

**Opinion No. 20-2717**

October 16, 1920

**BY:** N. D. MEYER, Assistant Attorney General

**TO:** Mr. Ray Sutton, Clayton, New Mexico.

Printing of Names of Group Candidates on Ballots.

**OPINION**

Complying with your request that this office render you an opinion as to how the candidates for the legislature should be arranged upon the official ballot, and particularly whether a square should appear after each candidate's name where there are two or more legislative candidates, or only one large square placed after the names, we beg to advise you as follows:

The fourth subdivision of Section 7 of Chapter 89 of the Laws of 1917 provides:

"There shall be a circle under the designating name of each party and a square to the right of the name of each nominee so that the voter may clearly indicate the party or the candidate or candidates for whom he wishes to cast his ballot."

This statement of law is very plain and there can be no question but that the intent of the legislature was to have a square placed after the name of each candidate regardless of the fact that two or more candidates may be grouped upon the ticket such as those running for the legislature. If only one square were placed after two or more names and the voter wished to vote for a candidate on some other ticket for the same office, there would be no way of indicating which one of the two or more candidates after which one square appeared, the elector was voting for.

The statement in the third paragraph of Section 15 of Chapter 89, which sets forth that when two or more candidates of the same party are grouped in the ticket on the ballot for the same office, etc., may lead some to believe that but one square should be placed after such candidates. Such a construction is absolutely erroneous. This paragraph has reference to the grouping of the names of the candidates, one after another, upon the ballot, and has no reference whatsoever to the squares that should be placed after each candidate. Neither does it overcome the mandatory provisions contained in paragraph four of Section seven of the same chapter, directing that a square be placed after each candidate's name.

Trusting that this letter answers your question satisfactorily, we are,

October 16, 1920.

Mr. Ray Sutton, Clayton, New Mexico.

Dear Sir:

In addition to what I have stated in my letter to you of even date, I wish to call your attention to the fact that the fourth paragraph of Section 8 of Chapter 89 of the Laws of 1917, provides that the names of the candidates shall be connected with the squares by leaders. This means that after each candidate's name on the ballot there should appear a dotted line leading from said name to and connecting with the square.