

Opinion No. 66-02

January 5, 1966

BY: OPINION OF BOSTON E. WITT, Attorney General

TO: Mr. Clay Buchanan, Director, New Mexico Legislative Council, Room 201, State Capitol Building, Santa Fe, New Mexico

QUESTION

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Are proxy votes permissible at precinct conventions under state law or party rules?

CONCLUSION

No.

OPINION

{*2} ANALYSIS

Section 3-11-26, N.M.S.A., 1953 Compilation (P.S.) provides in relevant portion as follows:

". . . and such rules and regulations may provide any procedure the party desires except the following shall be **absolutely proscribed and prohibited** in the rules and regulations of any party subject to this act.

(1) Vote by the unit rule.

(2) Permit a delegation to {*3} change its vote on any convention ballot once it has been officially cast.

(3) **Vote by proxy in any manner. . . .** (Emphasis Supplied)

This language could not be more plain. It absolutely proscribes and prohibits the rules and regulations of any political party subject to the act from permitting proxy voting in any manner by rule or regulation in connection with the machinery used in nominating candidates by the pre-primary convention method.

It is, therefor, our conclusion that proxy voting is prohibited absolutely in any step of the procedure used in selecting candidates by the pre-primary convention method. This includes precinct conventions, county conventions and, of course, the state convention.