

Opinion No. 48-5159

July 7, 1948

BY: C. C. McCULLOH, Attorney General

TO: Hon. M. P. Gutierrez, District Attorney, Court House, Santa Fe, New Mexico.

{*155} In your letter dated July 7, 1948 you state that one of the judges of election in the forthcoming election to be held July 13, 1948 in the City of Santa Fe, on the question of the issuance of revenue bonds to acquire or construct an electric utility by the City, desires to know whether it is necessary to be registered in order to vote in said election, and whether registration books should be used by the election officials in order that only qualified registered electors may vote.

You have requested an opinion from this office regarding this matter.

Section 56-226 of the 1941 Compilation requires the use of registration books by the election officials in municipal elections, and provides that the original affidavits of registration, which show on their face that the elector is a resident within the limits of such municipality, shall constitute the registration list for such municipal election.

Section 14-3529 of the 1941 Compilation (Pocket Supp.) requires an election on the question of the purchase or construction of a utility by a municipality and for the issuance of revenue bonds therefor. After providing the manner of giving notice of such election and for the publication of the ordinance for the purchase or construction of such utility, this section provides for the information to be contained upon the ballot and in the last sentence this language appears:

"In all other respects such election shall be called, conducted, and the returns thereof canvassed {*156} and certified in the same manner as municipal elections."

Since registration books, showing the qualified registered electors residing within the municipality, must be used at municipal elections, and only registered voters whose affidavits of registration, showing the elector is a resident within the limits of such municipality, may vote at such elections; and since a special election on the question of the purchase or construction of a utility and the issuance of revenue bonds therefor by the municipality must be called, conducted, canvassed and certified in the same manner as a regular municipal election, it is my opinion that registration books should be used in the above mentioned election, and that only registered voters whose affidavits show on their face that they reside within the municipality, may legally vote in such election.