

Opinion No. 40-3550

June 18, 1940

BY: FILO M. SEDILLO, Attorney General

TO: Mr. Carl Faubion, County Clerk, Tucumcari, New Mexico.

{*147} We have your request of June 14. No person may be registered at any time unless he will be 21 years of age and will have the qualifications of a voter in the precinct at the **next succeeding election**. In Section 201 of the Election Code (Section 1, Chapter 152, Laws of 1939) the word "election" is construed to mean primary elections as well as general elections. Consequently, a person who will not be 21 years of age at the next succeeding primary election is not entitled to be registered before the primary election, even though he will be 21 years of age at the time of the general election. He simply will have to wait until after the primary in order to be registered.

Your second question is whether or not one who formerly lived in your county, but has been voting in another county, may register again in your county without a ninety day residence. My opinion is that he may not. Although a person may live or work in another county and maintain his residence in the county from which he moved, once he established residence elsewhere he cannot say that he has maintained his residence in the former county, and in order to re-register he must actually reside therein the requisite time.

By: A. M. FERNANDEZ,

Asst. Atty. Gen.