

Opinion No. 56-6363

January 19, 1956

BY: RICHARD H. ROBINSON, Attorney General

TO: Mrs. Natalie Smith Buck, Secretary of State, Santa Fe, New Mexico

In your letter of December 19, 1955, you ask our opinion as to the possible consequences of instances where election officials completely disregard the provisions of Section 3-3-20 (9), N.M.S.A., 1953 Compilation, requiring such officials to enter the number of the ballot of each voter upon his affidavit of registration.

You point out that the election officials are further notified of the existence of this provision by Item No. 9 of the printed instructions to election officials which in both English and Spanish is supplied to the officials at each polling place at every election.

The first possible consequence of this Act is that in an election contest this failure might cause the rejection by the Court of the entire vote cast at that polling place.

Of more personal concern to the election officials is the provision of § 3-6-8, N.M.S.A., 1953 Compilation, which provides that the refusal or failure to perform any duty prescribed of such official shall be a misdemeanor punishable by a fine of not less than one hundred dollars (\$ 100.00), nor more than five hundred dollars (\$ 500.00) or by imprisonment in the County jail for not more than six (6) months.

By: Walter R. Kegel

Assistant Attorney General