

Opinion No. 60-71

April 13, 1960

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

TO: Hon. Bruce King State Representative Santa Fe County Stanley, New Mexico

QUESTION

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Are the county commissioners required to appoint clerks and judges from lists furnished by the chairmen of the dominant political parties as election officials?

CONCLUSION

Yes.

OPINION

{*430} ANALYSIS

Sec. 3-11-48, N.M.S.A., 1953 Comp. (PS), pertaining to primary elections provides that the board of county commissioners in each county shall, on or before the third Monday next preceding the primary election, appoint judges and clerks for each voting division. It further provides that "all such judges and clerks shall be appointed in the same manner and on the same recommendation and receive the same compensation and perform the same duties as provided by law for such judges and clerks at the general election."

The appointment of election officials for general elections is set out in Sec. 3-3-15, N.M.S.A., 1953 Comp., and provides in pertinent part as follows:

{*431} " * * * Such county chairmen shall each have the right to file with the county clerk before the date of said meeting a list of the names of eight (8) qualified electors in each precinct and election district, who, in addition to being registered shall have the ability to perform the duties required by law of judges of election and counting judges, and each such chairman shall indicate his preference for order of appointment for judges of election by placing the numbers 1, 2, 3, and 4, opposite the names respectively for the persons he desires to have named as judges of election, and by placing the numbers 1, 2, 3, and 4, opposite the names respectively of the persons he desires to have named as counting judges. **The board of county commissioners shall appoint the judges of election and counting judges from said lists, ___ and shall, in making such appointments give preference to such names in accordance with the numbers so placed opposite as aforesaid; * * ***" (Emphasis ours).

From the wording of the two sections mentioned above, it is clear that the county commissioners must appoint the election officials from the lists furnished by the chairmen of the dominant political parties for that purpose.

By: B. J. Baggett

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