

DECEMBER 31, 1959

MR. H. P. J. HOFFMANN
Commissioner of Registration
Bergen County Board of Elections
Administrative Building
Hackensack, New Jersey

MEMORANDUM OPINION 1959—P-26

DEAR MR. HOFFMANN:

You have asked our opinion whether the County Board of Elections may foreclose persons from registering to vote during the 40 day period prior to the holding of school elections. Such elections are held annually on the second Tuesday in February. R.S. 18:7-14.

R.S. 18:7-27 provides that a person may not vote in a school election unless his name appears on the signature copy register and "for the purpose of said school election no person shall be entitled to vote unless he shall be registered at least forty days prior to the date of said school election." R.S. 18:7-28 provides that the signature copy registers delivered to the school district clerks shall contain the names of persons registered in the affected election districts "who are entitled to vote at the school election."

It is our opinion that the aforesaid statutes do not require that registrations be refused during the 40 day period prior to school elections. They do require, however, that the signature copy registers transmitted to the school district clerks shall only contain the permanent registration forms of persons entitled to vote in said election, namely persons who have been registered 40 or more days before the election. Thus, it is our opinion that a person may register within the 40 day period prior to the school election, but he may not vote in said school election and, therefore, his permanent registration form should not be placed in the signature copy register until after the election in question.

The above statutes in Title 18, specifically relating to school elections, are not overcome by any provisions in Title 19 relating to elections in general.

Very truly yours,

DAVID D. FURMAN
Attorney General

By: WILLIAM L. BOYAN
Deputy Attorney General