

Opinion No. 14-1291

July 30, 1914

BY: H. S. CLANCY, Assistant Attorney General

TO: H. R. Parsons, Esq., Attorney at Law, Fort Sumner, New Mexico.

LOCAL OPTION ELECTION.

Political complexion at a local option election.

OPINION

{*151} I am in receipt of your letter of the 29th instant asking for the opinion of this office as to whether judges of election, appointed by the county commissioners to hold local option elections under the provisions of Chapter 78 of the Laws of 1913, should be chosen with regard to their political party affiliations. Such an election as the one under consideration is not for the selection of public officers, and it is difficult to see how the question of politics could be involved, and for that reason it is the opinion of this office that the provision of Sec. 1 of Art. VII of the Constitution, which requires that not more than two judges of election shall belong to the same political party, does not apply in an election of this character. Section 2 of Chapter 78 of the Laws of 1913 merely requires the county commissioners to name three judges of election, and it is the opinion of this office that the commissioners could appoint the judges of election without any regard whatever as to their political party affiliations.