

## Opinion No. 46-4893

April 24, 1946

**BY:** C. C. McCULLOH, Attorney General

**TO:** Gilbert J. Lopez Gallup, New Mexico

{\*221} In your letter dated April 24, 1946, you request an official opinion concerning registration of veterans and although you are not a public official, entitled to an official opinion from this office, yet due to the fact that several veterans and county officials have made inquiries concerning the same matter, I feel justified in writing an official opinion to you.

You state that in several counties veterans who have not voted in the last two general elections have had their registrations cancelled and you are wondering whether they are now required to re-register.

During the time that veterans were away, I advised the county registration boards not to cancel their registration. However, in the event some boards did cancel the permanent registration of veterans, for failure to vote in two general elections or for some other reason, it would now be necessary for the veteran to re-register. Otherwise, he would not be entitled to vote in the coming primary election.

As a precautionary measure, it would be well for every veteran to check the registration records in the county clerk's office to make sure that he is registered, and if he does not appear to be registered, he should proceed to do so immediately.

You refer to Chapter 2, Section 2, Special Session Laws of 1944, which is a part of the Absentee Ballot Law for men in the armed forces, and inquire whether casting an Absentee Ballot would constitute registration under the permanent registration law. This section does provide that the making of an application or the mailing of an Absentee Ballot by a person in the armed forces who is a qualified elector of the state, although not registered, shall be equivalent to and shall constitute registration **for the election for which such ballot is cast**. It is apparent that under the Absentee Ballot Law no permanent registration is provided and although a person may have been considered as registered for a particular election, he would still have to register under the permanent registration law in order to vote upon his return in the coming primary and general election.