

Opinion No. 46-4870

March 4, 1946

BY: C. C. McCULLOH, Attorney General

TO: Mrs. Cecilia Tafoya Cleveland Secretary of State Santa Fe, New Mexico

{*199} In your letter dated March 1, 1946, you inquire whether a person who is registered as an Independent can declare as a candidate on the Republican or Democratic ticket without changing his party affiliation; and if such person does have to change his party affiliation, how long before election is it necessary for the change to be made.

In Opinion No. 4500, a copy of which I am enclosing herewith, this office held that where a person is registered without designating his party affiliation, such person can designate his party affiliation within the twelve months' period prior to the election, and still be eligible to run as a candidate in the primary in the party with which he has chosen to be affiliated.

However, under Section 56-809 of the Pocket Supplement to the N.M. 1941 Compilation, it is specifically provided as follows:

"No person shall become a candidate for nomination of any political party except the party with which such person shall be shown to be a member by his affidavit of registration."

Your attention is also called to Section 56-223 of the N.M. 1941 Compilation, authorizing change of party affiliation or designation of party affiliation, which provides that no person shall be entitled to change his party affiliation, or designate such party affiliation, after the Governor has issued the Proclamation for the primary election, until after the primary election, and {*200} then only until the 30th day before any other election at which registration of voters is required.