

Opinion No. 54-5924

March 29, 1954

BY: RICHARD H. ROBINSON, Attorney General

TO: Mrs. Beatrice B. Roach Secretary of State Santa Fe, New Mexico

{*370} We are in receipt of your letter of March 19th in regard to the question of how election officials at polling places are to account for each of the ballots issued to them, {*371} particularly in regard to precincts where voting machines are used. Section 56-319 N.M.S.A., 1941 Compilation, requires tally books and poll books to be furnished to polling places in the State. The poll book and the form therefor is set out at § 56-319 N.M.S.A., 1941 Comp., as amended, 1953 supplement. The last paragraph on the instructions concerning the preparation of a tally book reads as follows:

"Provide sufficient space and line for names of all candidates and the number of ballots cast for them respectively, and the number of ballots cast for and against all constitutional amendments, and other questions voted on, and a separate space to show the number of challenged ballots, or **other ballots sealed in enveloped for any other reason.**" (Emphasis supplied)

We agree that Section 56-383, N.M.S.A., 1941 Comp., provides the proper method of reporting a canvass in a voting machine polling place where machines have been used exclusively, however the tally book will be necessary to provide a method of showing the votes cast in the case of a breakdown. If no breakdown occurs, the number of ballots used for votes on a triplicate registration certificate can be placed on the form for certificate of canvass as provided in Section 56-393.

We sincerely hope that this answers your inquiry.

By: Fred M. Standley

Assist. Attorney General