

Opinion No. 24-3755

February 13, 1924

BY: MILTON J. HELMICK, Attorney General

TO: Requested by: Hon. J. J. Kenney, Assistant District Attorney, Santa Fe, New Mexico.

Aldermen in Cities are Voted on at Large by all the Voters of the City.

OPINION

{*128} A construction of Sec. 3587 of the New Mexico Code of 1915 is asked. Inquiry is made whether under this statute the aldermen of the City of Santa Fe should all be voted on at large by all of the qualified voters of the city, or whether the aldermen should be chosen by the voters of the ward only. The section under discussion reads as follows:

"The qualified electors of cities shall on the first Tuesday of April of each even numbered year elect one mayor, one clerk, and one treasurer, for the term of two years, and shall elect one alderman from each ward, who shall hold their offices for the period of four years. The provisions of this section shall apply to all cities in the State, whether incorporated under general or special laws."

It will be observed that the statute refers to only one set of voters, namely, the qualified electors of the whole city and after having so designated this set of voters, the statute enumerates the officers for which they shall vote, -- a mayor, a clerk, a treasurer and an alderman from each ward. The statute makes no distinction in the method of electing these officers and it is quite apparent that they are all to be elected in the same manner and by the same set of voters. This statute is not materially different in substance from the statute providing for the election of County Commissioners from the three districts by the vote of the entire county.

For the foregoing reasons, it is my opinion that the statute is susceptible of but one interpretation which is that not merely the voters of a ward vote on the alderman from that ward, but that all the electors in the entire city vote on all the aldermen.