

Opinion No. 14-1352

October 5, 1914

BY: FRANK W. CLANCY, Attorney General

TO: Mr. W. C. Tharp, St. Vrain, New Mexico.

ELECTIONS.

County clerk provides printed ballots for use at election of officers.

OPINION

{*214} I have received your letter of the 4th inst., in which you ask me to explain to you the steps necessary to the putting of nominees on the state and county tickets.

Your question is, undoubtedly, prompted by some knowledge of the requirements of other jurisdictions where the names of all candidates are printed on the same ballot, but conditions are somewhat different here, as you will see by reference to Chapter 127 of the Laws of 1905, and Chapter 105 of the Laws of 1909. The County Recorder provides printed ballots at the expense of the county for each election for public officers, and to cause to be printed in the appropriate ballot, the name of every candidate whose name has been certified to or filed with him, as provided in the statute, and no person is allowed to accept a nomination to more than one office, nor for more than one political party. This is substantially the provision in Section 18 of Chapter 105 of the Laws of 1909, but to ascertain what is meant by the names of candidates having been certified to or filed with the county recorder, it is necessary to refer back to the above cited Statute of 1905. By that act, when any political convention is held for the purpose of nominating candidates, the names of the candidates certified by the presiding officer and secretary of the convention, are filed with the Probate Clerk of the county, it is made unlawful for any other political convention, person or persons to print or circulate any ticket or ballot with the names of the candidates nominated by such political convention, but this is not to be construed as prohibiting any person from erasing or changing any name on such ticket or ballot. The county recorder is to print a ballot for each party making such nominations and certifying the names, and only those ballots so printed, can be cast, counted or canvassed in any election.

Section 18 of Chapter 105 of the Laws of 1909 is the last provision on the subject and provides that every ballot printed, shall be headed with the name and emblem of the political party by whom the candidates were nominated, and each ballot shall contain only the names of the candidates nominated by said party.