

Opinion No. 55-6236

July 26, 1955

BY: RICHARD H. ROBINSON, Attorney General

TO: Mr. C. C. Chase, Jr., District Attorney, Third Judicial District, Las Cruces, New Mexico

We have your letter of July 14 requesting an opinion as to whether the issue of a special tax levy for hospital maintenance under Chapter 224, Laws 1955, can be submitted to the people of a county at the forthcoming Constitutional Amendment Election.

In a recent opinion from this office, we held that "general election", as used in Chapter 224, Laws 1955, meant the election held in November of each even numbered year.

The part of Chapter 224, Laws 1955, which determines the question submitted, reads as follows:

"Such question may be submitted to the electors and voted upon as a separate question at any general election or **at any special election called for that purpose** by the county commissioners. The election upon such question of such additional levy shall be called, held, conducted and canvassed in substantially the same manner as now or hereafter may be provided by law for general elections."

Since the election on the Constitutional Amendments is not a general election, the provision for submitting the tax levy question at a general election would not apply. We are of the opinion that if the county commissioners would call, hold, conduct and canvass the special election in the manner provided by the statute, that the particular day for holding the said special election could be any day designated by the county commissioners. The fact that it was held on the same day as the election on the Constitutional Amendments would not be important so long as it was a special election designated for the purpose of voting on the issue of the special tax levy for hospital maintenance as provided by Chapter 224, Laws 1955.

By Paul L. Billhymer

Assistant Attorney General