

## Opinion No. 59-83

July 29, 1959

**BY:** HILTON A. DICKSON, JR., Attorney General

**TO:** Mr. Albert O. Lebeck, Jr. Representative /- McKinley County 3 Utah Circle Gallup, New Mexico

{\*141} This is written in reply to your recent request for an opinion on the following question:

How many signatures must be on a petition for a charter for a town under Chapter 263, Laws of 1959?

In answer to your question, it is my opinion that there must be signatures equal to fifteen per cent of all votes cast for **all** candidates at the last preceding general municipal election.

Chapter 263, Laws 1959, amended Section 14-13-2, N.M.S.A., 1953 Compilation, which had provided that only fifteen per cent of the votes cast in the last general city election for the office of mayor were required on a charter petition. Under Chapter 263, Laws 1959, a new requirement is established. It is not the prerogative of this office to speculate as to whether the requirement established in this new statute was caused by inadvertence or whether it was the intent of the legislature to provide for this requirement.

{\*142} At all events, we must be guided by the express language of the legislature in its enactments. It would therefore seem that the only legitimate construction of the words found in Section 2, Chapter 263, Laws of 1959, is that the number of signatures must be equal to fifteen percent of the votes cast for **all** of the candidates of the last preceding general municipal election. The exact words of the statute are as follows:

"Upon petition by electors equal in number to fifteen percent of all the votes cast for all candidates at the last preceding general municipal election . . ."

The words could not be more clear. Any construction of this language other than that above would be reading something into the statute which is not there.

It is therefore my view that the number of signatures required for a petition under Chapter 263, Laws 1959, would have to be equal to fifteen per cent of the votes cast for all of the candidates in the last preceding general municipal election.