

Opinion No. 49-5227

June 23, 1949

BY: JOE L. MARTINEZ, Attorney General

TO: Hon. Calvin Horn State Representative 808 Laurel Circle Albuquerque, New Mexico

{*57} I have your letter of June 14, 1949, asking whether or not the ballots used in the special election on constitutional amendments, to be held September 20, will include all ten of the constitutional amendments proposed by the 19th Legislature. You point out that the proposed amendment pertaining to boards of regents for educational institutions states that "the same shall be submitted to the people at the next regular election * * *.", and that the proposed amendment regarding a permanent fund for severance tax collection states "the same shall be submitted to the people at the next general election * * *."

The remaining eight proposed constitutional amendments specify that they may be voted on at the next general election or any special election held previous to such general election.

Section 1 of Article 19 of the Constitution of the State of New Mexico provides, in part, as follows:

"Said amendment or amendments shall be voted upon at the next regular election held in said state after the adjournment of the legislature proposing such amendment or amendments, or at such special election to be held not less than six months after the adjournment of said legislature at such time as said legislature may by law provide."

It is my opinion that the above quoted section vests in the legislature the discretion of calling a special election to vote upon constitutional amendments, but that if the legislature does call such special election, all amendments proposed by that session of the legislature must be voted upon at that time.

Therefore, since a special election for the submission of the proposed amendments was ordered by the 19th Legislature, all amendments proposed by said Legislature should be voted upon at the special election.

Trusting the foregoing sufficiently answers your inquiry, I am