

Opinion No. 14-1375

October 28, 1914

BY: FRANK W. CLANCY, Attorney General

TO: Mr. J. E. Henderson, Editor, Portales Valley News, Portales, New Mexico.

NOTICE OF ELECTION.

Notice of general election to be published in newspaper.

OPINION

{*236} I have just received your letter of the 26th instant in which you ask what is the law with reference to the publication of notices of election, and whether or not the law requires that such notices be published in the two papers in the county having the largest circulation, or is publication in one paper sufficient, or sufficient if published in the official and one other paper with less circulation than other papers in the county.

{*237} The law on this subject will be found in Section 1 of Chapter 105 of the Laws of 1909. That section requires county commissioners, ten days before the election, by public proclamation and by publication in each of two leading newspapers published in the county, to give public notice of the object of the election, etc. You will see that there is no reference in the statute to the matter of circulation of newspapers, and it would seem that the ascertainment of what are the two leading newspapers in the county is left to the discretion of the county commissioners. If there should be any gross abuse of that discretion I know of no remedy which could be applied except through public sentiment expressed at the next election when county commissioners are to be selected. Improper designation of what are the two leading newspapers could not be held to invalidate the election.