Opinion No. 39-3235

August 9, 1939

BY: FILO M. SEDILLO, Attorney General

TO: Mrs. Velma Dowdy, County Clerk, Albuquerque, N.M.

{*91} In your letter of August 8 you inquire as to whether or not the new registration *{*92}* as taken under the 1939 Laws is to be used in the coming municipal election, which will be held in Albuquerque in October. You also inquire as to whether or not the registration shall be closed thirty days preceding the municipal election as provided in Section 15 of Chapter 152, Laws of 1939.

The new registration taken, as provided for in Chapter 152 of the Laws of 1939, shall be used in all municipal elections hereafter. Under Section 1, Chapter 152 of the 1939 Laws the word "election" shall be construed to mean and apply to all primary elections, general elections, special elections, and municipal elections.

Section 15 of Chapter 152 of the Laws of 1939, which provides that the county clerk shall receive affidavits of registration at all times except that he shall close registration at 5:00 o'clock P. M. on the 30th day preceding any primary or general election and shall open such registration on the Monday following such election, does not affect municipal elections.

Section 24 of said Act provides that the county clerk shall deliver to the city clerk of any municipal corporation the original affidavits of registration for all precincts and election districts, in whole or in part, within such municipal corporation at least three days prior to any municipal election and such original affidavits of registration as show on their face that the elector is a resident within the limits of such municipal corporation, shall constitute the registration list for such municipal election.

Thus, it is my opinion that registration, as far as municipal elections are concerned, shall not be closed until the county clerk delivers to the said city clerk the original affidavits of registration, which shall be the last three days prior to the municipal election.

Trusting that the foregoing sufficiently answer your questions, I am,