

**Opinion No. 16-1868**

September 21, 1916

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

**TO:** Mr. Reed Holloman, Santa Fe, New Mexico.

**Ballots containing a blank where no person is nominated for a particular office.**

**OPINION**

{\*420} I have this morning received your letter of yesterday asking my opinion as to whether the proper construction of Section 1995 of the Codification will permit the voter who votes a ticket having one or more blanks thereon, to place a sticker in such blank space or to write the name of some person for whom he desires to vote in the blank space, and as to this I am of the same opinion as that which you express, that it would be perfectly legal for the voter thus to indicate his desire.

There is nothing in the statute which distinctly provides for such a condition, but the only prohibition contained in said Section 1995, is that which forbids the printing or circulating of any ballot having thereon the name of any candidate, certificate of whose nomination by a political convention, has been filed with the county clerk of the county, by any convention or person other than the convention making such nomination. That prohibition certainly cannot be construed so as to prevent the filing of a blank in the officially printed ballots. The county clerks will print the ballots just as the names of candidates have been certified and filed with him, and if there are some offices for which candidates have not been selected, the printed ballots will, of course, contain a blank under the designation of the office, and there is certainly nothing in the statute which interferes with the voter filling such blank.