

## Opinion No. 13-1072

July 7, 1913

**BY:** FRANK W. CLANCY, Attorney General

**TO:** Mr. C. O. Thompson, Roswell, New Mexico.

### **ELECTIONS.**

There should be registration for local option elections.

### **OPINION**

{\*244} I have just received your letter of the 5th inst. and hasten to reply.

I am obliged to you for writing me again on the subject of registration for a local option election and for calling my attention to Section 2443 of the Compiled Laws of 1897 which I must admit had escaped my attention at the time I wrote you on the third of this month. I ought not to have overlooked it as I have had occasion to consider it and give opinions about it several different times, and it is difficult to understand how I failed to consider it.

I believe that that section is so worded as to be applicable to municipal elections including local option elections for which provision is made by Chapter 75 of the Laws of 1913, and that there ought {\*}245} to be a registration for such election the same as for any other municipal election. As the local option election cannot be held less than one month after the petition is presented, there is ample time to comply with Section 2443 which permits the appointment of boards of registration twenty days before the election.

As to the punishment for illegal registration or attempts illegally to register, the statute appears to be somewhat defective as the only penal provisions are to be found in Sections 2444 and 2445 of the Compiled Laws. The first of these is as to offenses by members of the boards of registration, while the other is as "to any person who shall deceive said board of registration or knowingly procure the registration of any person" who is not a legal voter. The first of these clauses would probably cover the case of a person who so deceived the board as to get himself registered, but it could not cover the case of an unsuccessful attempt illegally to register. The other clause covers the case of anyone who wrongfully procures the registration of another who is not a legal voter.