

## Opinion No. 51-5402

August 24, 1951

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

**TO:** Mr. Max Edwards Assistant District Attorney Fifth Judicial District Hobbs, New Mexico

{\*104} Recently you submitted to this office an urgent request for an opinion concerning a forthcoming bond election in Lea County for the erection of a county jail. You asked whether it is necessary to state on the ballot form the proposed location of the jail, or whether a recital to the effect that the jail will be located at a site to be determined by the County Commissioners would be sufficient.

It is my opinion that the answer to your question depends upon whether or not a location for the building was designated in the petition to the County Commissioners. See N.M.S.A., § 15-4604. The latter portion of N.M.S.A., § 15-4610 reads as follows:

"The Board of County Commissioners are hereby authorized to build courthouses, jails, and bridges, in the place designated by the petitioners, if the majority of the voters so decide, and in no other place."

{\*105} Therefore, if the original petition designated a specific location for the jail, a statement on the ballot form that the jail shall be located at a place to be designated by the County Commissioners would contravene § 15-4610. If no such designation were made in the petition, however, a statement such as you suggest on the ballot form would be entirely proper. In my further opinion, the above-quoted portion of § 15-4610 would also control the language to be employed in the notice of election.

In further answer to your question, I find no language in the statutes which specifically requires that the exact proposed location of the jail be stated in either the election notice or ballot form, even if such a place be designated in the petition. Such statements of location do frequently appear, however.

I hope that this opinion has answered your question on this subject.