

## Opinion No. 12-942

September 7, 1912

**BY:** FRANK W. CLANCY, Attorney General

**TO:** Hon. Antonio Lucero, Secretary of State, Santa Fe, N. M.

### **PUBLICATION OF STATE HIGHWAY ACT AND PROPOSED AMENDMENT TO CONSTITUTION.**

Secretary of State should publish proposed amendment to Constitution and also state highway act.

### **OPINION**

{\*98} I have your letter of the 6th inst. in which you ask as to whether it is your duty to publish the State Highway Act, Chapter 58 of the Laws of 1912, and the proposed amendment to the Constitution, in both Spanish and English in each county throughout the state for four weeks next preceding the general election to be held in November, 1912.

As to the State Highway Act I am of opinion that it need be published in English only, notwithstanding the provisions of Section 9 of Chapter 49 of the Laws of 1912 to which you refer in your letter. That section relates only to publications referred to in that act, and an examination of the act will show that no reference is made to such a publication as this one. The only words to be found in the act which anyone could imagine would extend to anything beyond the particular matters mentioned, are to be found in Section 2 which speaks of "a publication of all notices and other matters required by law to be made." I am of opinion that this particular language about "other matters" must be limited to other matters of the same kind as those covered by the act and that this language can have no reference to publications of different kinds. In addition to this, the act itself as to the State Highway bonds in Section 9, distinctly declares it to be your duty to have the act "published once a week in one newspaper in each county." This is a specific direction to you as to this particular act and compliance therewith is all that can be required. Moreover, Section 8 of Article IX of the Constitution requires only that "such law shall be published in full in at least one newspaper in each county of the state, if one be published therein, once each week, for four successive weeks next preceding such election." It was quite within the power of the legislature to limit you to one newspaper in each county under this provision of the Constitution.

As to the publication of the proposed amendment to the Constitution by Section 1 of Article XIX of the Constitution as amended by the vote of the people last November, publication must be made in at least one newspaper in every county in both English and Spanish, when newspapers in both languages are published in said counties.