

Opinion No. 14-1316

September 4, 1914

BY: FRANK W. CLANCY, Attorney General

TO: Mr. K. K. Scott, District Attorney, Roswell, New Mexico.

ELECTIONS.

Proclamation of election upon proposed constitutional amendment.

OPINION

{*171} I have just received your letter of the 2nd inst. asking me to advise you whether the election proclamation to be issued by the various county commissioners for the coming November election should contain the submission of joint resolutions Nos. 9, 10 and 15 {*172} for the approval or disapproval of the qualified electors to amend the constitution as set forth in the resolutions above named, or whether these resolutions are to be submitted by the Secretary of State.

There is no provision of law authorizing the Secretary of State directly to submit constitutional amendments to the vote of the people beyond what may be implied from the constitutional requirement that he shall cause any such amendment to be published in the newspapers for four consecutive weeks. In the poll books, prepared and sent out by the Secretary of State, are columns for the recording of the vote upon each of these proposed amendments, and I believe that the vote cast and so recorded, would be valid even if the county commissioners should fail to include a statement about the proposed amendments in their proclamation and publication in newspapers as required by Section 1 of Chapter 105 of the Laws of 1909. Still, as that section requires that the county commissioners should "give public notice of the object of the election," as well as of the officers to be voted for, names of candidates, etc., it would seem proper and desirable, in order fully to comply with that requirement, that there should be included in the proclamation a statement that among the objects of the election is the submission of these proposed amendments to the constitution.

I do not believe that it would be necessary, in the proclamation made by the commissioners, to set out the resolutions and proposed amendments in full, but that it would be sufficient to refer to the resolutions by their numbers with a statement that the proposition is to amend such a section or such an article of the constitution as to which full publication has been made by the Secretary of State in accordance with the provisions of the constitution with regard to amendments.

My advice is that the commissioners should make some such statement as to the object of the election, so as to specify the proposed amendments.