

Opinion No. 44-4460

February 17, 1944

BY: EDWARD P. CHASE, Attorney General

TO: Mr. W. T. Scoggin, Jr., District Attorney, Las Cruces, New Mexico

In your letter dated February 15, 1944, you enclose copies of correspondence relative to a man and his wife registered in Dona Ana County, New Mexico, but who are, at present, residing in Texas. This man owns property in Dona Ana County, and there is some question as to whether he is entitled to vote in the coming election.

Unless a person's registration affidavit has been cancelled by action of the registration board, or by action of the County Clerk, pursuant to Sections 56-219 and 56-220, his registration remains valid, and he is entitled to vote.

Section 56-235 of the 1941 Compilation provides that the registration of a voter shall be permanent for all purposes during the life of such person so registered unless and until the affidavit of registration is cancelled for any of the causes specified in this act.

If a registered voter should establish residence outside the state, that fact could be called to the Court's attention in a proceeding to purge the registration list, and a Court Order could be entered ordering the Clerk to cancel such person's registration.

By C. C. McCULLOH,

First Asst. Atty. General