

Opinion No. 40-3593

August 9, 1940

BY: FILO M. SEDILLO, Attorney General

TO: Mr. J. R. Gallegos, Acting County Clerk, Bernalillo, New Mexico.

{*149} This will acknowledge receipt of your letter dated August 8 with reference to Chapter 152 of the Session Laws of 1939. You ask whether a person who desires to change his residence should have his triplicate affidavit accompany his application for change so that the change may be made in all three affidavits of registration.

You state that you have held that the three copies are necessary to complete the cancellation and to make the change.

I am of the opinion that where an elector makes application for change or designation of party affiliation, or cancellation of affidavit without presenting his triplicate affidavit, that the change may be effected in the two copies in the hands of the clerk without regard to the triplicate copy. The triplicate shall be changed only when presented by the voter either at the time of filing his application, or at a later time.

Herewith I return the letter of Miss Mary Cornwall, which you enclosed in your letter.