

**Opinion No. 16-1867**

September 16, 1916

**BY:** FRANK W. CLANCY, Attorney General

**TO:** Captain W. H. Gillenwater, Chairman, Republican State Central Committee, Santa Fe, New Mexico.

**Certification of names of candidates for the office of district attorney.**

**OPINION**

{\*419} I have just received your letter of even date herewith, enclosing another from Mr. H. B. Holt, as to which you ask me whether his construction of a statute is considered to be correct, and to advise you so that you may forward my letter to him.

Mr. Holt says, referring to nominations of candidates for district attorney, that as he construes the law, the provisions of Section 1995 of the Codification of statutes, controls and governs the matter of nomination certificates and that, therefore, it seems to him that a proper compliance with those provisions requires that such certificates should be filed with the county clerk of each county within the judicial district where the nominee is a candidate.

That section of the statutes only refers to the filing of certificates of the names of candidates nominated at a convention "with the county clerk of the county in which such convention is held," but Section 1993 clearly creates a necessity for the filing of such certificates in the office of the county clerk of each county in which the candidates are to be voted for, because it makes it the duty of the county clerk to cause to be printed in the appropriate ballot, the name of every candidate whose name has been certified to or filed with him in the manner provided for in the statute. Each clerk ought to have in his office such a certificate as a foundation for the proper printing of ballots. It is clear, therefore, that that which Mr. Holt recommends is the proper course to pursue.

This is equally applicable to legislative candidates from districts which include more than one county, and would also be applicable to candidates for the position of district judge at an election where such judges are to be elected.

I return Mr. Holt's letter herewith.