

**Opinion No. 52-5539**

May 19, 1952

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

**TO:** Mr. Alva A. Simpson State Director Department of Public Welfare Santa Fe, New Mexico

{\*250} This is in reply to your letter of March 20 in which you request an opinion as to whether or not the inmates of the Meadows Home for the Aged at Las Vegas may be transported in a state car to the polling places in the coming election is a violation of the election code or any other statute of the State of New Mexico. Section 68-1106 of the New Mexico Statutes Annotated, 1941 Compilation, reads as follows:

"The state highway engineer shall prescribe and enforce rules and regulations for the use of any and all motor vehicles belonging to the state, and to be used by any officer, agent, employee or department thereof; Provided, however, that no such motor vehicle shall, at any time, be taken or used for the pleasure or private use of any such state officer, agent, employee, or department of the state or any other person and, that all such motor vehicles shall be taken and used only on the exclusive business of the state and its agencies, and only upon requisition and order, and under further rules and regulations as shall be prescribed by the state highway engineer."

The practice of taking people to vote in a state car is certainly a violation of this statute quoted above and it certainly would not be using the car for official business or for the exclusive use of the Home for the Aged. My suggestion would be that these people be carried to the polls by the League of Women Voters or some person not connected with the Home for the Aged of either party.

I trust that this fully answers your inquiry.