

Opinion No. 36-1410

July 20, 1936

BY: FRANK H. PATTON, Attorney General

TO: Miss Edna Monahan, County Clerk, Bernalillo County, Albuquerque, New Mexico.

{*131} Your letter of July 17th, which was last Friday, did not reach my desk until this morning, and I make haste to answer realizing your interest in these registration problems.

{*132} Our office has assumed the position that, under the law, registration should be by the given name and the initial, the purpose of the law no doubt being for a specific means of identification of the voter as well as for the purpose of eliminating duplication.

We have advised many registration boards to make an attempt to ascertain the given name, when possible to do so, when copying names from the poll books.

However, it would be my further opinion that where people have been registered not by the given names but merely by the initials, that such registration would not be held void and would not be sufficient to deprive a qualified elector of his right to cast the ballot.

In other words, in the event of any test case, it would be my opinion that the court would be very liberal in its interpretation of registration provisions of the election law.

Of course, the registration board under the law has the right to correct errors in registration when such errors are patent.

Inasmuch as many registrations throughout the state have been made merely by the initial rather than the given name I do not believe that I would advise any county clerk to refuse to accept the books after the registration has been closed. In another way this amounts to saying that if error has been committed it has been committed by the registration boards rather than by the county clerks.

I am forwarding a copy of this letter to the Honorable Thos. J. Mabry, District Attorney, Albuquerque, New Mexico, for his information.