

Opinion No. 56-6524

October 2, 1956

BY: RICHARD H. ROBINSON, Attorney General

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

You have asked the opinion of this office as to whether separate ballot boxes are required for depositing ballots on a county bond issue where the bond election is being held on the same day of the general election.

Our Constitution in Article IX, § 12, provides that separate ballot boxes shall be used where **a municipality** submits the question of indebtedness to the electorate. However, Article IX, § 10, of the Constitution, regarding county indebtedness, contains no such restriction.

Thus, there being no constitutional inhibition against the use of one box for depositing ballots on the county bond proposition and other ordinary ballots cast at the general election, in the absence of a statutory restriction, it is our opinion that the two types of ballots may be deposited in the same ballot box. And as to county fair bonds, which I understand are the subject of inquiry, no such statutory restriction exists. Your question is, therefore, answered in the negative.

I trust the above answers your inquiry.

By Santiago E. Campos

Assistant Attorney General