

Opinion No. 60-67

April 12, 1960

BY: OPINION of HILTON A. DICKSON, JR., Attorney General

TO: Mr. Garland Johnson, Chairman Hidalgo County Board of County Commissioners
General Delivery Animas, New Mexico

QUESTION

QUESTION

May the board of county commissioners extend the boundaries of the precinct adjoining Lordsburg within four months prior to the primary election May 10, 1960?

CONCLUSION

No.

OPINION

{*425} ANALYSIS

The statute which answers your question is Sec. 3-2-1, N.M.S.A., 1953 Comp. (P.S.), which reads in part as follows:

". . . Each board of county commissioners may meet at any other time **not less than four (4) months before each election** to divide or abolish precincts or election districts or to change the boundaries thereof or polling places therein.

No precinct or election district shall be abolished or the boundaries or polling place therein changed **less than (4) months before each election**, except by order of court in a proceeding as hereinafter provided." (Emphasis Supplied).

The answer is clear. Precinct boundaries cannot be changed less than four months before any election unless court action is initiated as prescribed in the above cited statute.

It should be noted that this section has been amended since Opinions of the Attorney General No. 4303 and 4841 were written. In view of the change of wording in the section, we do not consider those opinions as determinative of the question. Any portions of those opinions which conflict with this opinion are hereby expressly overruled.

By: Boston E. Witt

Assistant Attorney General