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BY: OPINION OF BOSTON E. WITT, Attorney General Oliver E. Payne, Deputy Attorney General

TO: Representative Tom Hoover, New Mexico House of Representatives, State Capitol Building, Santa Fe, New Mexico

QUESTION

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When no newspaper in the Spanish language is published in a county, do proposed constitutional amendments have to be published in the Spanish language in a newspaper published in the English language?

CONCLUSION

No.

OPINION

{*26} ANALYSIS

It has been customary for a long period of time for proposed constitutional amendments to be published in both the English and Spanish language in a newspaper published in English.

However, you ask whether such publication is a legal requirement under our constitution. Our answer is no.

Article XIX, Section 1 of our constitution, dealing with constitutional amendments, provides in pertinent part that

{*27} "The secretary of state shall cause any such amendment or amendments to be published in at least one newspaper in every county of the state, where a newspaper is published once each week, for four consecutive weeks, **in English and Spanish when newspapers in both of said languages are published in said counties . . .**"

This is clear and unambiguous and requires that proposed amendments be published in English only in counties which have a newspaper published in English and that they be published in Spanish only in counties which have a newspaper published in Spanish. Thus if there is no newspaper published in the Spanish language in a county, proposed

constitutional amendments do not have to be published in the Spanish language in that county.