

## Opinion No. 36-1397

June 29, 1936

**BY:** FRANK H. PATTON, Attorney General

**TO:** Mrs. Elizabeth F. Gonzales, Secretary of State, Santa Fe, New Mexico.

{\*126} In view of the fact that there seems to be a great deal of confusion concerning the proper manner of registering widows and divorcees, I am directing this letter to you, giving my opinion on the matter so that you can make such distribution of the same as will be necessary to inform all interested parties.

Section 11 of Chapter 147, Laws of 1935, provides in part as follows:

"All names of electors shall be entered alphabetically as to the first letter of the surname, followed by the given {\*127} name and initial and the prefix 'Mr.', 'Mrs.' or 'Miss.' All married women shall be registered according to the name of the husband and not by the wife's given name."

Since a widow or a divorcee is not a married woman, it is my opinion that the last sentence of the statute above quoted is not applicable. It follows, in my opinion, that a widow should be registered by the surname of her husband but that she should use her own given name and initial. For example the widow of Mr. John Jones should be registered as "Jones, Mary S., Mrs.". Although it is not required by the statute I think it would be well, in order to avoid confusion and mistakes, to place after her name in parenthesis the word "widow." For example, "Jones, Mary S., Mrs. (widow)".

In the case of a divorcee, if she retains the name of her husband, I think she should be registered in the same manner as a widow except that after her name should be placed in parenthesis the word "divorcee." For example, "Smith, Sarah J., Mrs. (divorcee)."

If a divorcee, upon obtaining a divorce, is permitted by the Court to use her maiden name, then, of course, she would not use the husband's surname at all. For instance, if the wife of Robert Baker obtains a divorce and has her maiden name restored she should be registered as "Brown, Gladys M., Miss." I think it is unnecessary in such a case to add the word "divorcee" in parenthesis.

I believe that if registration is made in the manner above indicated for widows and divorcees confusion will be avoided and the law will be complied with.

By QUINCY D. ADAMS,

Asst. Atty. General