

Opinion No. 14-1343

September 28, 1914

BY: F. W. CLANCY, Attorney General

TO: Mr. Evaristo Abrego, San Marcial, New Mexico.

ELECTIONS.

Emblems on ballots at acequia election.

OPINION

{*204} I have received your letter of the 27th inst. in which you ask for my opinion as to the meaning of Section 2 of Chapter 32 of the Laws of 1903, which provides that in case of a contest of an acequia election, the contest shall be commenced and conducted as now provided by law in the case of general elections for county officers, and you say that in connection therewith, the question has arisen as to whether the ballots must have an emblem thereon, the same as the state or territorial ballot.

The only statute with regard to emblems for party use, is to be found in Chapter 127 of the Laws of 1905 which requires the filing with the secretary of the territory (but now this would be with the Secretary of State), a certificate showing the device or emblem for the political party represented by the officer making the certificate, and this device or emblem is to be used to designate and distinguish the candidates of that political party at all elections throughout the state, and in all sub-divisions and municipalities thereof. This does not, however, compel the use of the emblem in an acequia election unless there is a division in accordance with the political parties which have filed their emblems with the Secretary of State. If, at the acequia election, the division is between Republicans and Democrats, the tickets should have on them the emblems of those respective parties, but if there is no such division at the acequia election, it will not be necessary to make use of the party emblem.

In other words, the use of an emblem is not required unless the ticket voted is the ticket of a party which has filed its device or emblem in the office of the Secretary of State.