May 5, 1932

To Paul C. Thurston, Esquire, Bethel
Re: Enrollment as Voters

Your inquiry of April 23 raises a most interesting question to which Judge Fogg and I have given very careful consideration since receiving your letter. Judge Fogg is particularly well acquainted with the primary law because of questions which have arisen in the past, and several amendments to the existing law have been made as the result of his suggestions.

Your questioned is concerned, not with registration of voters, but with their enrollment in parties for the primary. It seems to us both that the only legal way by which a voter can be enrolled is by subscribing to the enrollment blank specified in R. S. Chapter 7, Sections 13 and 40, and referred to in the warrant prescribed by Section 11.

To be surem by Section 50 of the same chapter, Sections 40 and the ten other sections in immediate juxtaposition generally apply only to the larger towns and cities, but it seems to us that Section 50 merely means that these eleven sections do not apply to political caucuses in those towns and cities. By Sections 11, 12 and 13 of the same chapter, Section 40 is independently incorporated into the primary law irrespective of its application to the caucus law, and the primary law applies to general elections in all towns and cities of every size.

Such being the law, the towns to which you refer, in which voters have been enrolled with party designations on some other basis than duly signed enrollment blanks, present a practical problem.

It seems to us that, prima facie, the action of the enrolling officers, viz, - registrars of voters or of selectmen, stand until corrected voluntarily by those officials or as a result of an order of Court.

As a practical proposition any voter who finds himself enrolled with a party designation on any other basis than his enrollment blank now or in the past and not legally changed by him would seem to have the right to seek a correction of the error by the voluntary action of the enrolling board. If he can satisfy the board that his recorded enrollment is void, he would seem to have the right to enroll himself for the first time in the party of his choice at any regular session of the enrolling board. The six months' limitation on change of enrollment specified in Section 13 would not apply to his case.

Of course, if the enrolling board denies him what he conceives to be his right to a correct enrollment, as aforesaid, he would have the right to legal redress by proper action seasonably taken.

I should suppose that political organizations and candidates who are interested in having the enrollment lists correct might well take steps promptly, and perhaps in the first instance informally, in behalf of voters who are erroneously enrolled as aforesaid to secure correction of errors and proper enrollment in due season for the coming June primary in order to avoid uncertainty, confusion and embarrassment at the time of the primary election.

Clement F. Robinson
Attorney General