

**Opinion No. 49-5244**

August 23, 1949

**BY:** JOE L. MARTINEZ, Attorney General

**TO:** Mr. R. F. Rowley District Attorney Ninth Judicial District Clovis, New Mexico

{\*85} This is in response to your request made by telephone on August 22, 1949, in which you asked the opinion of this office as to whether or not it is necessary for boards of county commissioners to include in their election proclamation the entire substance of the ten proposed constitutional amendments, to be voted upon by the electorate on September 20, 1949.

§ 56-404 of the 1941 Compilation provides as follows:

"Whenever a proposed constitutional amendment or other question is to be submitted to the electors of the state at large, the secretary of state shall, not less than thirty (30) days before the election at which the same is to be submitted, certify the same to the county clerks and the board of county commissioners shall include the same in the proclamation to be issued as provided for in this act (chapter)."

The proclamation above referred to is provided for in § 56-301 of the 1941 Compilation, the pertinent part of which provides as follows:

"The board of county commissioners shall, at least fifteen (15) days before the election by proclamation and publications as hereinafter provided, give notice of the election, **the object thereof**, the offices to be voted for, the names of the candidates for each of the said offices **as the same have been certified to the county clerks as hereinafter provided**, the names of judges of election and counting judges and the place where said election is to be held in each precinct and election district."

From the above cited sections, it is concluded that the Secretary of State must certify to the county clerks the text of the constitutional amendments to be voted upon, that said amendments constitute the objects of the election and must be proclaimed and published by the county commissioners as they have been certified to the county clerk by the Secretary of State.

Therefore, it is the opinion of this office that the text of the constitutional amendments must be set forth in full in the proclamation of election to be published by the board of county commissioners.