

Opinion No. 44-4498

April 12, 1944

BY: EDWARD P. CHASE, Attorney General

TO: Mr. Eudoro Montoya, County Clerk, Bernalillo, New Mexico

Mr. C. R. Sebastian has turned over to us for answer your letter of April 5, 1944, in which you ask what action should be taken when it appears that original registration certificates are missing.

Section 56-225 of the 1941 Compilation provides that:

"The county clerk shall, at least ten (10) days before any general, special or primary election, make a complete check and comparison between the duplicate registration affidavit and the original registration affidavits and shall, if any original or duplicate affidavits be lost or missing, certify such fact to the District Judge for the county where such condition exists, who shall forthwith direct the county clerk to issue certificates in lieu of those which are lost or missing, and order that they be inserted in the proper file, which order shall be complied with by the clerk before the record affected is sent to the precinct or voting district officials."

In view of this section you should make a complete list of all original or duplicate registration affidavits that have been lost and certify such fact to the District Judge, over your official signature. He will then enter an order directing you to issue new certificates.

By ROBERT W. WARD,

Asst. Atty. General