

**Opinion No. 20-2709**

October 8, 1920

**BY:** N. D. MEYER, Assistant Attorney General

**TO:** Mr. R. L. Halley, Carlsbad, New Mexico.

Registration of Naturalized Citizen.

**OPINION**

This office is in receipt of your letter of recent date in which you ask for an opinion regarding the registration of a naturalized citizen.

You state that it is contended that the Board of Registration has the power to compel a naturalized citizen to present his naturalization papers before allowing him to register, and that an affidavit setting forth the proper qualifications is not sufficient.

I beg to refer you to Section 1964 of the Code of 1915, which specifically sets forth that if any person is refused registration by the Judges of Registration, he may make and present to the Judges his affidavit in writing setting forth that the affiant is a citizen of the United States; that he has resided in the State of New Mexico for the twelve months next preceding, in the county for ninety days next preceding, and in the precinct in which he offers to vote for thirty days next preceding the next ensuing election, and that he is not disqualified for any reason from being registered as a voter and from voting at said election; that said affidavit may be sworn to before any Justice of the Peace, who shall not make any charge therefor. The section continues to state that when such affidavit is presented to the Board of Registration, it shall be the duty of the Board to forthwith place the name of the person mentioned and described as a qualified voter in said affidavit on the registration list, and they shall not thereafter remove the same.

In view of the above provisions of law, it is the opinion of this office that no more than an affidavit can be required from any person wishing to be registered in this state in case of any doubt as to his qualifications, and that if said affidavit sets forth the necessary qualifications and is duly sworn to, the Board of Registration must, without discretion on their part, enter the name of the affiant upon the registration list.