

**Opinion No. 42-4062**

April 6, 1942

**BY:** EDWARD P. CHASE, Attorney General

**TO:** Mr. P. V. Benta Mayor Willard, New Mexico

{\*177} Your undated letter was received today. You inquire whether persons who have reached their 21st birthday may vote in the coming municipal election if they furnish affidavits, and also whether residents who have moved to your municipality and have been there over thirty days may vote in the municipal election.

Under Section 1, Chapter 152, Laws of 1939, the word "election" is defined to include all primary elections, general elections, special elections and municipal elections. For that reason the general registration law applies in the case of municipal elections, and under the provisions of Section 5, Chapter 142, Laws of 1941, after the municipal clerk obtains the original affidavits of registration for all persons within such municipality, such original affidavits as shown on their face that the elector is a resident within the limit of such municipality, shall constitute the registration list for such municipal election. If a person is otherwise qualified as an elector but is not registered, he cannot legally vote in the municipal election.

Trusting the same satisfactorily answers your question.

By C. C. McCULLOH,

Asst. Atty. General