

Opinion No. 56-6352

January 17, 1956

BY: RICHARD H. ROBINSON, Attorney General

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

You have submitted to this office for our opinion questions regarding elections in connection with the creation of Wind Erosion Districts under the New Mexico Wind Erosion Act of 1955, Chapter 241, Laws of 1955. You relate that in Curry County the County Commissioners have designated five voting places in the area where the election is to be held. You further inform us that the area in question extends into more than five precincts. Further, we understand that two officials have been designated to attend each voting place. Your questions are:

1. Is it necessary that each precinct have a voting place in elections under Chapter 241, Laws of 1955?
2. What provisions of our law govern the number of election judges to be designated for each voting place in an election under Chapter 241, Laws of 1955?

Section 3, Chapter 241, Laws of 1955 (§ 45-6-24 (d) N.M.S.A., 1953) provides substantially that insofar as applicable the general election laws of this State shall apply in elections for the establishment of Wind Erosion Districts.

Section 3-2-3.4, N.M.S.A., 1953, provides that:

"In all elections, of whatsoever nature, held in this state, a polling place shall be provided for each precinct, the electors of which are qualified to participate in such election."

Thus, the above section being a part of our election laws, and therefore governing the manner in which elections for creation of Wind Erosion Districts are to be governed, the above section applies. And therefore it is clear to us that a polling place must be placed in each and every precinct in the area wherein the election is to be held. See also *State vs. Board of County Commissioners*, 59 N.M. 9.

Your first question is therefore answered in the affirmative.

As indicated above, Chapter 241, Laws of 1955, refers to the general election laws. The number of election judges and manner of their appointment is covered by Section 3-3-15, N.M.S.A., 1953. With the exception of the provisions in that section regarding notice to the chairmen of the dominant political parties this section should be followed in the appointment of election judges for the elections in question. I do not believe it necessary that in this type of an election notice to the chairmen of the dominant political parties be

given because an election of the type in question is nonpartisan in the sense that political parties as such are not involved.

I trust the above helps answer your inquiries.

By: Santiago E. Campos

Assistant Attorney General