

Opinion No. 40-3416

February 1, 1940

BY: FILO M. SEDILLO, Attorney General

TO: Mr. David W. Carmody, District Attorney, Santa Fe, New Mexico. Attention: Arthur Livingston, Assist. District Attorney

{*136} In your letter of January 29 you ask the following question:

"Is it necessary for the County Clerk, or for the City Clerk, to furnish at least ten days before (or any length of time before) a municipal election to the County Chairman of each political party, an alphabetical index of all registered electors of each precinct or election district within the county?"

You say that you base your question upon Sections 24 and 27 of Chapter 152 of the Session Laws of 1939. Section 24 provides:

"The county clerk shall deliver to the city clerk of any municipal corporation, the original affidavits of registration for all precincts and election districts in whole or in part within such municipal corporation at least three days prior to any municipal election and such original affidavits of registration as show on their face that the elector is a resident within the limits of such municipal corporation, shall constitute the registration list for such municipal election."

Section 27, which provides that county clerks shall at least ten days before any general election furnish the county chairman of each political party and to the Secretary of State an alphabetical index of registered electors of each precinct or election district within the county, and that seventy days before any general election the county clerk shall mail to the {*137} chairman of each of the two dominant political parties a certified index of registration lists in each precinct and election district in the county, showing the names and addresses of electors then registered, has no reference whatever to municipal elections.

The direct primary statute which we have does not apply to municipal elections, which are more or less non-partisan in nature. The county clerks, or the city clerks, therefore, shall not furnish the county chairmen of political parties with lists of registered electors.