

Opinion No. 41-3926

October 20, 1941

BY: EDWARD P. CHASE, Attorney General

TO: Mr. Jose M. Otero County Clerk Los Lunas, New Mexico

{*110} In your letter dated October 16, 1941, you inquire whether fee should be charged by the County Clerk for taking an acknowledgment in connection with registration applications or applications for change of registration.

Chapter 182, Laws of 1941, provides for a fee of fifty cents (50c) for an acknowledgment and affixing seal by the County Clerk. However, Section 26, Chapter 152, Laws of 1939, provides as follows:

"No elector shall be charged any fee or required to pay any sum whatsoever by any registration officer for anything required to be done by him under this act."

Section 39, Chapter 152, Laws of 1939, provides as follows:

"The County Clerk, deputy County Clerks, registration clerks and members of the Board of Registration shall be deemed to be registration officers within the meaning of this act."

Since the County Clerk is a registration officer, it is my opinion that no fee should be charged for acknowledging or affixing his seal to an application for registration or for any act required to be done by registration officers under the provisions of Chapter 152, Laws of 1939.

Since the 1939 registration law pertains to a specific subject matter, while Chapter 182, Laws of 1941 is general in its nature, I am of the opinion that the 1939 law was not affected by the latter law, and for that reason no charge should be made in connection with registration duties.

By C. C. McCULLOCH,

Asst. Atty. General