

Opinion No. 39-3343

November 28, 1939

BY: FILO M. SEDILLO, Attorney General

TO: Mr. C. R. Sebastian, State Comptroller, Santa Fe, New Mexico.

{*123} We received your letter of November 24 enclosing a letter from Mr. Carl Faubion, County Clerk, in which he inquires as to the right of voters, when making application for change of affiliation, to be accompanied by others, etc.

The County Clerks have no right to demand that no one accompany a citizen when he makes application for change of affiliation. Every citizen has a right to be accompanied if he cares to have the presence of another person when on such errand. The citizen, of course, has to sign and swear to the application wherein he states his affiliation or change of party affiliation. In fact, he may make this application anywhere before any Notary Public and bring it to the county clerk or send it by mail or by any other person he chooses.

By: A. M. FERNANDEZ,

Asst. Atty. Gen.