

The State Constitution has vested all political power in the people. The extension of the franchise to all eligible voters is an ultimate objective to be promoted and safeguarded as a right sacred to the democratic form of government. Highest considerations of public policy support the extension of available registration facilities. The right to registration and suffrage should not be impaired or curtailed through inaccessibility of public offices for receiving registrations of voters who are unable or find it a hardship to appear at a registration office during the working day. As the Superior Court said in *In re Wene*, 26 N.J. Super. 363, 374 (1953) :

"There can be no argument with the statement that every American citizen of proper age and residence is entitled to vote in every primary or general election, and that in fact, it is his or her civic duty to discharge this obligation."

Registration laws are liberally construed and held to be directory to avoid depriving individuals of their franchise and to give citizens the fullest opportunity to vote. 3 *Sutherland Statutory Construction*, Sec. 5820; *C. J. S. Elections*, Section 37. R.S. 19:31-7 must be construed in favor of the authority of municipal governing bodies to designate the office of the municipal clerk for purposes of registration during evening hours at places other than the City Hall or municipal building.

In view of the statutory authorization for such action by the governing body of the City of Elizabeth, hereinbefore cited, it is our opinion and you are so advised that the proposed resolution here under consideration would be, if enacted, legal and proper and the municipal clerk would be empowered pursuant to the terms of R.S. 19:31-7, as amended, to register voters and perform other duties incident to the office of the City Clerk at the temporary offices designated by the proposed resolution.

Very truly yours,

GROVER C. RICHMAN, JR.  
*Attorney General*

By: JAMES J. McLAUGHLIN  
*Deputy Attorney General*

mcl;p

SEPTEMBER 25, 1957

HONORABLE JOSEPH E. McLEAN  
*Commissioner of the Department of  
Conservation and Economic Development*  
State House Annex  
Trenton, New Jersey

MEMORANDUM OPINION—P-30

DEAR COMMISSIONER McLEAN :

Our opinion has been requested as to the authority, if any, of the Department of Conservation and Economic Development to lease mineral rights for the mining or extraction of minerals from State forests.

In a Memorandum Opinion to you dated February 24, 1955, there was reviewed

certain of the laws of this State relating to forestry conservation. There we traced the authority that is now vested in the Department of Conservation and Economic Development to deal with forests. In that earlier opinion we noted that the powers and duties of the Division of Forestry, Geology, Parks and Historic Sites (which Division was established by Chapter 22 of the Laws of 1945) were transferred to the present Department of Conservation and Economic Development which was established by Chapter 448 of the Laws of 1948, but did not indicate to which Division of that Department those duties were transferred.

The 1948 legislation did not provide for the continuance of the Division of Forestry, Geology, Parks and Historic Sites (see Memorandum Opinion to you dated April 17, 1957), but it was provided therein that

"\* \* \* all of the functions, powers and duties of the State Commissioner of Conservation, of the existing State Department of Conservation and of the respective divisions and councils therein, herein transferred to the Department of Conservation and Economic Development, exclusive of those of, or relating to, or administered through, the Division of Fish and Game, the Division of Shell Fisheries, and the Division of Water Policy and Supply; \* \* \* are hereby assigned to, and shall be exercised and performed through, the Division of Planning and Development in the department." (L. 1948, c. 448, § 7; *N.J.S.A.* 13:1B-7).

Thus the authority formerly vested in the Board of Conservation and Development of the Department of Conservation and Development and subsequently in the State Commissioner of Conservation in the State Department of Conservation (as respects State forests) now reposes in the Division of Planning and Development of the Department of Conservation and Economic Development.

Among the powers granted by the Legislature as respects forest park reserves and reservations are those embodied in *N.J.S.A.* 13:8-9 and 10, which read as follows:

"The board shall have power to lease, sell, or exchange for other land, any portion of the lands acquired under the provisions of this article, with any buildings which may be thereon, when, in the judgment of the board, such lease, sale or exchange is deemed to be for the best interests of the State in the furtherance of this article; but no sale or exchange shall be made without the approval of the Governor. All such leases, sales or exchanges shall be made in the name of the State of New Jersey by the Board of Conservation and Development, under the seal of the board, signed by the president and secretary of the board. All moneys derived from such sales, leases or exchanges shall be paid into the General State Fund." (*N.J.S.A.* 13:8-9).

"Whenever it shall appear that the welfare of the state will be advanced by cutting or selling or disposing of any of the timber on state forest lands, or by using a portion of such lands for agriculture, or for any other purpose than the maintenance of forests, the board shall have power to cut and sell such timber, or to provide for the use and development of such land in the way that, in its judgment, is most proper, on terms most advantageous to the state." (*N.J.S.A.* 13:8-10).

Particularly significant for present purposes is *N.J.S.A.* 13:8-10 which provides that whenever it shall appear that the welfare of the State will be advanced, the

Board (now the Commissioner of the Department of Conservation and Economic Development) may provide for the use of such lands for any other purpose than the maintenance of forests. And, moreover, it may provide for the use and development of such land in the way that, in its judgment, is most proper, on terms most advantageous to the State. It seems clear that this broad grant of power includes the authority to lease mineral rights for the mining or extraction of minerals.

As to the procedure for effecting such a lease, it is first to be noted that *N.J.S.A.* 13:1B-3 confers on the Commissioner of the Department of Conservation and Economic Development the duty of administering the work of the Department and it is provided that he should "perform, exercise and discharge the functions, powers and duties of the Department through such divisions as may be established by this act or otherwise by law". *N.J.S.A.* 13:1B-3c. Secondly, we observe that the Division of Planning and Development is under the supervision of a Director who is charged with the responsibility of "administer[ing] the work of such division under the direction and supervision of the commissioner". *N.J.S.A.* 13:1B-8.

It is the opinion of this office that a lease of mineral rights for the mining or extraction of minerals from forest park reserves and reservations may be executed by the State of New Jersey acting through the Division of Planning and Development upon a determination by yourself, in the exercise of your direction and supervision of the Division of Planning and Development, that such lease is for the best interests of the State and that the welfare of the State will be advanced thereby, subject to the approval of the Governor. There is no requirement that there be bidding under *N.J.S.A.* 52:34-6, *et seq.*, *N.J.S.A.* 52:27B-67 or any other statute.

To the extent that our Memorandum Opinion to you dated February 24, 1955 is inconsistent with the opinion expressed herein, it is hereby overruled.

Very truly yours,

GROVER C. RICHMAN, JR.  
*Attorney General*

By: HAROLD J. ASHBY  
*Deputy Attorney General*

HJA:tb.

OCTOBER 2, 1957

COLONEL JOSEPH D. RUTTER  
*Superintendent, Divison of State Police*  
*Department of Law and Public Safety*  
West Trenton, New Jersey

MEMORANDUM OPINION—P-31

DEAR COLONEL RUTTER:

You have asked our opinion whether a complaint for a traffic violation may be made under oath before a notary public of this State.

R.R. 8:3-1(a) provides as follows:

"The complaint is a written statement of the essential facts constituting the offense charged. It may be made upon information and belief and shall