

insurance carrier authorized to transact business in any of the States or provinces hereinafter stated. \* \* \*

Under the plain language of the foregoing statutes, a New Jersey resident is required to have liability insurance in an insurance company authorized to do business in the State of New Jersey or in the alternative, at the time of the registration of his motor vehicle, to pay the Unsatisfied Claim and Judgment Fund fee provided for in R.S. 39:6-63. Non-residents of the State of New Jersey are, by express language in the above statute, permitted to have liability insurance in companies not authorized to transact business in New Jersey provided certain additional requirements not pertinent to the question under consideration are met. This exemption as to non-residents, however, in no way affects the requirements as to residents of the State of New Jersey. *State v. Garford Trucking, Inc.*, 4 N.J. 346 (1950)

You are, therefore, advised that a New Jersey resident, temporarily out of the State of New Jersey, is required, at the time of the registration of his motor vehicle in New Jersey, to have a liability insurance policy in an insurance company authorized to transact business in New Jersey or in default thereof, to pay the Unsatisfied Claim and Judgment Fund fee provided for the registration of an uninsured motor vehicle.

Very truly yours,

GROVER C. RICHMAN, JR.  
*Attorney General*

By: GEORGE H. BARBOUR  
*Deputy Attorney General*

GHB:jeb

SEPTEMBER 12, 1957

MR. J. FRANK O'DONNELL, *Member*  
*Union County Board of Elections*  
263 North Broad Street  
Elizabeth, New Jersey

MEMORANDUM OPINION—P-29

DEAR MR. O'DONNELL:

You have asked our opinion concerning the legality of a proposed resolution by the governing body of the City of Elizabeth.

The resolution in question in pertinent part recites that due to the increasing difficulties of transportation and parking in the City of Elizabeth, it has been determined that the best interest of the residents of the City of Elizabeth can be served by increasing the facilities of the office of the City Clerk for the purpose of registering voters and performing other duties incidental to the office of the City Clerk. The proposed resolution authorizes and directs the City Clerk to maintain his office, in addition to maintaining said office at the regular time at City Hall, at six named locations within the City of Elizabeth, between the hours of 6:00 P. M. and 8:00 P. M. on seven designated days in the month of September, 1957.

Specifically you request our opinion as to the legality of the proposed resolution

in view of the provisions of R.S. 19:31-7, as amended, and other applicable statutes, R.S. 19:31-7, as amended, provides as follows:

"Registration by municipal clerks. For the convenience of the voters the respective municipal clerks or their duly authorized clerk or clerks in all municipalities shall also be empowered to register applicants for permanent registration at their respective offices, up to and including the fortieth day preceding any election and after any such election, in the manner indicated above, subject to such rules and regulations as may be prescribed by the commissioner, in counties having a superintendent of elections, and the county board in all other counties. Duly authorized clerk as used in this section shall mean a clerk who resides within the municipality and has been approved by the commissioner or the county board as the case may be. For this purpose the commissioner shall forward to each municipal clerk a sufficient supply of the original and duplicate permanent registration forms. The commissioner shall keep a record of the serial numbers of these forms and shall periodically make such checks as are necessary to accurately determine if all such forms are satisfactorily accounted for. Each municipal clerk shall transmit daily to the commissioner in a stamped envelope to be prepared and supplied by the commissioner all of the filled out registration forms that he may have in his office at the time."

Pursuant to the provisions of Section 13, of L. 1855, c. 95, approved March 13, 1855, denominated "An Act to Establish the City of Elizabeth" the duties of the City Clerk are prescribed. Section 13 in pertinent part provides as follows:

"And be it enacted, that the City Clerk shall be Clerk of the City Council, and shall be sworn to the faithful performance of his duties; he shall perform such duties as shall be prescribed by the Council."

R.S. 40:60-6, as amended, permits the governing body of a municipality to obtain and maintain such building or buildings as may be necessary or suitable for the transaction of public business, or for any other municipal use or public purpose.

R.S. 40:60-7, permits the governing body of a municipality to obtain temporary quarters and transfer thereto any municipal offices or departments when municipal building has, among other things, become ill adapted or inadequate for public use.

Our study of the proposed resolution indicates to us that the governing body of the City of Elizabeth has deemed it to be in the best interest of the residents of the City of Elizabeth to expand the facilities of the office of the city or municipal clerk for a designated time and at designated places.

We point out that R.S. 19:31-6 requires the County Board of Elections to publish notice of the designation of a place or places for receiving registrations other than the office of the County Board of Elections, within at least ten days prior to the date that such place or places are to be open for the purpose of registering voters. This provision, which is for the benefit of citizens seeking to register, is not made applicable by statute to registrations by City Clerks at places other than their offices at the City Hall or municipal building, but in no event should the failure to publish ten days' notice be construed to invalidate registrations which are in fact received from citizens at the designated place or places of registration other than the City Hall or municipal building.