

Opinion No. 22-3358

March 29, 1922

BY: HARRY S. BOWMAN, Attorney General

TO: Mr. P. B. Moore, Village Clerk, Magdalena, New Mexico.

Names of Candidates on Ballots in Municipal Elections.

OPINION

{*138} In reply to your letter of the 27th instant, stating that two tickets for municipal officers had been filed in your office, the Citizens and the Peoples tickets, and that the candidate for Village Clerk of the Peoples ticket had resigned on Saturday, March 25, and on Monday the Peoples party had filed an amendment filling the vacancy caused by the resignation, and requesting that I wire you whether the name of this candidate should be placed upon the official ballot for the coming municipal election, I sent you the following message:

"Name Peoples candidate for clerk should be placed on ballot."

In cases where vacancies in the offices to be filled may occur prior to election, the clerk is required, if the ballots have already been printed, to have stickers printed showing the name of the candidate selected to fill the vacancy and to send the stickers to the judges of election.

In cases where the vacancy occurs prior to the printing of the ballot, the clerk is required to insert the name of the candidate upon the ballot in place of the name of the one that has resigned from the ticket. (Sec. 4, Chapter 89, Laws 1917.)