 71-72

May 27, 1971

BY: OPINION OF DAVID L. NORVELL, Attorney General

TO: The Honorable Betty Fiorina Secretary of State Legislative-Executive Bldg. Santa Fe, N.M. 87501

QUESTIONS

QUESTIONS

Chapter 195, Laws 1971 at Section 3 states that "a deputy registration officer shall assist in the preparation of:

"(1) **the affidavit of registration for qualified electors and those persons over the age of seventeen years** meeting all the constitutional qualifications of an elector except that of age and who shall be eighteen years of age on or before the day of the next federal election . . ." (Emphasis added.)

(A) Does the age limitation in the above-quoted Act conflict with Opinion of the Attorney General No. 71-4, dated January 22, 1971 in which it is stated that the effect of the Voting Rights Act Amendments of 1970 "is to require that registration officers accept registration from persons who may now be only **sixteen** years old?" (Emphasis added.)

(B) If the answer to the above question is yes, in what manner should the conflict be resolved?

CONCLUSION

(A) Yes.

(B) See analysis.

OPINION

{*104} ANALYSIS

Opinion of the Attorney General No. 71-4, dated January 22, 1971, stated that the effect of the the Voting Rights Amendments of 1970 "is to require that registration officers accept registration from persons who may now be only **sixteen** years old." (Emphasis added.)

Subsequent to the issuance of Attorney General Opinion No. 71-4, the Legislature in Chapter 195, Laws 1971, enacted a provision relating to elections and deputy

registration officers. Section 3 of this Chapter (Section 3-4-39) authorizes deputy registration officers to assist in the preparation of the affidavit of registration for qualified electors and "those persons over the age of **seventeen** years . . ." (Emphasis added.)

The language in this Act clearly conflicts with the language in the above cited Opinion of the Attorney General. However, the solution of the conflict is a relatively simple matter. It is our opinion that Chapter 195 limits the authority of a deputy registration officer, in that it allows the deputy registration officer to accept registration only from persons who are seventeen years old or older. However in no way does this enactment limit the ability of those under seventeen, but who will be eighteen at the time of an election to register to vote in any of the other ways specified in the Election Code.

By: Leila Andrews

Assistant Attorney General