

Opinion No. 44-4550

July 22, 1944

BY: C. C. McCULLOH, Attorney General

TO: Miss Eva Tatum, County Clerk, Lovington, New Mexico

Replying to your letter dated July 19, 1944, I am enclosing copies of Opinion No's. 4345, 4359 and 4530, which seem to answer most of your questions. You inquire also whether you should cancel the affidavit of registration of a person who has not voted at the two last preceding general elections when such person comes in or writes to you and requests that his registration certificate be not canceled, giving the reason why he has not so voted.

Section 56-219 (4) of the 1941 Compilation provides for cancellation of the affidavit of registration when the voter has not voted at the last two preceding general elections. This provision is designed to take care of situations where either through lack of interest or change of residence it is considered that a person no longer wishes to vote in the precinct where he is registered.

If a person gives a legitimate reason for not so voting, I believe you would be justified in retaining his registration without cancellation in view of the fact that under Section 56-214 of the 1941 Compilation such voter could immediately re-register after cancellation of his registration if he so desired.