

Opinion No. 21-2898

April 6, 1921

BY: HARRY S. BOWMAN, Attorney General

TO: Board of County Commissioners, Bernalillo County, Albuquerque, New Mexico.

Law Providing for Payment Election Expenses Amends Bateman Act.

OPINION

{*43} I have been requested by Mr. Laurence Lee, of Albuquerque, to submit an opinion to you regarding the construction and interpretation {*44} of House Bill 324, Fifth Session of the Legislature, An Act to Provide for the Payment of Past and Future Election Expenses.

It is the evident intention and purpose of this law to authorize and direct Boards of County Commissioners to pay for election expenses incurred by them whenever the indebtedness has been created.

The last clause of Section 1 of the Act specifically provides that "The provisions hereof shall apply to all election expenses hereafter incurred by said Boards."

In so far as this particular class of indebtedness is concerned, this law amends the Bateman Act in that it authorizes the payment of indebtedness previously created at any future time by the then constituted Boards of County Commissioners.

It has been suggested that possibly the act was intended only to apply to the Boards that created the indebtedness.

I do not so construe the Act. In my opinion, Boards of County Commissioners at any time are required to pay election expenses which may have been previously incurred, whether by that same Board as constituted or a Board composed of new members. The mandate of the Act applies to Boards of County Commissioners as such Boards, and not to the individual members thereof, regardless of who constituted said Board.